



Inver Grove Heights City Council
Monday, May 22, 2023 at 6:00 PM
8150 Barbara Ave, Inver Grove Heights, MN 55077

AGENDA

NOTICE TO RESIDENTS: Individuals may submit written public comments in advance of the meeting by emailing comments to Rebecca Kiernan (rkiernan@ighmn.gov). Comments received prior to 4:00 p.m. on Monday, May 22, 2023, will be provided to the Council at or before the May 22, 2023 meeting.

1. Call to Order

2. Roll Call

3. Presentations

A. Public Works Week Proclamation

4. Consent Agenda

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

A. Minutes of the April 24, 2023 City Council Meeting

B. Approval of Disbursements

C. Personnel Actions

D. Resolution to Accept Donation

E. Exempt Gambling Permit for Ducks Unlimited

F. Professional Services Agreement for Insurance Agent Services

G. Storm Water Facilities Maintenance Agreement for 6556 Alverno Lane

H. Resolution Amending Final Project Budget and Closing Project Account for City Project No. 2022-04 - Lund Easement Acquisition

I. Resolution to Close Emerald Ash Borer Fund, Transfer Remaining Balance and Amend 2023 Parks Division Budget

J. Resolution to Approve 2023 Tree Replacement Plan

K. Resolution Approving City Participation in SolSmart and Submittal of Letter of Commitment

L. Comprehensive Plan Amendments and Associated Rezoning of Existing City Park and Public Works Facility Parcels

M. Resolution Approving a Comprehensive Plan Amendment and Ordinance Approving a Rezoning for Property in the 70XX Block of Concord Blvd.

- N. Resolutions Approving Variances for Minimum Lot Size and Lot Width for properties located at 11331 & 11335 Albavar Path (Case No. 23-15V).
- O. Resolution Approving 2nd Amendment to FY 2022 MN DEED HCEP Grant Application

5. Public Hearing

6. Regular Business

- A. Rental Housing Licenses
- B. Third Reading of Ordinance Amending City Code to Allow Police Cadets to Issue Certain Citations and Summary Publication Resolution
- C. First Reading of Ordinance Amending City Code Related to Alcoholic Beverages in City Parks
- D. Variance to Exceed the Maximum Allowed Square Footage for an Accessory Building at 11880 Albavar Path
- E. Ordinance and Resolution Authorizing a 5-year Mining Extension and Conditional Use Permit for Bituminous Roadways, 11201 Rich Valley Boulevard
- F. Resolution Accepting Utility Rate Study Final Reports

7. Public Comment

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

8. Mayor and Council Comments

9. 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 Rebecca Kiernan, City Clerk, at 651.450.2513 or rkiernan@ighmn.gov.



PROCLAMATION

CITY of INVER GROVE HEIGHTS, MINNESOTA

WHEREAS, public works professionals are responsible for infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of residents, businesses, and visitors; and

WHEREAS, public works personnel are called upon in emergency situations at any hour of the day or night to clear snow from our streets, keep our water and sewer systems operating, keep our trees strong and healthy, protect our natural resources, and maintain our fleet of operation and emergency vehicles; and

WHEREAS, the American Public Works Association is celebrating the 63rd annual National Public Works Week from May 21-27, 2023, with the theme of "Connecting the World Through Public Works"; and

WHEREAS, it is in the public interest for the citizens, business owners, and civic leaders of Inver Grove Heights to gain knowledge, and to maintain an ongoing interest and understanding, of the importance of public works and public works programs in the community; and

WHEREAS, the residents of Inver Grove Heights are fortunate to be served by a dedicated Public Works staff who are committed to the effective and efficient planning, design, operation, maintenance, and stewardship of valuable City assets, which contribute to the economic vitality and high quality of life enjoyed in our community.

NOW, THEREFORE, BE IT PROCLAIMED by the City Council of the City of Inver Grove Heights, Minnesota that May 21 to May 27, 2023 be recognized as Public Works Week in the City of Inver Grove Heights and that the public be invited to join the City Council in extending its deepest appreciation to the hardworking members of the Inver Grove Heights Public Works Department, whose knowledge, skill and dedication make our community better throughout the year.

PROCLAIMED this 22nd day of May 2023.

Brenda Dietrich, Mayor

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, APRIL 24, 2023 - 6:00 P.M. - 8150 BARBARA AVENUE**

1. CALL TO ORDER:

The City Council of Inver Grove Heights met in regular session on Monday, April 24, 2023, in person. Mayor Dietrich called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

2. ROLL CALL:

Present In-Person: Mayor Dietrich; Council Members: Murphy, Gliva, Scales; City Administrator Wilson, City Attorney McCauley Nason, City Clerk Kiernan, Community Development Director Rand, City Planner Hunting, Public Works Director Connolly, Parks and Recreation Director Lares, City Engineer Merchlewicz, Police Chief Chiodo, Operations and Maintenance Supervisor Stier
Present via Zoom Video Conferencing: Council Member T'Kach

3. PRESENTATIONS:

4. CONSENT AGENDA:

- A.** Approve minutes from the April 5, 2023 City Council Work Session.
- B.** Approve minutes from the April 10, 2023 City Council meeting.
- C.** Approval of Disbursements. **Resolution 2023-084**
- D.** Personnel Actions
- E.** Amendments to Job Classification Plan
- F.** Approval of Rubbish Hauler License Renewals
- G.** Massage Business and Therapist License Renewals
- H. Resolution 2023-085** Approving the Final Plat and Related Agreements for 9450 Robert Trail South
- I.** Contract with Conservation Corps of Minnesota for Park and Natural Area Improvements
- J. Resolutions 2023-086 & 2023-087** Accepting Bids, Awarding a Contract and Approving Budgets for Argenta Hills Park (Project No. 2211) and Overlook Ridge Park (City Project No. 2212).
- K. Resolution 2023-088** Approving Reimbursement Agreement with Metropolitan Council for Project 2022-09I - Carmen Avenue and Claude Way Area Rehabilitation
- L.** Approve Contracts for Geotechnical Construction Testing and Survey Services for 2023 Pavement Management Initiative Project Nos. 2022-09 I, J and L. **Resolution 2023-089**
- M.** Approve Contracts for Professional Engineering Services Consulting Pool. **Resolution 2023-090**
- N.** Renewal of Advertising Bench Permits
- O.** Contract with Eliie Mental Health
- P.** Memorandum of Understanding between Inver Hills Community College and the Inver Grove Heights Police Department
- Q. Resolution 2023-091** Appointing City Representative and Alternate to MAC Noise Oversight Committee
- R. Resolution 2023-092** Approving Submittal of the Energy Efficiency and Conservation Block Grant (EECBG) Pre-Award Information Sheet

Motion by Murphy, second by Scales, to approve the Consent Agenda as presented.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC HEARING:

6. REGULAR BUSINESS:

A. Rental Housing Licenses

Community Development Director Heather Rand presented Rental Housing Licenses for approval. All rental licensing applications have been reviewed by community development staff and the police department. Background checks were performed, and everything was found to be in order. Staff recommends approval of the following six (6) rental housing licenses listed in order of Rental Address, Property Owner, and Property Manager:

1. 7535 Cloman, Friemann Real Estate Services, Inver Grove Heights, MN, Brenda Hanson, New Prague, MN
2. 7409 Braden Trl., Randy Anderson, Ft Lauderdale, FL, Michael Schaeffer, Inver Grove Heights, MN
3. 10163 Courthouse Blvd., Fadel Sakkal, North Oaks, MN, Michael Nassif Safi, Inver Grove Heights, MN
4. 8827 Brunell Way, Iliya Berdichevski, Inver Grove Heights, MN, Elena Berdichevski Inver Grove Heights, MN
5. 7510 Concord Blvd., CF MH Skyline Fee LLC., Farmington Hills, MI, Stephanie Schmidt, Jose Mendez Inver Grove Heights, MN
6. 8555 Bacardi Ave., Emerald Hills MHC, LLC., Farmington Hills, MI, Trevor Jacobsen, Inver Grove Heights, MN, FISCAL IMPACT

Motion by Gliva, second by Scales, to approve the Rental Housing Licenses as presented.

Ayes: 5

Nays: 0 Motion carried.

B. Comprehensive Plan Amendment for Endeavor Development located at Argenta Trail and Yankee Doodle Road. Resolution 2023-093

City Planner Allan Hunting presented the request by Endeavor Development for a comprehensive plan amendment. The applicant is proposing a comprehensive plan amendment that would change three (3) parcels at approximately 13 acres. This request would be for a change from the current designation of low/medium density residential (residential density of 4 to 8 units per acre) to general industrial. The property is located on the northern boundary of Yankee Doodle Road with Eagan to the west, Argenta Trail to the east, and an industrial/cemetery/others uses to the south. The developer anticipates a 200,000 square foot office warehouse type building.

Staff has determined the pros/cons to the project:

Pros of changing to industrial:

- Located at the far northern end of the properties, south of the highway in the northwest area, Yankee Doodle Road to the north (higher volume county road), industrial uses to the west in Eagan, industrial use, and a cemetery in Inver Grove Heights to the south, and Argenta Trail to the east.
- Current guiding of residential. Due to the location and noise concerns, this may not be the best land use.
- Change of industrial would generate additional employment and tax base for the city.

Cons:

- Expanding industrial uses would have a negative impact on existing/future residential areas in the area.
- Traffic could be a concern with trucks and semis.
- In 2021 the Council did not approve the small area plan for south of the highway that changes several land uses.
 - Parcels in the neighborhood shown were proposed to be industrial.
 - Council wanted to keep the current guiding residential.

The City Council is asked to determine if the change to industrial is a benefit to the city and if the plan should be changed for the three parcels. The Planning Commission recommended denial on a 4/0/1 abstention vote. If the plan is approved, the applicant would still have to apply for rezoning and PUD site plan approval, which has its own public hearing process.

Councilmember Murphy asked if there was a map showing a higher view along with the border of Eagan. He referenced a small area plan that was done last year that was split into two different sections. City Planner Hunting displayed an aerial map. Two separate studies were done: one south of the highway and the northern neighborhood.

Councilmember T'Kach asked if staff noted anything that has changed in the area since the 2021 vote by the previous Council that would warrant reconsideration of this land use change.

City Planner Hunting replied there has not been any land use or site plans. The character of the neighborhood is as it was in 2021.

Josh Budish, Endeavor Development, 5116 Skyline Drive, Edina, Minnesota, addressed the question about the small area plan stating that it included additional properties to the south. The rejected plan included properties further down Argenta and on the east side of the road. This proposal is for properties on the west side that they refer to as the larger commercial area.

Project Benefits:

- Increases the city tax base
- Increases jobs
- Additional housing to the area
- Uses of retail
- Additional dollars being spent in the area by the employers and employees
- Utilizing the in place public infrastructure that the city has worked with Eagan to put in place (Joint Powers Agreement)
- Sewer and water connectivity puts this land into production immediately
- Request from Dakota County for an easement over the property for a planned trail
 - This would be gifted to them as a part of this development approval

Project would be a modern business center of employment designed to accommodate a variety of uses.

- The outside of the building appears to be a two-story office building
 - Includes glass, stone, metal panel
- Feedback received from residents and the Planning Commission were considered for the site plan.
 - Property to the south:
 - Doubled the setback requirement from 5 feet to 10 feet along the south property
 - Added screening via mature trees
 - East side, against Argenta Trail, across from residential:
 - 30-foot setback requirement for the building. Made the building a 110-foot setback; an additional 80 feet from what is required.
 - Green space, screening with trees
 - Along the north abutting residential:
 - Requirement setbacks are met, added trees, the property currently has trees
 - Front of the building, accentuating the glass/stone
 - Natural pond
 - West side:
 - Additional green space
 - Includes the trail

- County requires easements through the property
- Have offered to accommodate

Aerial photos were shown from May 2010 in comparison to August 2021:

- Public roads create barriers and shape the uses of the area
- East side of Argenta Trail is all residential
- West side has commercial with the UPS facility and other industrial buildings
- New items:
 - Self-storage facility
 - City Council approved a comprehensive plan amendment from public institution to general industry for an office warehouse
- Development on the Eagan side with an industrial facility/business park development
- Site B is a former mine being filled for development in Eagan

This site, with the cemetery, is the last site within the area for development. They believe the highest and best use is not residential but commercial. The proposed business center would be a benefit to the community/city.

He said he assumes there are residents opposed to the project. There is an existing separator between commercial and residential with Argenta Trail. The small area plan included an area that is not included in their application.

Highest and Best Use:

- Being guided for small to medium residential, the surrounding uses of public institution and industrial prohibit the use of the property as residential
 - There is a lack of this product type within the city

He mentioned that a major employer within the city just announced they were moving to Lakeville. The main reason is because there is not a lot of business center/industrial real estate within the city that is available or zoned for the use.

Highest and Best Usage:

- Plenty of residential land for development in the area
- There is a demand that needs to be met that is currently not being met

Traffic Summary:

- Alliant Engineering, their project partner, performed a traffic study to address the concerns of residents

Nick Grage, Alliant Engineering, 733 Marquette Avenue South, Minneapolis, stated they conducted a Trip Generation Memo for an understanding of the trip generation potential of this development. It is specific to the land uses being considered for the site.

- Daily trips: 530 trips per day (60 trips per peak hour/1 trip per minute during peak hours)
- Trip distribution: expect 10% of the trips to use Argenta Trail
 - Passenger vehicle trips, not truck trips
 - 1 vehicle every 10 minutes during peak hours would use Argenta Trail
- Developer Notes:
 - Desire for trucks to not use Argenta Trail
 - Developer can sign the property so trucks use Yankee Doodle to the north rather than cutting through residential to the south
 - Highway 55 and Yankee Doodle are the more desirable truck routes to connect to 35, 494, and 52
 - The proximity of this development to Yankee Doodle makes it more desirable to go north out of the development rather than through Argenta Trail to the south
 - Does not expect this development to have a significant impact on the adjacent roadway network, specifically Argenta Trail to the south

Mr. Budish, Endeavor Development, displayed the site plan and explained how traffic would flow on and off the property.

- Two access points:
 - Along the north is across from an existing public road: For passenger vehicles/cars and employees coming to work
 - Along the south: For delivery vehicles, vans/trucks
- To address concerns for traffic going south: Place signage so trucks are able to pull in off of Argenta from the north and exit to the north only (left out only)
 - Prohibits trucks from turning right out of the property and heading south along Argenta
- Due to the study, believe the natural path is going to be to the north to get to Highway 55 and the major connectors, can signal it and make further enhancements

Conclusion:

- Tax base would increase by \$335,000 per year upon project completion
- Create 100 jobs at the project
- Ancillary benefit to retail and additional housing within the city
- Puts the public infrastructure to work
- Accommodates the Dakota County request to create their trail via easement

City Clerk Rebecca Kiernan stated she has five emails that need to be received into the record. One is for the project and four are against the project.

Motion by Gliva, second by Murphy, to accept the five emails into the record.

Ayes: 5

Nays: 0 Motion carried.

Tim Hill, 1565 82nd Street West, stated his property was one included in the red square that was referenced on a diagram as being committed to housing. They have been at this location since 2019, his family loves the area. He requested the Council follow the 2021 guidance to turn down industrial development in the area and follow the 2040 plan. He said he is not against development; low to medium density makes the most sense to him for that area. He said when talking to others in the area, they need more people not more than 200,000 square foot buildings. He shared for scale that the Target building is 120,000 square feet. This item changes the complexion of the area. He believes it's substantial. He mentioned that the deer, turkeys, and horse farm are the character of the area. People stop and watch the horses for peace and quiet. He asked that the Council deny the request.

Jeff Prickel, 8909 Almquist Way, has lived in the area for over 20 years. He agreed with the case for more jobs and taxes. He said it was decided awhile ago that this was a residential area. Their request is that it stays that way. He mentioned that the highest and best use should consider residential housing. He stated if the industrial creep would have happened 20 years ago, they would not have bought land and built there. He commented that there may be plenty of land, as the creep happens less people would be willing to build on it across from industrial. He referenced traffic stating what they think of it today, and what it could be if there were no restrictions against, would make the case for more highway and road development southbound instead of the curvy roads. He did not believe it was a good idea to spring this on the people living there and to continue the industrial zone creep. He mentioned that a case was made that may attract industrial employers, he said they were not interested in that either. He asked that the request be denied and to continue with the 2040 plan.

Thomas Schaefer, 8420 Alverno Avenue, said it was a great presentation, a beautiful building. He said, as stated, they have already agreed to the 2040 plan with it being residential. He said traffic would

come with this, especially with snow removal at night and trucks beeping as they back up. They do not want that in a very peaceful area. He liked residential and suggested that be put in the area. He mentioned that there is an elevation change. When driving down Argenta, the industrial buildings are not noticed. This building would be up and very visible. He questioned the tax angle and asked at what point the city catches up. He said they hear all the time about how it would bring in tax and more jobs. There are expenses along with that. He referenced the narrow two-lane road stating it would not accommodate semis, someone would have to repave the road. He asked to keep it residential and build the beautiful building somewhere it is zoned industrial.

Ralph Taylor, 8334 Argenta Trail, has lived in the area for 55 years. He said they would end up with the building and question how to service it. He said his property has the road easement for Argenta on the west side. He did not believe truckers would drive all the way around just to get to the building; every day they cut through. Argenta Trail is overused compared to when it was a county road. He said he understands those that have bought in the area because it still looks like they are out in the country. At night they make sure to have the windows closed because of UPS, who can be heard back to Alverno. He said he wished there was a little more thought put into this because when they did the northwest realignment of Argenta Trail, they involved more of the public to see what could be done. Now that it is done, he remembers what they went through on the north side to get Argenta straightened out. He mentioned that when he goes to Eagan with questions, they tell him they are working with Inver Grove Heights on the realignment of Argenta Trail. He does not hear much from Inver Grove Heights on the realignment or what is happening with the roads. He said the truck traffic is bad; it is the shortest distance to two points. He believes however the northwest realignment was done be done with this area. Those in the area would pay a heavy price with the building there.

Travis Callstrom, 8308 Alverno, has the larger parcel beyond the horse farm. He said his understanding is that the 2040 Comprehensive Plan was a study that was privately done and paid for by the city to determine the best use of the northwest corridor. It was determined that residential was the best use. He asked why it would not be. He questioned how this turned industrial when money was invested to determine its use.

Monica Pitterle, 9096 Altman Court, Marianna Ranch, said the development affects the entire area. The north has Highway 55 and Yankee Doodle, there is Highway 3 and 149. That entire area is zoned either rural residential or low density. This is affected by the long-term plans of the entire area. There are four developments in the area that are gems. There is no city water/sewer, its well and septic that require three lots for development. She said she bought the first lot in Marianna Ranch in 1999. At the time they were told the only reason they were approved by the Met Council was because as soon as city water/sewer comes to the area, the outlots would be converted to multi family homes. The more the area develops into something other than what it currently is, the more likely the developments would have a different feeling and look than what it is now.

She displayed a photo depicting single family homes in yellow. The remainder is land available for home development. Chase Commercial has a long-term investment, Thorson Homes would have been sold to Opus but was denied in 2021. Those are incentivized to sit on the land as long as they think there is a possibility that it could be converted to industrial. She mentioned that things keep being converted to industrial. She said if those parcels believed the city would actually stick with the 2040 plan, they would realize, if wanting their money out of it before 2040, their only choice is to convert to residential.

Brad Sequra, 8670 Alverno Avenue, stated the goal is to hear different opinions and perspectives, the reality is that he is saying the same thing. This is about the home they live in. He said he spoke in 2021. He agreed with the group that this has come before the Council already and he struggles with that. He

would like to see some consistency. He said he receives mailings to his home every few months from the city about restoring the prairie land they have and trying to make it natural land. A lot of investment was made in preserving that which is why they are here. They moved to this area for what it represented, away from industrialization. He said he would be sad to see this move forward as would a lot of others in attendance. For him this was emotional, he cares deeply about this and was hopeful the Council would keep that in mind.

Todd Kimmes, representing 7925 and 7927, has a larger parcel consisting of 8.5 acres. He bought this land along with a partner in 2017. Their intention was to do exactly what they did where their current office is in Medina. They have a building close to this size. It was zoned rural and low-density housing. Currently existing is their building, approximately six other buildings, along with townhomes and homes. It has turned out to be a beautiful area. They provide a lot of jobs and taxes for the area. He said the traffic spoken about here is minor for what comes into the building. They are off Highway 55 and 116, almost identical to this layout. It was and still is a rural area. He said the property they purchased had an older home on it, they knew that was not going to work. They have been approached by other developers that want to do residential there. He did not feel residential worked in the spot. They are asking for their spot to be industrial; it would bring in taxes and provide jobs. Traffic would come off Yankee Doodle and be minimal compared to what is coming off of Argenta Trail. He mentioned that he has been sitting on the land for 17 years, the neighbor to the west is ready to make a move. He said a lot of developers have approached them over the years, these developers are the best ones. They are willing to do everything they can to make sure the area looks good and appeals to everyone. He said he would love to do residential there, but it would not work for them.

Jess Donnelly, 1712 82nd Street West, commented that the business people who say this would bring in jobs do not live there. There is a room full of people in attendance this would negatively impact. Businesses build a building and go home where they want. She said they were just addressing a potential road going through their horse farm. Having this go in would increase traffic flow; roads would need to be widened. She asked that the Council decline.

Aida Schaefer, 8420 Alverno Avenue, owns one of the larger tracks of land east of the proposed facility. She shared that the land was purchased knowing the zoning; he takes the risk in hopes for a high reward. It is zoned residential She said she does not believe a well and septic cannot be done like the rest of the area has done. She mentioned that every 10 years the next plan comes up. The 2040 plan was developed in 2018, and reviewed in 2019 by the Planning Commission, adjacent governing units, the Metropolitan Council, and the Minnesota Department of Natural Resources. All have reviewed and approved the plan. The plan says there would be a vision for the city. She read part of the following Vision Statement from the plan: "Reflect the desire and direction towards a healthy community. The vision addresses what the city should be based on the community's heritage, the natural features inherent to the area, and the values of its people." She said they the people elected those on the Council and asked that they represent them. They are asking to keep the area residential and stop the industrial creep that would adversely and permanently impact their neighborhood. She commented that turning this into an industrial site would not make or break the city, it would break their community and attract more industrial development, changing the nature of their development. She said the vision states "Inver Grove Heights supports a development pattern that accommodates urban, suburban, and rural lifestyles. Future growth and development would be forward thinking yet reflect the heritage of the community. The city would have a quality-built environment that respects and protects its natural environment." She said they live downhill from the proposed site; their drinking water would be impacted if there would be an industrial spill.

She mentioned the small area plan that came out in 2021 was reviewed by the City Council which determined it was not the best use of land. She referenced the meeting minutes that indicated nothing

had changed that would make industrial be a better use of the land, it should remain residential. It was unanimous. She asked the Council to respect the wishes of the people who live there.

Peggy Pasillas, 9928 Rich Valley Boulevard, said she does not exactly live in the neighborhood, but knows what happens with traffic patterns. She is concerned about what would happen with this development. Once going with industrial, it would destroy the nature of the land, it can never be recovered. With residential, there is an opportunity to recover things. She said it was very important to look at the long term wishes of the people. She stated there is a plan that has been looked at multiple times. She asked why the Council would change their mind now, nothing significant has changed. If voting for this, all the city is looking at is the money. She commented that it was not about the money, it was about quality of life. She has been in the city for over 30 years, the quality of life has been fantastic, she loves the area. Big developments like this take the soul of the city away. She asked to stay with the 2040 plan.

Kassandra Fries, 7920 Alberta Way, said the developer mentioned a location that has been sitting vacant. It is owned by a developer. Developers are choosing big chunks of land knowing they are in the middle of residential. She said if this receives approval, it would give the idea to the other parcel owned by a developer. She mentioned another parcel next to the one under discussion that has significantly lowered their property value and no longer wants to invest in their property because it was not a good decision for them, they would not be able to sell and turn over to the next homeowner. Another larger property would likely be next and would lower their property values. She said that would continue down with other properties. She said the road is single lane without a shoulder. The intersection of Yankee Doodle and Highway 55 already has accidents all the time. She said it was mentioned that another area like this one this was done with an office; townhomes and residential areas are flourishing around it. She mentioned it was said this would bring more homeowners to the area. There is no shortage of people desiring to move to the area.

Terry Swanson, 8660 Alvarado Court, said he had a chance to speak the last time this issue came up. His request is to consider a group of neighbors and a community that invested in Inver Grove and a way of life. It was a community zoned residential. A lot of them left Eagan because they did not want to be like Eagan. They wanted to be in a community where there was space, wildlife, peace and quiet, not a proliferation of big warehouses. He was not convinced the jobs would support additional retail or add businesses to Inver Grove. Those people would go to Eagan during lunch or for happy hour. He respectfully asked to keep this as a nice quiet residential community. They made an investment in property for this type of zoning, this type of lifestyle. If someone wants to develop a warehouse, they should buy commercial property that is already zoned commercial and build the warehouse there. He suggested the Council vote the way they did last time and keep pushing this down. His worry is that this request becomes the gateway to additional warehouses on this block that they do not want.

Liz Zelles, 1712 82nd Street West, RM Ranch, mentioned that they brought their pony, which is outside the building, as a reminder that agriculture is still flourishing in Inver Grove Heights. Even if it is only a suburb, their horses and ponies are still there. She said RM is a flourishing ranch with 65 horses. They ride on Argenta Trail and in Marianna Ranch. They want to be able to be safe riding. There are kids riding. They want to keep the ranch safe and around for as long as possible. She said it would not be safe when the 2,000 square foot building moves in. It would not be safe to walk on Argenta Trail, they walk the pony on Argenta Trail. She has brought it to Target, which would not be safe to do anymore. She advocates for the request not passing.

Leah Cashman, 1712 82nd Street West, wanted to talk about the economic side. She mentioned an article that Fortune Magazine published on February 22, 2023, about data trends showing that office

vacancies will increase by 55% by 2030 due to remote work. Twin Cities businesses have office vacancies up by 12%. She asked why they need another office building. She struggles to see profitability in the long term as office space is not scarce. She is against the development.

Elaine Prickel, 8909 Almquist Way, said she has a long career in Human Resources and studies labor rates a lot. She mentioned that the Twin Cities, in particular this area, does not have a problem with jobs, there is a problem with filling them. The rationale that this office building is needed because people are looking for jobs and cannot find them, is not accurate. She said she was sorry the owners made an investment they feel they cannot utilize in the way it was designed and the way some members of this Council voted. She does not think it is a good reason to change for all of the reasons stated. She said this Council was voted for because people want their interests represented. She asks that the Council honor that.

Sue Keller, 8933 Almquist Way, referenced Argenta Trail and the way it curved and how dangerous it is. She said something that has not been addressed is the families that live in the manufactured homes. She teaches at Pinewood, those are her students, she wants to make sure they are safe. She said as it is now, it is already a busy road. She asked that they please not add any more traffic to that road.

Addy Meyer, 1712 82nd Street, said she grew up at RM Ranch, the pony outside is hers. She said she prefers that it stays there and that it is safe. It would be hard for her to take out her horses and for them to continue being safe. She said they have a petition they brought out for people to sign. There are 280 signatures for this to not pass.

Ms. Zelles mentioned that most of the people who signed the petition are not in the room. The petition was sent to Kris Wilson in one of the emails. There are over 80 comments opposing the rezoning and 280 signatures, mostly from Inver Grove Heights residents. She said they went to Tractor Supply, Target, and Walmart with the pony because that pony is the best advertisement. Most people were surprised there were horses tucked into that area along with other horse farms. Once people knew what was happening, they were not in support of the change.

Mayor Dietrich mentioned that a resident had a question about the 2040 plan and how it is prepared and what has changed. She believed that was the same question that Councilmember T'Kach asked. She said City Planner Hunting replied that nothing had changed. She asked if that could be confirmed.

City Planner Allan Hunting replied it was correct. There has not been any change. In the last five years there was one subdivision creating two small 1.5-acre lots with the balance in an outlot. Everything else has remained the same south of the highway in the northwest area. There has not been a change in several years.

Councilmember Murphy commented that the Inver Grove Heights side has not had much change, the Eagan side has.

City Planner Hunting replied the Eagan side continues to develop industrial, filling in their vacant lots.

Councilmember Scales said he has been involved in the last two comprehensive plans the city has made. The plan changes over the years. He shared that he does not hold a lot of weight on the current comprehensive plan, it is a guidance document, not written in stone. He believes the current plan is the correct one for the site. He said the 1980 Comprehensive Plan shows retail on the corner of 105th and Rich Valley. A lot of people bought property there knowing it would be commercial. That has changed and it has been re-guided. He shared that his decision will not be based on the comprehensive plan, it would be based on what is right for the site. He has concerns over the truck traffic. He referenced a development that went in on Courthouse Boulevard that has trucks going through Ann Marie Trail

because that is where GPS sends them. The city placed signs stating trucks do not go through, but trucks still do because it is the quickest way to get there. He said he felt Argenta Trail may have the same potential to have this happen, there could be issues with traffic. He would like to see the driveway not be on Argenta, but knows it is not an option. He referenced the Thomson Reuter's site in Eagan with 200 acres for sale down the road from this location. He was unsure what may go there, it could have the opportunity for more industrial in the future. He said he supports the comprehensive plan the way it is designed now and prefers not to change it.

Councilmember T'Kach stated there was not a need to change the comprehensive plan at this point, they have not seen any demand. She said the residents brought up a lot of good points. She referenced the petition that had signatures from across the city, not just from this neighborhood. She said she felt that was important for all, not just for this issue. It has become a broader community conversation, engaging more people from within the community. She said she does not support the applicant's request; it was a good project but did not feel it was appropriate for this site. She hoped they would look at the southern border of the city or the new vacant 170,000 building mentioned earlier and see if that couldn't work. This would change the character of the area. She said the notion of project/scope creep is real, it has been noticed across the city over the last few decades. She commented that it was almost like a domino effect when one thing goes in. She said the residents' concerns are valid, she does not plan to support this based on what has been heard, what she has been reading, and the previous Council's decision. Staff made clear that nothing has really changed.

Councilmember Murphy agreed that the comprehensive plan changes and that it is a guide. He appreciated all the residents who came here and mentioned that it has been discussed once before. He shared that as he looks at the map, if the border went to Dodd Road, this would make a lot more sense, but it is in Inver Grove Heights. He said it was a great product but was supportive of the current plan of residential.

Councilmember Gliva shared that she takes hearing from the community very seriously. She was here when the small area plan was made. At that time, it did not seem like the Council wanted to change the comprehensive plan. She said she does not see any reason to change it now. She looks at the space on the map and knows there are a lot of homes and people around it. She was unsure how it would work for residential. She said she cannot support this project. Due to the number of people in attendance on this issue, she would be on the resident's side for this one.

Mayor Dietrich said she was also a part of the governing body when the last decision was made. She said there was not any new data that says they should go in a different direction. She said that she asked the Community Development Director if there was another area that was already zoned properly because she would like to have this product in the city and the tax base it brings. It does not seem to be available at this time.

City Attorney Bridget McCauley Nason requested clarification on the motion about to be made asking if it was a motion to move the resolution approving, or to move the resolution denying the requested comprehensive plan amendment. She asked Councilmember T'Kach what her motion was.

Councilmember T'Kach mentioned that they needed to close the public hearing first.

Motion by T'Kach, second by Scales, to deny the request from the applicant, Endeavor Development located at Argenta Trail and Yankee Doodle Road, for a change in the comprehensive plan as drafted by staff. Resolution 2023-093

City Attorney McCauley Nason wanted to clarify that the motion made was to approve the resolution of denial found within the packet.

Councilmember T'Kach agreed.

Ayes: 5

Nays: 0 Motion carried.

Mayor Dietrich requested a five-minute recess be taken at 7:22 p.m.

Mayor Dietrich called the meeting back into order at 7:27 p.m.

C. Second Reading of Ordinance Amending City Code Title 11, Chapter 1, Prohibiting Premature Subdivisions.

City Planner Allan Hunting discussed the second reading of an amendment to the subdivision ordinance to provide the Council with information to determine a development premature. The City Council did not request any changes from the first reading. Staff did find a small typo in the ordinance language that has been corrected. Staff recommends approval of the second reading of the ordinance which is exactly as it was at the first reading.

Councilmember Murphy asked if other cities have this type of ordinance in place.

City Planner Hunting replied there are other cities that do, he was unsure of the exact number.

Councilmember Scales said he was trying to figure out what this gains the city.

City Planner Hunting replied it gives basis in the form of words in an ordinance to use to deny a request based on the criteria. Previously, if the Council were denying projects, they had to find rationale. This gives a word standing so there is something justified for denial.

City Attorney McCauley Nason stated this ordinance adds specific criteria the city would be looking at if a subdivision application was brought forward and it turned out the subdivision appeared to be premature. While there is language in various codes to be drawn from to form a basis for a denial of a subdivision application if it was premature, the purpose of this ordinance is to put it all in one place providing a stronger basis for denial. For example:

- If there is no infrastructure necessary for the subdivision to move forward
- Is inconsistent with the capital improvement plan because there is not enough road infrastructure to serve the proposed subdivision
- There is not a plan in the near term to have the city invest in bringing the necessary infrastructure.

This gives the city a stronger position if considering denial of a subdivision based on the subdivision being premature.

Councilmember Scales commented that it helps the developer understand ahead of time.

City Attorney McCauley Nason agreed. As a community developer works with the developer and identifies areas of concern, they can point out this language in the code that states the criteria that needs to be met. Failure to meet the criteria could result in the city deeming the application as premature, which could result in denial.

Councilmember Scales asked the City Planner if this helps on his end. He said he has no issue with it, he just wanted to make sure it adds value.

City Planner Hunting replied he believes it does, it can be referenced and used as rationale.

Motion by Murphy, second by Gliva, to approve the Second Reading of Ordinance Amending City Code Title 11, Chapter 1, Prohibiting Premature Subdivisions.

Ayes: 5

Nays: 0 Motion carried.

D. Second Reading of Ordinance Amending City Code to Allow Police Cadets to Issue Certain Citations.

Police Chief Melissa Chiodo discussed the Second Reading of an Ordinance Amending Title 1, Chapter 4, Section 4, Title 7, Chapter 5 section of the city code that would authorize Police Cadets the ability to issue citations for certain violations of State Statute and City Code. She mentioned that prior to her working for the city, there were Community Service Officers who issued citations. When she started with the city there were no Community Service Officers left, and the Cadet program was started, which is very similar. She stated that they would like their Police Cadets to have the ability to write citations for minor things that would free up officer time.

Requests and questions were made at the previous meeting discussion regarding this item and the following was added to the packets. Tickets would also be written for:

Misdemeanors:

- Animals running at large
- Keeping of unvaccinated dogs
- Vehicles parked in a park after hours
- Winter parking violations

Petty Misdemeanor:

- Parking more than 20 hours

She mentioned that she pulled the record of what city code citations they could issue, not by Cadets, but by Police Officers:

- Over 122 citations can be issued
- Of the 122, 4 are petty misdemeanors

Further discussion can be had on the above-mentioned at a future Work Session.

She requested Council approval of the second reading of the ordinance that would allow police cadets the ability to issue citations. It is authorized by State Law. Staff is hoping it could be authorized by city code. Items that tickets can be written for:

- Expired vehicle registration
- Animal control regulations
- Park regulations

Cadets could not make police stops, traffic stops, or any type of arrest. State statute governs this and gives police officers that authority. Cadets are not police officers.

Councilmember Murphy asked if there was a list of what a police cadet can and cannot do.

Police Chief Chiodo replied that park regulations are very generic. Citations can be issued for park ordinances, being in the park after hours, having a vehicle parked in the park after hours, bathing in any waters in the park, taking wildflowers, trees, shrubs, and plants belonging to the park, cutting, marking, scratching, and defacing of buildings or fence posts in the park, destroying or damaging wildlife, placing a motorboat in any of the waters in the park.

Councilmember Murphy asked if the traffic or parking regulations were clear. He questioned if the command staff would be able to hand them a piece of paper stating what they can do.

Police Chief Chiodo replied that information would be placed in their training manual. If approved, she could show the Council what would be placed in the training manual.

Councilmember Gliva questioned if the vehicle would have to be parked for expired vehicle registrations.

Police Chief Chiodo replied it cannot be a moving vehicle. It can be parked along the curb unoccupied, with tabs less than 90 days expired. A ticket can be written and placed on the windshield.

Motion by Scales, second by Gliva, to approve the Second Reading of an Ordinance Amending City Code to Allow Police Cadets to Issue Certain Citations.

Ayes: 5

Nays: 0 Motion carried.

E. Approval of Contract with Stantec for the Preliminary and Final Design of City Project No. 2023-03 - Water Treatment Plant Rehabilitation Improvements. Resolution 2023-094

Public Works Director Brian Connolly provided a presentation on the water treatment plant rehabilitation project.

Action requested: Award a contract for engineering, preliminary, and final design.

Project Overview:

- The city received a notice in January from the Department of Health for high radium levels in the drinking water
 - This has been monitored for a couple of years. The threshold has been reached with a high level of radium identified at maximum contamination levels.
 - A public notice was done along with general public outreach.
 - Issues with radium were addressed through chemical treatment and filtration modifications on a short-term basis.
- As a part of the CIP process last year, some upgrades would be done at the water treatment plant to replace filters to address higher radium levels.
 - The engineering design estimate of approximately \$300,000 is in the budget for 2023
 - CIP and proposed budget for 2024, estimated construction: \$2,500,000
- March 2023: A closed solicitation was done with three consulting firms who have worked with the city in the past:
 - Bolton & Menk
 - Short Elliot Hendrickson (SEH)
 - Stantec
- Requested proposals indicate qualifications and how they would best serve the city to do the preliminary and final engineering work
- Overall selection was based on qualifications, not fee
- Fee would be negotiated after a recommendation/selection is made
- Two stage engineering process:
 - A comprehensive engineering review would be done of the existing water treatment plant to look at all infrastructure within the plant and provide recommendations to staff and the City Council as to what should be upgraded.
 - Anticipated final design for a multi-phase project.
Only for the first phase which addresses the filter media replacement and other treatment components that make sense to integrate at the same time and address current radium levels.

Staff wanted to do an overall look at the plant because it has not been done before. It will help with any additional improvements that may need to be budgeted for in the future and how to phase those in over time.

Project Schedule:

- Award Engineering Contract: April 24, 2023
- Preliminary Design Report Draft completed: June 30, 2023

- Presentation of the Preliminary Design Report Draft to the City Council: July 10, 2023
 - Receive feedback from the Council
 - Integrate those into a final report for the City Council Meeting on July 24, 2023
- Final Design Complete (Phase 1): September 1, 2023
- Bidding and Contract Award for Phase 1: September/October 2023
- Construction of Phase 1: November 2023 through March 2024

He mentioned this was a quick turnaround. These types of projects typically take 1-2 years just for preliminary and final design efforts. Expecting to have complete implementation by this time next year. Staff Recommendations/Action Requested:

- Recommend awarding a contract to Stantec
 - Staff (Public Works Director, Water Treatment Plant Operator, Utility Superintendent, and the City of Eagan Utility Superintendent) felt Stantec was most qualified
 - Design fee estimate: \$84,980
 - Proposing to add a 15% contingency: \$12,750
 - Total Contract Value: \$97,730
- Authorize staff to coordinate pilot testing (demo testing)
 - Test the effectiveness of the proposed chemical and filtration improvements
 - These would be tested before design and placed in the plant
 - Recommended by all of the consultants
 - This item is separate because they will not know what it would entail until they get into the process.
 - Total authorization: \$30,000
- Total Design Costs: \$127,730
- Budgeted design (Water Capital Fund): \$300,00 estimated

Mayor Dietrich asked the City Attorney if both items were included in the resolution. City Attorney McCauley Nason replied in the affirmative.

Councilmember Scales asked how confident they were in the timeframe.

Public Works Director Connolly replied that staff felt confident. Staff met with each firm prior to making their proposals to make sure the timeframe set out was reasonable and could be made. All agreed. The biggest challenge was getting the Department of Health reviews that need to go through the regulatory process. The Department of Health is used to working with this as there have been several emergency water treatment items in Washington County.

Councilmember Gliva referenced the timeline and questioned from a public perspective, at what point it would feel like the levels of radium were being brought down.

Public Works Director Connolly replied the expectation was once getting to construction and depending on how it is phased, they should start seeing results once the filter media is replaced. This would be done in a couple of phases to keep the plant online (preferably in the winter). Staff would get the first filter in place and switch the treatment onto the new filter and then do the other. This entails a combination of the chemical and the filter. They expect modifications to take place up to spring 2024. Once initial filters are placed there would hopefully be a dramatic drop in radium. Other contaminants will also be considered such as iron or manganese. He stated that Stantec are experts in this, he feels confident they would navigate them through this process.

Councilmember T'Kach asked if staff anticipates lowering the thresholds for where PFAS may be reportable. She questioned if there was anything they want to think about now as a part of this process that would address those types of things.

Public Works Director Connolly replied staff has thought about this. One of the criteria with the Request for Proposal was to take into account emerging contaminants including PFAS. It will be looked at as a part of the preliminary design effort. Depending on what is found during that process, a recommendation would come forth as to whether or not it would be a part of Phase 1 implementation or a future implementation. He mentioned that the EPA has come out with recommended future regulations. There would likely be threshold movement over time.

Motion by Gliva, second by T’Kach, to approve a Contract with Stantec for the Preliminary and Final Design of City Project No. 2023-03 - Water Treatment Plant Rehabilitation Improvements. Resolution 2023-094

Ayes: 5

Nays: 0 Motion carried.

F. Resolution Amending Application and Contract for FY 2022 Host Community Grant with MN Department of Employment and Economic Development (DEED). Resolution 2023-095

Community Development Director Heather Rand gave a presentation that would apply to both Agenda Item F. and Agenda Item G. This request is for consideration of an amendment to a Grant for State Fiscal Year 2022 and to make application for the 2023 Grant. The State Fiscal Year wraps up on June 30th. MS 116J.548 is the legislation for the grant program called the Host Community Economic Development Grant Program. City staff refers to this as the HCEP Grant Program.

- Allows the City of Inver Grove Heights and the City of Burnsville to receive up to \$415,625 in grant funds for a state fiscal year.
- This is because the two communities host landfills and do not have economic development activity (jobs and tax base) that they would have otherwise had.
- Legislators determined these grants be provided so communities with landfills can apply these funds mainly to land assemble. For example: Purchase private property and get the property ready to get it back onto the real estate market/private sector in the hopes of growing the tax base, increasing jobs, and eliminating blight.
- Statute specifically defines that the dollars can only be used for capital costs.
- The city/EDA has sought to assemble land in the north Concord and Dickman Boulevard area.
- A Grant application was submitted to DEED with Council approval in December, 2021. This grant application was referred to as the 6500 Block Project.
 - For parcels of land that Republic Services owned along with city owned parcels. This was in hopes the city would be able to purchase parcels before June 30, 2023.
 - The city determined that Republic was not quite ready to make the sale.
 - Staff will continue discussions with Republic.
- In March 2023, staff had conversations with DEED staff to let them know the city was getting anxious about things wrapping up and wanting to utilize the money before the deadline.
 - DEED suggested increasing the project area.
- When it comes to land acquisition, the City Council makes the final approval.
- There are two months to bring this back before the Council.

Actions for Council:

- Action Item F: Take the grant application that was already approved by DEED and increase the project area.
- Action Item G: A request to take the same project area and apply the next fiscal year’s fund to the same area. Staff continues to believe there are private parties that want to sell. (Staff has been having discussions, this is what they are hearing).

A map of the project area was shown depicting north Concord and Dickman Trail. This includes:

- 6500 block of Republic.

- Parcels the city still has interest in acquiring. Includes Republic, which has interest in selling, but is not likely to have that deal done by June 30th.
- Parcels owned by King of Diamonds is an area staff would like to include because there has been some conversation with management there that has indicated, while they are not ready to sell at this time, they may be ready to sell in the future.
 - Staff would like to have discussion and use some of those grant funds for this location.
- Another area is owned by three private parties.
 - Parcels owned by the McPhillips family have indicated an interest in selling.
 - Staff is currently in discussions with them.
 - The area is blighted.
 - There is one nice residence in the area. It may not fit with the industry around it. They are currently not interested in selling.

The city is not going to pressure a private party who does not want to sell. This would only be applied to interested private parties.

The grant area approved by the State of Minnesota Department of Employment and Economic Development is referred to as the 6500 Block (Funds to be used by June 30th). DEED has said they are supportive. If the Council is supportive of increasing the project area to include the other areas (Dickman Trail and the King of Diamonds parcels) it would equal approximately 32 acres total. She stated a resolution is included that amends the grant application for 2022 fiscal year. Item G. is the resolution approving the grant with the increased project area for 2023.

Councilmember Gliva referenced the deadline of June 30, 2023 and asked if the \$415,000 rolls over, or if the property is just a bigger piece to pick from. Even if expanding the area, she questioned if the money would be gone if not purchasing a property.

Community Development Director Rand replied if the \$415,000 is not spent by the end of the State's fiscal year on June 30th, it would be gone. Staff thought there was a project with Republic, but the business is not ready. DEED would like the focus to be on land assembly in the area.

City Administrator Kris Wilson responded that staff, working with Legal Counsel, is optimistic about securing a Purchase Agreement for at least one of the properties depicted. Staff intends to spend as much of those funds as they reasonably can while still paying a fair price.

Councilmember Murphy referenced a project area highlighted in purple on the diagram and asked if the purple box would move to something else. For example: Between 65th and 66th, and Donnelly and Doffing. He asked if the city would identify project areas in future years for future dollars.

Community Development Director Rand replied the purple boxed areas are what the focus would be on for the State's fiscal year of 2022/2023. If a new project presents itself after that, it could be outside of this area.

She mentioned there were areas listed that are outside of the flood plain that staff would likely not include for an economic development project. Staff can look to other areas in the city for future grants.

Councilmember Murphy asked if the city was able to build parks in a flood plain.

Community Development Director Rand replied they typically do not build structures; there could be unimproved trails.

She mentioned there is contamination under most of the sites. It is appropriate for the city to work with the County, Federal, and State Government to go after grants to remediate the soil. Most of the contaminant is petroleum.

Mayor Dietrich asked if one of the parcels is where the old City Hall sits.

Community Development Director Rand replied it is not. It is south, by the King of Diamonds. Mayor Dietrich asked if it was county owned.

City Administrator Wilson responded that the city already owns the land. It currently falls outside of the development area.

Motion by Scales, second by Murphy, to approve Resolution 2023-095 Amending Application and Contract for FY 2022 Host Community Grant with MN Department of Employment and Economic Development (DEED).

Ayes: 5

Nays: 0 Motion carried.

G. Resolution Authorizing Application for FY 2023 Host Community Grant with MN Department of Employment and Economic Development. Resolution 2023-096

This item was addressed under Agenda Item 4F.

Motion by Gliva, second by Scales, to approve Resolution 2023-096 Authorizing Application for FY 2023 Host Community Grant with MN Department of Employment and Economic Development.

Ayes: 5

Nays: 0 Motion carried.

H. Revise 2023 Capital Improvement Plan for the Veteran's Memorial Community Center & Authorize Project Contracts. Resolution 2023-097

Parks and Recreation Director Adam Lares stated that Operations and Maintenance Supervisor Phil Stier is also in attendance for any questions on city facilities and the VMCC.

Capital Improvement Plan:

- At the end of 2022, \$718,200 was approved for the capital improvement plan and projects at the VMCC.
 - Includes areas of aquatics, ice arena, custodial equipment, fitness, mechanical, and the Grove.
- As a part of the approved VMCC Capital Improvement Projects and budget this year, the Host Community Fund transfers in at the beginning of the year would be in the amount approved by the City Council. (\$718,200)

Increased Project Cost:

- During the 2023 budget process, staff developed cost estimates in mid-June 2022.
- Upon receiving updated quotes, there have been substantial increases to many projects planned for 2023.
 - Specifically in the mechanical area of capital improvement projects at the VMCC:
 - Munter's Unit
 - 2 Condensing Units
- Vendors have cited increased costs due to:
 - Materials
 - Fuel
 - Transportation
 - Labor
- In addition to those increases, there are supply chain issues for the Munter's Unit and the 2 condensing units.

- Other projects scheduled for this year have slight cost increases with some projects coming in under budget.
- Staff did an evaluation of all 2023 approved projects to try to determine if there was any way to have cost savings, try to do things in-house, work with vendors to be able to do some things in house, or look at how to pair some of the capital improvement projects and defer them to 2024 or beyond and time them to other projects planned in a 5-year CIP, to make ends meet. Staff wanted to stay within the \$117,000, they did not want to have to come back before Council asking for additional money. Staff feels like they have come up with a revised plan for 2023.

Approved Community Center 2023 Capital Improvement Projects: Comparing 2023 approved projects against the revised 2023 Capital Projects:

- Aquatics. \$71,900 from approved projects to \$0 in revised.
 - Take some of the deferred plans into future years, maintain with current staffing levels.
 - Deferred to 2024: Diving Boards, Pool log.
- Ice Arena. Indicates a substantial increase.
 - Related to the lighting project, brightening the arenas. Gets to an increased LED conversion throughout the facility. \$123,900.
 - Looked into coupling them with other projects within the city.
 - Decreased Wifi channels.
 - The re-keying project was brought in house resulting in a lowered expense.
 - Replacement of partitions on the arena side.

To Note: Council will be asked to approve some contracts and bids for work in the CIP.
- Custodial Equipment. Dollar amount went down slightly in the revised plan. \$52,000.
 - Purchase of the auto scrubber/walk behind is complete.
 - Two pieces for the autoscrubber riding have increased in price substantially.
 - Genie Lift stayed the same, contract pending.
 - Deferred: Kiavac system.
- Fitness. Reduced to save money. \$75,000.
 - Revisions were done. Waiting for several quotes for fitness equipment.
 - Plan to spend \$45,000 to replace outdated equipment.
 - With one of the new positions, plan on doing painting in-house. This cost was reduced by \$20,000, bringing it to \$30,000.
- Mechanical. Shows the largest increase. \$426,500.
 - Deferred some automation work.
 - Munter's Unit went up in price substantially. Some components were delayed along with supply chain issues.
 - Two condensing unit prices increased. Contract pending/Council approval.
 - Water heater for the Zamboni room.
 - Deferred to a later date. ADA Door Openers.
 - Costs went from \$249,500 to \$426,500.
- VMCC-Grove. Shows a reduction. \$40,800.
 - Deferring card access. Continue to use hard lock and key access points.
 - Doorframe work has been completed.
 - Deferred locker rooms. Staff has ordered some parts to mitigate.
 - Suit spinners were ordered and completed.
 - Table/Chairs in the lobby. Waiting on quotes

Total amount of \$718,200.

Councilmember Murphy referenced the lighting and asked if there was a minimum amount of illumination that is typical for ice arenas and if they made that in the new lighting.

Parks and Recreation Director Lares replied there is a standard. As things become more virtual, they are trying to achieve production level lighting. Production companies come in to film hockey arenas and games. A certain level of production lighting to film/record is required. The arena is currently pretty dim with lighting that could be 20+ years old. There is a return on investment with a return on the energy bills. The stanchions are also being lowered to offset shadowing.

Councilmember Murphy asked about ADA door openers being deferred. He questioned if there were some in place now that work, and if they were upgrading those.

Operations and Maintenance Supervisor Phil Stier replied there are existing ones in house that are operated by pneumatics. They currently operate, he has been able to find some parts. He believed they could continue in this manner until next year. ADA was not included in 2011 and is why it is being put in the CIP.

Mayor Dietrich appreciated the work Operations and Maintenance Supervisor Stier does in house.

Councilmember Scales asked if there were rebates for LED lighting.

Operations and Maintenance Supervisor Stier replied the numbers shown are without rebates. Sometimes rebates change. He said he did not factor that in yet because he did not know what the amount was.

Councilmember T'Kach asked about warranties and if the city has received a 20-year guarantee on some of the products.

Operations and Maintenance Supervisor Stier replied it was not a 20-year warranty. Depending on the contract awarded it is 1-1 or 1-5 years. It could be one year of labor and warranty of equipment and/or 1-5 years depending on what they get for the equipment. The lights are 6th generation of LED lighting. Those he is proposing to put in would have approximately 12-15 years of life. With the warranty, he does not see a problem coming in for at least 15 years.

Parks and Recreation Director Lares discussed the action requested stating the Council is asked to adopt the resolution revising the 2023 Veterans Memorial Community Center Capital Improvement Plan, and to authorize entering contracts for select 2023 CIP projects as identified in the presentation.

Motion by T'Kach, second by Murphy, to approve Revise 2023 Capital Improvement Plan for the Veteran's Memorial Community Center & Authorize Project Contracts. Resolution 2023-097

Ayes: 5

Nays: 0 Motion carried.

7. PUBLIC COMMENT:

There were no public comments.

8. MAYOR AND COUNCIL COMMENTS:

Mayor Dietrich stated the city is still looking for Commissioner applicants. The deadline is on Monday, May 1st. Applicants are needed for the Planning Commission, Parks and Recreation Advisory Commission, and the Environmental Advisory Commission. Applications can be found on the city website or by calling City Clerk Kiernan.

Mayor Dietrich thanked those in Public Works for starting the fire hydrant flushing along with all of the street sweeping and patching that would follow.

Councilmember Gliva mentioned that the Commission receives a lot of emails from the public. She said it would be helpful if residents put their first and last name and an address when writing in.

9. ADJOURN:

Motion by Scales to adjourn the meeting at 8:33 p.m.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by Recording Secretary Sheri Yourczek



Request for Council Action

SUBJECT: **Approval of Disbursements**

MEETING DATE: May 22, 2023

ITEM TYPE: Consent Agenda

CONTACT: Ryan Albright, Accounting Technician, 651.450.2515

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, approving disbursements for the period of May 3 – May 16, 2023.

BACKGROUND

The following chart represents a summary by fund type of the disbursements processed during the period of May 3 – May 16, 2023. Disbursement details are attached to this memo.

Fund Type	Amount
General Fund	\$453,750.28
Special Revenue	48,032.54
Debt Service	-
Capital Projects	23,515.34
Enterprise	199,645.41
Internal Service	666,645.72
Escrows	205.80
Total - All Funds	\$1,391,795.09

FISCAL IMPACT

The disbursements are within adopted budgets for the associated funds or have otherwise been approved by the Council.

RECOMMENDATION

Staff recommends approval of the disbursements as presented.

ATTACHMENTS

1. Resolution
2. Disbursements listing (5.3.2023 - 5.16.2023)

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

RESOLUTION NO. __

RESOLUTION APPROVING DISBURSEMENTS FOR THE PERIOD OF

May 3, 2023 - May 16, 2023.

WHEREAS a detailed listing of disbursements for the period of May 3, 2023 - May 16, 2023, was presented to the council for approval.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS, MINNESOTA, that payment of the disbursements for the following fund types are approved:

Fund Type	Amount
General Fund	\$453,750.28
Special Revenue	48,032.54
Debt Service	-
Capital Projects	23,515.34
Enterprise	199,645.41
Internal Service	666,645.72
Escrows	205.80
Total - All Funds	\$1,391,795.09

Adopted this 22nd day of May 2023 by the City Council of Inver Grove Heights, MN

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk



City of Inver Grove Heights

Expense Approval Report

By Fund

Payment Dates 5/3/2023 - 5/16/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Fund: 101 - GENERAL FUND					
STEVEN STAPLES	3/8/2023B	05/11/2023	Chicken license refund	101.41.0000.3223500	25.00
MN DEPT OF HEALTH	4/5/2023	05/11/2023	Recreation food service license ...	101.44.6100.459.50070	95.00
NIEBUR TRACTOR & EQUIPMEN...	01-184657	05/04/2023	Small tools	101.43.5200.443.60040	450.98
TYLER TECHNOLOGIES, INC	025-421396	05/04/2023	Tyler Review: UB, cashiering 4.1...	101.41.2000.415.30700	217.50
TYLER TECHNOLOGIES, INC	025-421397	05/04/2023	UB Rate Implementation 4.21.2...	101.41.2000.415.30700	217.50
ROLLIN NOLENS BBQ LLC	100303	05/04/2023	Volunteer recognition event - f...	101.41.1120.413.60001	250.00
FIRST IMPRESSION GROUP	142610	05/04/2023	Business cards: Taarud	101.42.4000.421.50030	65.00
FIRST IMPRESSION GROUP	143056	05/04/2023	new business cards for Fire Insp...	101.42.4200.423.60065	65.00
CULLIGAN	157984591006X043023	05/04/2023	bottled water delivery to St 1	101.42.4200.423.60065	102.63
CULLIGAN	157985524824X043023	05/04/2023	RV water svc	101.44.6000.451.40050	11.30
CULLIGAN	157985524824X043023	05/04/2023	RV bottled water	101.44.6000.451.60065	20.25
CULLIGAN	157986034674X043023	05/04/2023	Bottled water delivery station 2	101.42.4200.423.60065	88.51
ULINE	162439232	05/04/2023	Evidence tape	101.42.4000.421.60065	160.84
FIRE PROTECTION SERVICES, INC.	1819	05/04/2023	reviewing plans	101.42.4200.423.30700	185.00
WARRANT DIVISION - RECORDS	19412107	05/04/2023	Bail Money CN: 23-1333	101.207.2071000	500.00
NORTHWEST LASERS, INC.	19765	05/04/2023	Survey Equipment Purchase	101.43.5100.442.60065	810.35
DAJ ENTERPRISES LLC (ECO WO...	21363	05/04/2023	starter fertilizer	101.44.6000.451.60030	1,560.00
RENEE DUBS ELLENA	22-5143	05/04/2023	Annual report	101.42.4000.421.50030	2,375.00
BLACKTOP PROS, LLC	23-005	05/04/2023	Patching	101.43.5200.443.40046	10,200.00
BLACKTOP PROS, LLC	23-006	05/04/2023	Street patching	101.43.5200.443.40046	4,800.00
MATHESON TRI-GAS, INC.	27594607	05/04/2023	Oxygen services	101.42.4000.421.60065	404.75
ROSEMOUNT SAW & TOOL CORP	337681	05/04/2023	Chainsaw, carrying case and saw...	101.43.5200.443.60040	944.85
VERIFIED HOLDINGS, LLC	341893	05/04/2023	Pre-employment background	101.41.1120.413.30700	732.00
KENISON, TERRI	4/1/2023	05/04/2023	cleaning of stations 1, 2 and 3	101.42.4200.423.30700	1,600.00
MILOJEVICH, LEAH	4/21/2023	05/04/2023	Mailbox reimbursement	101.43.5200.443.60016	75.00
MCHUGH, DALE	4/21/2023	05/04/2023	Damaged mailbox	101.43.5200.443.60016	75.00
STREAMLINE DESIGN INC	42261	05/04/2023	duty shirt uniforms	101.42.4200.423.60045	177.00
ST. PAUL PIONEER PRESS	423572521	05/04/2023	NOPH: Yangs Liquor	101.41.1140.413.50025	17.15
ST. PAUL PIONEER PRESS	423572521	05/04/2023	Ord # 1444 - Repeal Certain Lic...	101.41.1140.413.50025	56.84
TWO BALD GUYS LLC	5/2/2023	05/04/2023	Contractor license refund	101.45.0000.3219500	100.00
LOCAL GOVERNMENT INFORM...	53697	05/04/2023	Division software	101.42.4000.421.50072	2,741.00
CENTURY LINK	651-455-9072 04.23	05/04/2023	phone line invoice	101.42.4200.423.50020	48.91
T. A. SCHIFSKY & SONS, INC.	69017	05/04/2023	Street supplies	101.43.5200.443.60016	1,235.85
ARROW MOWER, INC.	79818	05/04/2023	13/64 filing kit - Streets	101.43.5200.443.60040	35.34
HOLIDAY COMPANIES	80901052300	05/04/2023	Squad car car washes	101.42.4000.421.60018	210.00
UNIFIRST CORPORATION	900760795	05/04/2023	streets uniforms	101.43.5200.443.60045	34.34
UNIFIRST CORPORATION	900760795	05/04/2023	Parks Uniforms	101.44.6000.451.60045	15.93
UNIFIRST CORPORATION	900762139	05/04/2023	Streets Uniforms	101.43.5200.443.60045	34.34
UNIFIRST CORPORATION	900762139	05/04/2023	Parks Uniforms	101.44.6000.451.60045	15.93
PUBLIC SAFETY EQUIPMENT, LL...	9505	05/04/2023	Vests: Decker, Winget, Nelson, ...	101.42.4000.421.60045	5,761.00
BLOOMINGTON SECURITY SOL...	C114321	05/04/2023	keys	101.44.6000.451.60016	47.31
STREICHER'S	I1629181	05/04/2023	Red dot sights	101.42.4000.421.40042	987.98
GEOTAB USA, INC.	IN337609	05/04/2023	Geo tab monthly billing 4.2023	101.42.4000.421.50072	264.18
INNOVATIVE OFFICE SOLUTIONS	IN4167430	05/04/2023	Post it notes	101.41.1120.413.60010	12.70
INNOVATIVE OFFICE SOLUTIONS	IN4170874	05/04/2023	office supplies	101.41.1140.413.60010	128.57
BLUE TO GOLD, LLC	INV-23-IGS000X	05/04/2023	Blue to Gold- training	101.42.4000.421.50080	990.00
PIONEER ATHLETICS	INV880016	05/04/2023	white paint for fields	101.44.6000.451.60016	5,947.00
ICMA RETIREMENT TRUST - 457	INV0162332	05/05/2023	457 - ROTH AGE <50 %	101.203.2031400	852.48
ICMA RETIREMENT TRUST - 457	INV0162333	05/05/2023	457 - ROTH AGE <50	101.203.2031400	405.00
ICMA RETIREMENT TRUST - 457	INV0162334	05/05/2023	457 - ROTH AGE 50+	101.203.2031400	225.00
ICMA RETIREMENT TRUST - 457	INV0162335	05/05/2023	457 -AGE <49 %	101.203.2031400	8,730.12
ICMA RETIREMENT TRUST - 457	INV0162336	05/05/2023	457 -AGE 50+	101.203.2031400	3,465.29
ICMA RETIREMENT TRUST - 457	INV0162337	05/05/2023	457 -AGE <49	101.203.2031400	6,908.38

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
ICMA RETIREMENT TRUST - 457	INV0162338	05/05/2023	457 PLAN -AGE 50+ %	101.203.2031400	1,234.62
MN STATE RETIREMENT SYSTEM	INV0162339	05/05/2023	457 ROTH IRA (AGE 49 & UNDE...	101.203.2031400	510.00
AFSCME COUNCIL 5	INV0162340	05/05/2023	UNION DUES (AFSCME FULL SH...	101.203.2031000	1,035.26
AFSCME COUNCIL 5	INV0162341	05/05/2023	UNION DUES (AFSCME FULL SH...	101.203.2031000	20.98
MINNESOTA DEPARTMENT OF ...	INV0162342	05/05/2023	CASE #001570640001	101.203.2032100	342.87
TEXAS STATE DISBURSEMENT ...	INV0162343	05/05/2023	CASE #0012022247	101.203.2032100	230.77
MINNESOTA DEPARTMENT OF ...	INV0162344	05/05/2023	CASE #001490481201	101.203.2032100	357.72
MINNESOTA DEPARTMENT OF ...	INV0162345	05/05/2023	CASE #000115468905	101.203.2032100	65.06
MINNESOTA DEPARTMENT OF ...	INV0162346	05/05/2023	CASE #001563363401	101.203.2032100	426.85
MINNESOTA DEPARTMENT OF ...	INV0162347	05/05/2023	CASE #001567848502	101.203.2032100	60.45
MINNESOTA DEPARTMENT OF ...	INV0162348	05/05/2023	CASE #001521862201	101.203.2032100	200.73
WI SCTF (WI SUPPORT COLLECT...	INV0162349	05/05/2023	PARTICIPANT ID#0004986316	101.203.2032100	433.06
MEDSURETY ACH ONLY	INV0162350	05/05/2023	HSA ELECTION-FAMILY	101.203.2032500	4,390.15
MEDSURETY ACH ONLY	INV0162351	05/05/2023	HSA ELECTION-SINGLE	101.203.2032500	5,541.68
IGH PROFESSIONAL FIREFIGHTE...	INV0162352	05/05/2023	UNION DUES (IAFF)	101.203.2031000	504.01
IUOE	INV0162353	05/05/2023	UNION DUES IUOE	101.203.2031000	1,699.50
LELS LOCAL #84	INV0162354	05/05/2023	UNION DUES (LELS)	101.203.2031000	2,448.00
LELS	INV0162355	05/05/2023	UNION DUES (LELS LIEUTENANT...	101.203.2031000	270.00
MN STATE RETIREMENT SYSTEM	INV0162356	05/05/2023	MINNESOTA DEFERRED COMP...	101.203.2031400	2,319.75
MN STATE RETIREMENT SYSTEM	INV0162357	05/05/2023	MINNESOTA DEFERRED COMP...	101.203.2031400	414.34
PERA	INV0162358	05/05/2023	PERA COORDINATED PLAN	101.203.2030600	51,834.46
PERA	INV0162359	05/05/2023	EMPLOYER SHARE (EXTRA PERA)	101.203.2030600	3,987.26
PERA	INV0162360	05/05/2023	PERA POLICE & FIRE PLAN	101.203.2030600	30,875.56
PERA	INV0162361	05/05/2023	EMPLOYER SHARE (POLICE & FI...	101.203.2030600	46,313.31
ICMA RETIREMENT TRUST - 457	INV0162362	05/05/2023	ROTH IRA (AGE 49 & UNDER)	101.203.2032400	3,346.53
ICMA RETIREMENT TRUST - 457	INV0162363	05/05/2023	ROTH IRA (AGE 50 & OVER)	101.203.2032400	663.46
ICMA RETIREMENT TRUST - 457	INV0162364	05/05/2023	ROTH-AGE <49 %	101.203.2032400	49.26
LELS	INV0162365	05/05/2023	UNION DUES (LELS SGT)	101.203.2031000	472.50
EFTPS	INV0162366	05/05/2023	FEDERAL WITHHOLDING	101.203.2030200	72,018.22
MN DEPT OF REVENUE (PAYROL...	INV0162367	05/05/2023	STATE WITHHOLDING	101.203.2030300	30,493.42
EFTPS	INV0162368	05/05/2023	MEDICARE WITHHOLDING	101.203.2030500	19,989.12
EFTPS	INV0162369	05/05/2023	SOCIAL SECURITY WITHHOLDING	101.203.2030400	52,713.30
PERA	INV0162370	05/05/2023	PERA COORDINATED PLAN	101.203.2030600	11.70
PERA	INV0162371	05/05/2023	EMPLOYER SHARE (EXTRA PERA)	101.203.2030600	0.90
EFTPS	INV0162372	05/05/2023	MEDICARE WITHHOLDING	101.203.2030500	2.62
EFTPS	INV0162373	05/05/2023	SOCIAL SECURITY WITHHOLDING	101.203.2030400	11.16
EARL F ANDERSEN INC	0132384-IN	05/11/2023	Sign parts	101.43.5200.443.60016	364.92
TYLER TECHNOLOGIES, INC	025-422050	05/11/2023	Tyler Review: Report Prep 4.26...	101.41.2000.415.30700	362.50
LANGUAGE LINE SERVICES	10975042	05/11/2023	Over the phone interpretation	101.42.4000.421.30700	715.30
MINNESOTA SODDING COMPA...	11708	05/11/2023	RV & skyview layouts	101.44.6000.451.30700	3,611.34
FIRST IMPRESSION GROUP	143162	05/11/2023	Business Cards for Olivia Skelton	101.41.1300.413.50030	65.00
FIRST IMPRESSION GROUP	143162	05/11/2023	Business Cards for Al Vandehoef	101.44.6100.459.50030	26.00
MADISON NATIONAL LIFE INSU...	1555947	05/11/2023	Monthly premium 5.2023	101.203.2031700	3,213.83
PRECISE MRM	200-1042287	05/11/2023	truck data	101.43.5200.443.30700	110.00
PRECISE MRM	200-1042293	05/11/2023	Truck data	101.43.5200.443.30700	110.00
DAJ ENTERPRISES LLC (ECO WO...	21364	05/11/2023	fertilizer	101.44.6000.451.60030	6,170.90
TAHO SPORTSWEAR	23TS1526	05/11/2023	Scholarship donation t-shirts for...	101.44.6100.459.60065	457.80
G & M TREE MOVING INC	2404	05/11/2023	trees moved from nursery to pa...	101.44.6000.451.30700	4,000.00
DAKOTA AWARDS & ENGRAVING	26103	05/11/2023	Name Badge - Steve Dodge	101.43.5100.442.60010	11.00
DAKOTA AWARDS & ENGRAVING	26127	05/11/2023	Name tag - O. Skelton	101.41.1300.413.50030	11.00
DAKOTA AWARDS & ENGRAVING	26127	05/11/2023	Door sign - Olivia Skelton	101.41.1300.413.50030	11.88
M & J SERVICES, LLC	2704	05/11/2023	spring 2023 street sweeping	101.43.5200.443.40046	210.00
M & J SERVICES, LLC	2704	05/11/2023	spring 2023 street sweeping	101.44.6000.451.30700	525.00
M & J SERVICES, LLC	2705	05/11/2023	spring 2023 street sweeping	101.44.6000.451.30700	787.50
M & J SERVICES, LLC	2706	05/11/2023	spring 2023 street sweeping	101.43.5200.443.40046	551.25
M & J SERVICES, LLC	2706	05/11/2023	spring 2023 street sweeping	101.44.6000.451.30700	420.00
M & J SERVICES, LLC	2707	05/11/2023	spring 2023 street sweeping	101.43.5200.443.40046	236.25
M & J SERVICES, LLC	2707	05/11/2023	spring 2023 street sweeping	101.44.6000.451.30700	183.75
SOLBERG AGGREGATE CO	27195	05/11/2023	Class 5 crushed lime	101.43.5200.443.60016	959.69
BOLTON & MENK, INC.	310564	05/11/2023	Engineering Staff Augmentation	101.43.5100.442.30700	16,562.50

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
ASPEN MILLS	313154	05/11/2023	Police vest w/shoulder straps- O...	101.42.4000.421.60045	989.00
ASPEN MILLS	313221	05/11/2023	Uniform alterations - Officer De...	101.42.4000.421.60045	501.56
MN GLOVE & SAFETY, INC.	341633	05/11/2023	safety gear	101.44.6000.451.60045	47.76
MN DEPT OF LABOR & INDUSTRY 5/3/2023		05/11/2023	Monthly surcharge 4.2023	101.207.2070100	2,715.51
METROPOLITAN COUNCIL 5/3/2023CR		05/11/2023	Less: other charges	101.41.0000.3414000	-99.40
MN DEPT OF LABOR & INDUSTRY 5/3/2023CR		05/11/2023	Less: amount retained (2% of su...	101.41.0000.3414000	-54.31
MADDEN GALANTER HANSEN, L...5/8/2023		05/11/2023	Labor relations services thru 4/...	101.41.1120.413.30420	80.00
MN LIFE INSURANCE CO	674762	05/11/2023	5.2023 Premium	101.203.2030900	3,731.35
MN LIFE INSURANCE CO	674762	05/11/2023	5.2023 Cobra Premium	101.203.2030910	102.52
GRAINGER	9695061227	05/11/2023	Sign supplies	101.43.5200.443.60016	386.51
INNOVATIVE OFFICE SOLUTIONS	IN4153475	05/11/2023	General Office Supplies	101.43.5100.442.60010	121.86
INNOVATIVE OFFICE SOLUTIONS	IN4153830	05/11/2023	Office Supplies	101.44.6100.459.60010	324.16
INNOVATIVE OFFICE SOLUTIONS	IN4167223	05/11/2023	Office Supplies	101.43.5200.443.60016	75.09
SAFE-FAST, INC.	INV275365	05/11/2023	Cones	101.43.5200.443.60016	1,172.50
WSB & ASSOCIATES, INC.	R-022068-000-3	05/11/2023	Multiple Family Ord. Update #3	101.45.3200.419.30700	892.00
AGASSIZ SEED & SUPPLY	SINV062483	05/11/2023	staples, straw & blankets for se...	101.44.6000.451.60016	1,148.00
NEWMAN SIGNS INC	TRFINV046449	05/11/2023	Sign repair	101.43.5200.443.60016	752.50
Fund 101 - GENERAL FUND Total:					453,331.70

Fund: 102 - PUBLIC SAFETY SMALL EQUIPMENT FUND

GALLS LLC	24039875	05/04/2023	Entry Tool	102.42.4000.421.60040	418.58
Fund 102 - PUBLIC SAFETY SMALL EQUIPMENT FUND Total:					418.58

Fund: 205 - COMMUNITY CENTER-OPERATING FUND

CULLIGAN	157011438908X043023	05/04/2023	softener salt	205.44.6200.453.60016	252.40
CULLIGAN	157011438908X043023	05/04/2023	softener salt	205.44.6200.453.60016	63.10
TOTAL CONSTRUCTION & EQUIP.	36261	05/04/2023	door for Grove office remodel	205.44.6200.453.40040	3,301.00
NASSEFF PLUMBING & HEATING..	50397	05/04/2023	added a water meter	205.44.6200.453.40040	306.79
NASSEFF PLUMBING & HEATING..	50410	05/04/2023	rebuilt & retested RPZ	205.44.6200.453.40040	379.26
KULLY SUPPLY, INC.	610553	05/04/2023	cartridge assembly	205.44.6200.453.40040	227.58
GRAINGER	9683531868	05/04/2023	eye wash station supply	205.44.6200.453.60016	94.86
GRAINGER	9685626146	05/04/2023	caster swivels	205.44.6200.453.60016	28.98
TOTAL MECHANICAL SERVICES ...	PM4798	05/04/2023	PM for May-Jul 2023	205.44.6200.453.40040	945.31
TOTAL MECHANICAL SERVICES ...	PM4798	05/04/2023	PM for May-Jul 2023	205.44.6200.453.40040	945.31
R & R SPECIALTIES OF WI, INC.	0078847-IN	05/11/2023	Zam blade sharpening	205.44.6200.453.40042	60.00
FIRST IMPRESSION GROUP	143162	05/11/2023	Business Cards for Al Vandehoef	205.44.6200.453.50030	39.00
BRIDGEPOINT GLASS, INC.	2023095	05/11/2023	replace Grove transom window	205.44.6200.453.40040	1,745.00
TAHO SPORTSWEAR	23TS1415	05/11/2023	Tshirts for Spring Walking Progr...	205.44.6200.453.60065	199.50
DAKOTA AWARDS & ENGRAVING	26127	05/11/2023	Name tag- T. Burger	205.44.6200.453.50030	11.00
IGH NATIONAL GUARD ARMORY..	5/1/2023	05/11/2023	2023 Nat'l Guard Armory pymt	205.44.6200.453.70310	12,000.00
TWIN SOURCE SUPPLY	504058	05/11/2023	cleaning supply	205.44.6200.453.60011	76.28
TWIN SOURCE SUPPLY	504058	05/11/2023	cleaning supply	205.44.6200.453.60011	76.28
NASSEFF PLUMBING & HEATING..	50449	05/11/2023	RPZ testing	205.44.6200.453.40040	370.00
NASSEFF PLUMBING & HEATING..	50449	05/11/2023	RPZ testing	205.44.6200.453.40040	370.00
HAWKINS, INC.	6461571	05/11/2023	pool chemicals	205.44.6200.453.60024	4,824.84
KENDELL DOORS & HARDWARE	IN076195	05/11/2023	replacement keys SKD1	205.44.6200.453.60016	52.60
KENDELL DOORS & HARDWARE	IN076195	05/11/2023	replacement keys SKD1	205.44.6200.453.60016	52.60
INNOVATIVE OFFICE SOLUTIONS	IN4153830	05/11/2023	office supplies	205.44.6200.453.60010	331.97
Fund 205 - COMMUNITY CENTER-OPERATING FUND Total:					26,753.66

Fund: 206 - COMMUNITY CENTER-CAPITAL FUND

RETROFIT COMPANIES INC	J1504A-IN	05/04/2023	Arena lighting retrofit	206.44.6200.459.80200	4,800.00
TWIN SOURCE SUPPLY	503922	05/11/2023	Riding floor scrubber	206.44.6200.459.80800	15,466.38
Fund 206 - COMMUNITY CENTER-CAPITAL FUND Total:					20,266.38

Fund: 270 - HOST COMMUNITY FUND

LIBERTY TIRE RECYCLING, LLC	2491774	05/11/2023	Tires	270.45.3000.419.40025	1,012.50
Fund 270 - HOST COMMUNITY FUND Total:					1,012.50

Fund: 401 - PARK CAPITAL REPLACEMENT

MINNESOTA/WISCONSIN PLAY...	2023132	05/11/2023	trash & recycling receptacles	401.44.5900.744.60065	8,535.96
Fund 401 - PARK CAPITAL REPLACEMENT Total:					8,535.96

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Fund: 402 - PARK ACQUISITION & DEVELOPMENT FUND					
ST. PAUL PIONEER PRESS	423572521	05/04/2023	AFB for NWA #1 & 2	402.44.6000.451.50025	52.92
ST. PAUL PIONEER PRESS	423572521	05/04/2023	AFB for NWA #1 & 2 - 50/50 split	402.44.6000.451.50025	52.92
MINNESOTA/WISCONSIN PLAY...	2023132	05/11/2023	trash & recycling receptacle & ...	402.44.6000.451.60065	4,147.70
MINNESOTA/WISCONSIN PLAY...	2023132	05/11/2023	trash & recycling receptacles	402.44.6000.451.60065	5,690.64
MINNESOTA/WISCONSIN PLAY...	2023132	05/11/2023	trash & recycling receptacles & ...	402.44.6000.451.60065	4,147.70
Fund 402 - PARK ACQUISITION & DEVELOPMENT FUND Total:					14,091.88
Fund: 440 - PAVEMENT MGMT-LOCAL STREETS					
BOLTON & MENK, INC.	310561	05/11/2023	Dawn Way Surveys	440.74.5900.740.30300	887.50
Fund 440 - PAVEMENT MGMT-LOCAL STREETS Total:					887.50
Fund: 500 - NW AREA CAPITAL PROJECTS					
KIMLEY-HORN & ASSOCIATES, I...	24559349	05/04/2023	CSAH 26/63 Construction Phase...	500.74.5900.746.30300	3,906.09
BOLTON & MENK, INC.	310559	05/11/2023	Consulting Services for NWA Tr...	500.74.5900.746.30300	2,407.50
Fund 500 - NW AREA CAPITAL PROJECTS Total:					6,313.59
Fund: 510 - WATER-OPERATING FUND					
DALEY ELECTRIC, LLC	220249	05/04/2023	well #3 repair	510.50.7100.512.40040	50,570.00
LONE OAK COMPANIES	5/3/2023	05/04/2023	Reminder Notice Postage 4.2023	510.50.7100.512.50035	301.25
LONE OAK COMPANIES	5/3/2023	05/04/2023	Utility Bill postage 4.2023	510.50.7100.512.50035	756.25
LONE OAK COMPANIES	5/3/2023	05/04/2023	Reminder Notice Paper 4.2023	510.50.7100.512.60010	37.50
LONE OAK COMPANIES	92196	05/04/2023	Reminder Letters 4.2023	510.50.7100.512.30700	202.95
LONE OAK COMPANIES	92197	05/04/2023	4.2023 Statement Processing (5...	510.50.7100.512.30700	623.35
LONE OAK COMPANIES	92197CR	05/04/2023	4.2023 Postage Credit	510.50.7100.512.50035	-161.96
LONE OAK COMPANIES	92370	05/04/2023	2023 Utility Rate Notice-Res.	510.50.7100.512.30700	140.37
LONE OAK COMPANIES	92397	05/04/2023	Delinquent Letters 4.2023	510.50.7100.512.30700	67.50
SHADES OF GREEN OUTDOOR S...	1929	05/11/2023	Lawn care	510.50.7100.512.30700	1,900.00
GOPHER STATE ONE-CALL	3040489	05/11/2023	Gopher one tickets	510.50.7100.512.30700	476.55
EVERETT J. PRESCOTT, INC.	6153354	05/11/2023	Meter parts	510.50.7100.512.75500	389.04
CORE & MAIN LP	S810108	05/11/2023	Hydrant Reapair	510.50.7100.512.60016	2,168.21
CORE & MAIN LP	S810153	05/11/2023	Hydrant repair	510.50.7100.512.60016	868.56
Fund 510 - WATER-OPERATING FUND Total:					58,339.57
Fund: 511 - WATER-CAPITAL FUND					
KEYS WELL DRILLING CO	2023029	05/11/2023	Pull and install new pump at We...	511.50.7100.512.40043	27,770.00
Fund 511 - WATER-CAPITAL FUND Total:					27,770.00
Fund: 520 - SEWER-OPERATING FUND					
METROPOLITAN COUNCIL	1156655	05/04/2023	Waste water services	520.51.7200.514.40015	23,355.28
LONE OAK COMPANIES	5/3/2023	05/04/2023	Reminder Notice Postage 4.2023	520.51.7200.514.50035	301.25
LONE OAK COMPANIES	5/3/2023	05/04/2023	Utility Bill postage 4.2023	520.51.7200.514.50035	756.25
LONE OAK COMPANIES	5/3/2023	05/04/2023	Reminder Notice Paper 4.2023	520.51.7200.514.60010	37.50
LONE OAK COMPANIES	92196	05/04/2023	Reminder Letters 4.2023	520.51.7200.514.30700	202.95
LONE OAK COMPANIES	92197	05/04/2023	4.2023 Statement Processing (5...	520.51.7200.514.30700	623.36
LONE OAK COMPANIES	92197CR	05/04/2023	4.2023 Postage Credit	520.51.7200.514.50035	-161.96
LONE OAK COMPANIES	92370	05/04/2023	2023 Utility Rate Notice-Res.	520.51.7200.514.30700	140.36
LONE OAK COMPANIES	92397	05/04/2023	Delinquent Letters 4.2023	520.51.7200.514.30700	67.50
JESSE OR VELITA FRANDRUP	2172	05/11/2023	Small tools	520.51.7200.514.60040	780.00
CHS	5/11/2023	05/11/2023	Sewer Refund 5.2022-10.2022	520.51.0000.3821000	16,836.26
Fund 520 - SEWER-OPERATING FUND Total:					42,938.75
Fund: 521 - SEWER-CAPITAL FUND					
METROPOLITAN COUNCIL	5/3/2023	05/11/2023	Monthly SAC fees	521.217.2170000	9,940.00
Fund 521 - SEWER-CAPITAL FUND Total:					9,940.00
Fund: 530 - STORM WATER-OPERATING					
NIEBUR TRACTOR & EQUIPMEN...	01-184551	05/04/2023	Storm water	530.74.5900.741.40066	777.88
M & J SERVICES, LLC	2699	05/04/2023	Storm sewer work	530.74.5900.741.40066	3,120.00
M & J SERVICES, LLC	2700	05/04/2023	Storm water	530.74.5900.741.40066	1,560.00
GERTENS	102594/6	05/11/2023	Storm Sewer Maintenance	530.74.5900.741.40066	87.80
PRAIRIE MOON NURSEY INC.	2310310500	05/11/2023	Storm water plants	530.74.5900.741.40066	259.00
PRAIRIE MOON NURSEY INC.	2310310600	05/11/2023	Storm water supplies	530.74.5900.741.40066	44.00
M & J SERVICES, LLC	2701	05/11/2023	Storm sewer repair	530.74.5900.741.40066	2,570.00
M & J SERVICES, LLC	2702	05/11/2023	Storm sewer repair	530.74.5900.741.40066	2,275.00

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M & J SERVICES, LLC	2709	05/11/2023	Storm sewer repair	530.74.5900.741.40066	4,355.00
M & J SERVICES, LLC	2710	05/11/2023	Storm sewer repair	530.74.5900.741.40066	1,170.00
Fund 530 - STORM WATER-OPERATING Total:					16,218.68
Fund: 550 - INVER WOOD GOLF COURSE					
MTI DISTRIBUTING CO	1380037-00	04/27/2023	equipment repair wrong parts	550.52.8600.527.40042	-503.16
CASEY CREATIVE SERVICES LLC	1226	05/04/2023	horns & transmitter inspection	550.52.8500.526.40040	250.00
MTI DISTRIBUTING CO	1378762-01	05/04/2023	equipment repair	550.52.8600.527.40042	195.36
MTI DISTRIBUTING CO	1379974-00	05/04/2023	equipment repair	550.52.8600.527.40042	489.38
MTI DISTRIBUTING CO	1380017-00	05/04/2023	equipment repair	550.52.8600.527.40042	70.09
COVERALL OF THE TWIN CITIES ...	1590027359	05/04/2023	Cleaning svcs 5.2023	550.52.8500.526.40040	1,446.19
GERTENS	197516/12	05/04/2023	small tools 2 blowers	550.52.8600.527.60040	803.42
SHAMROCK GROUP	2885123	05/04/2023	ice for F&B	550.52.8300.524.76100	210.50
SUPERIOR TURF SERVICES INC	3415	05/04/2023	GC accessories	550.52.8600.527.60050	2,387.77
BREAKTHRU BEVERAGE MINNE...	348898679	05/04/2023	beer for resale	550.52.8300.524.76150	332.00
BREAKTHRU BEVERAGE MINNE...	348902500	05/04/2023	beer for resale	550.52.8300.524.76150	952.00
ARTISAN BEER COMPANY	3599360	05/04/2023	beer for resale	550.52.8300.524.76150	517.00
COCA COLA BOTTLING COMPA...	3607217246	05/04/2023	pop & water for resale	550.52.8300.524.76100	781.90
HEGGIES PIZZA	386555	05/04/2023	food for resale	550.52.8300.524.76050	173.70
PHILLIPS WINE & SPIRITS	6582229	05/04/2023	alcohol for resale	550.52.8300.524.76150	1,971.24
PHILLIPS WINE & SPIRITS	6583476	05/04/2023	alcohol for resale	550.52.8300.524.76150	97.20
PERFORMANCE FOOD GROUP I...	68067685	05/04/2023	cleaning/misc supplies	550.52.8300.524.60065	243.70
PERFORMANCE FOOD GROUP I...	68067685	05/04/2023	food & food supplies	550.52.8300.524.76050	1,620.34
PERFORMANCE FOOD GROUP I...	68067685	05/04/2023	beverage supplies	550.52.8300.524.76100	198.80
PERFORMANCE FOOD GROUP I...	68084219	05/04/2023	cleaning supply	550.52.8300.524.60065	61.60
PERFORMANCE FOOD GROUP I...	68084219	05/04/2023	food & food supply	550.52.8300.524.76050	98.77
UNIFIRST CORPORATION	900760837	05/04/2023	uniforms and towels	550.52.8600.527.60045	136.81
TITLEIST	915499431	05/04/2023	apparel for resale	550.52.8200.523.76200	145.53
TITLEIST	915526623	05/04/2023	apparel for resale	550.52.8200.523.76200	820.26
TITLEIST	915526674	05/04/2023	apparel for resale	550.52.8200.523.76200	711.52
TITLEIST	915555982	05/04/2023	apparel for resale	550.52.8200.523.76200	58.80
TITLEIST	915583603	05/04/2023	bags for resale	550.52.8200.523.76350	587.02
DENNY'S 5TH AVENUE BAKERY	9659	05/04/2023	donuts for resale	550.52.8300.524.76050	87.37
DENNY'S 5TH AVENUE BAKERY	9783	05/04/2023	donuts for resale	550.52.8300.524.76050	115.73
INNOVATIVE OFFICE SOLUTIONS	IN4158929	05/04/2023	pouches	550.52.8000.521.60010	41.34
INNOVATIVE OFFICE SOLUTIONS	IN4158929	05/04/2023	electric stapler	550.52.8500.526.60010	145.56
WITTEK	INV110137B	05/04/2023	balance on ball baskets	550.52.8100.522.60015	465.54
WITTEK	INV110673	05/04/2023	sign for practice range	550.52.8100.522.50050	956.26
WITTEK	INV110674	05/04/2023	Practice range divots signs	550.52.8100.522.50050	2,258.89
ALL STAR PRO GOLF, INC.	INV31800	05/04/2023	tees for resale	550.52.8200.523.76400	502.23
ALL STAR PRO GOLF, INC.	INV31805	05/04/2023	tees for resale	550.52.8200.523.76400	57.49
DENNY'S 5TH AVENUE BAKERY	10216	05/11/2023	breads for food resale	550.52.8300.524.76050	135.37
MN GOLF ASSOCIATION, INC.	230131	05/11/2023	2023 Member fee	550.52.8500.526.50070	270.00
ARTISAN BEER COMPANY	3600698	05/11/2023	beer for resale	550.52.8300.524.76150	392.35
COCA COLA BOTTLING COMPA...	3607217310	05/11/2023	pop & water for resale	550.52.8300.524.76100	837.04
M. AMUNDSON LLP	361064	05/11/2023	snacks for resale	550.52.8300.524.76050	351.62
SUPERIOR TURF SERVICES INC	3626	05/11/2023	Fairway/rough fertilizer	550.52.8600.527.60030	5,332.09
WILSON SPORTING GOODS	4539977677B	05/11/2023	range balls	550.52.8100.522.60060	4,049.33
PLAISTED COMPANIES, INC.	59436	05/11/2023	bunker sand	550.52.8600.527.60020	1,501.84
PHILLIPS WINE & SPIRITS	6586063	05/11/2023	alcohol for resale	550.52.8300.524.76150	296.90
PERFORMANCE FOOD GROUP I...	68090607	05/11/2023	food for resale	550.52.8300.524.76050	-90.96
PERFORMANCE FOOD GROUP I...	68137266	05/11/2023	misc supplies	550.52.8300.524.60065	276.70
PERFORMANCE FOOD GROUP I...	68137266	05/11/2023	food for resale	550.52.8300.524.76050	743.24
METRO CASH REGISTER SYSTE...	88435	05/11/2023	register repairs	550.52.8500.526.70600	387.00
VISTA OUTDOOR SALES LLC	886700	05/11/2023	GPS unit for resale	550.52.8200.523.76400	180.69
UNIFIRST CORPORATION	900762179	05/11/2023	uniforms and towels	550.52.8600.527.60045	136.81
UNIFIRST CORPORATION	900763464	05/11/2023	uniforms and towels	550.52.8600.527.60045	81.27
COLLEGE CITY BEVERAGE	903747	05/11/2023	beer for resale	550.52.8300.524.76150	744.20
TITLEIST	915606289	05/11/2023	balls for resale	550.52.8200.523.76450	499.83
DENNY'S 5TH AVENUE BAKERY	9981	05/11/2023	breads for resale items	550.52.8300.524.76050	115.73
PUKKA	BU02527-IN	05/11/2023	hats for resale	550.52.8200.523.76200	1,576.32

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ALL TEST & INSPECTIONS INC	CR23-13755	05/11/2023	golf lift inspection	550.52.8600.527.40042	501.00
INNOVATIVE OFFICE SOLUTIONS	IN4167428	05/11/2023	misc office supplies	550.52.8500.526.60010	90.08
ALL STAR PRO GOLF, INC.	INV31933	05/11/2023	tees for resale	550.52.8200.523.76400	228.22
Fund 550 - INVER WOOD GOLF COURSE Total:					38,124.82

Fund: 602 - RISK MANAGEMENT

LEAGUE OF MN CITIES INS TRUST 4/18/2023	05/04/2023	Liability Insurance 6/1-8/31/20...	602.00.2100.415.50010	51,196.25
LEAGUE OF MN CITIES INS TRUST 4/18/2023	05/04/2023	Equip Insurance 6/1-8/31/2023	602.00.2100.415.50010	5,510.50
LEAGUE OF MN CITIES INS TRUST 4/18/2023	05/04/2023	Property Insurance 6/1-8/31/2...	602.00.2100.415.50011	35,032.00
LEAGUE OF MN CITIES INS TRUST 4/18/2023	05/04/2023	Auto Insurance 6/1-8/31/2023	602.00.2100.415.50012	10,259.25
LEAGUE OF MN CITIES INS TRUST 4/18/2023	05/04/2023	Bond Insurance 6/1-8/31/2023	602.00.2100.415.50015	474.75
LEAGUE OF MN CITIES INS TRUST 4/18/2023	05/04/2023	Mobile Property Insurance 6/1-...	602.00.2100.415.50016	2,289.25
LEAGUE OF MN CITIES INS TRUST 4/18/2023	05/04/2023	Cyber Insurance 6/1-8/31/2023	602.00.2100.415.50018	1,638.00
HEPPNER'S AUTO BODY 49299B	05/11/2023	LMC238958 - Squad Hit Light Po...	602.00.2100.415.70200	162.45
LEAGUE OF MN CITIES INS TRUST 6/1/2023	05/11/2023	Qtrly Premium 6.1-8.31.2023	602.00.2100.415.50009	187,631.00
LEAGUE OF MN CITIES INS TRUST 6/1/2023	05/11/2023	Workers Comp Audit-Add'l Pre...	602.00.2100.415.50009	40,808.00
LEAGUE OF MN CITIES INS TRUST 8091	05/11/2023	LMC271493-PD unit slit into veh..	602.00.2100.415.70200	947.28
Fund 602 - RISK MANAGEMENT Total:				335,948.73

Fund: 603 - CENTRAL EQUIPMENT

MTI DISTRIBUTING CO 1381642-00	04/27/2023	Mower (530&531) filters	603.00.5300.444.40042	431.75
MTI DISTRIBUTING CO 1381644-00	04/27/2023	Mower (531) knob	603.00.5300.444.40042	41.37
KIMBALL MIDWEST 100985449	05/04/2023	Shop supplies	603.00.5300.444.60012	501.36
CUSTOM HOSE TECH 116020	05/04/2023	Parts for tractor (#522)	603.00.5300.444.40042	154.68
WORLD FUEL SERVICES 363086116515-41801	05/04/2023	Windshield wash, CRB multi, sh...	603.140.1450050	2,314.37
CINTAS CORPORATION 4136077711	05/04/2023	PW rugs	603.00.5300.444.40065	99.25
CINTAS CORPORATION 4138860796	05/04/2023	Rugs	603.00.5300.444.40065	52.35
CINTAS CORPORATION 4140263254	05/04/2023	Rugs PW	603.00.5300.444.40065	99.25
CINTAS CORPORATION 4141513892	05/04/2023	Rugs PW	603.00.5300.444.40065	99.25
CINTAS CORPORATION 4145846655	05/04/2023	Rugs PW	603.00.5300.444.40065	99.25
CINTAS CORPORATION 4152866083	05/04/2023	Rugs PW	603.00.5300.444.40065	99.25
INVER GROVE FORD 5328300	05/04/2023	Gasket + screen assembly for in...	603.00.5300.444.40041	70.98
INVER GROVE FORD 5328301	05/04/2023	Sleeve wiring for parks' pickup (...)	603.00.5300.444.40041	23.54
NUSS TRUCK AND EQUIPMENT 7204882P	05/04/2023	Seat belt for loader (#306)	603.00.5300.444.40042	588.84
UNIFIRST CORPORATION 900760795	05/04/2023	Other Rentals	603.00.5300.444.40065	137.26
UNIFIRST CORPORATION 900760795	05/04/2023	Ce Uniforms	603.00.5300.444.60045	32.62
UNIFIRST CORPORATION 900762139	05/04/2023	Other Rentals	603.00.5300.444.40065	154.06
UNIFIRST CORPORATION 900762139	05/04/2023	CE uniforms	603.00.5300.444.60045	32.62
POMP'S TIRE SERVICE, INC. 980104860	05/04/2023	Stock squad tires	603.140.1450050	1,944.00
POMP'S TIRE SERVICE, INC. 980104905	05/04/2023	Tires and services for fire truck ...	603.00.5300.444.60014	3,849.02
TRENCHERS PLUS, INC. IT06579	05/04/2023	Plastic cup for chipper (#335)	603.00.5300.444.40042	58.49
DELEGARD TOOLS K56801/1	05/04/2023	Small tools	603.00.5300.444.60040	63.60
MACQUEEN EMERGENCY GRO... P08977	05/04/2023	Light marker fire truck (E21)	603.00.5300.444.40041	147.74
MACQUEEN EMERGENCY GRO... P08997	05/04/2023	Chrome mirror head - Fire truck ..	603.00.5300.444.40041	900.77
ABM EQUIPMENT & SUPPLY 0173943-IN	05/11/2023	Patcher (#342) diesel spray wa...	603.00.5300.444.40042	700.63
KIMBALL MIDWEST 100981264	05/11/2023	Shop Supplies	603.00.5300.444.60012	103.18
KIMBALL MIDWEST 100984435	05/11/2023	Small tools	603.00.5300.444.60040	248.99
FERRELLGAS 1122769505	05/11/2023	Patcher (#342) propane tank	603.00.5300.444.40042	22.55
FERRELLGAS 1123048529	05/11/2023	Fork lift (#5302) propane tank	603.00.5300.444.40042	63.90
FERRELLGAS 1123048585	05/11/2023	Patcher (#342) propane tank	603.00.5300.444.40042	139.08
FACTORY MOTOR PARTS COMP... 128-163631	05/11/2023	Stock filter	603.140.1450050	11.74
MIDWAY FORD 133169	05/11/2023	Pickup truck purchased for insp...	603.00.5300.444.80700	36,643.25
MIDWAY FORD 133170	05/11/2023	Pickup truck purchased for park...	603.00.5300.444.80700	39,345.10
MTI DISTRIBUTING CO 1382806-00	05/11/2023	Mower (#532) air cleaner	603.00.5300.444.40042	284.40
FACTORY MOTOR PARTS COMP... 1-8529761	05/11/2023	Stock filter	603.140.1450050	47.52
FACTORY MOTOR PARTS COMP... 1-8606866	05/11/2023	Stock filters	603.140.1450050	115.29
FACTORY MOTOR PARTS COMP... 1-8614430	05/11/2023	Stock filters	603.140.1450050	47.52
FACTORY MOTOR PARTS COMP... 19-904205	05/11/2023	Stock filter	603.140.1450050	11.74
FACTORY MOTOR PARTS COMP... 1-Z32433	05/11/2023	Stock battery	603.140.1450050	197.96
FACTORY MOTOR PARTS COMP... 1-Z32555	05/11/2023	Stock Battery	603.140.1450050	197.96
CUSTOM TRUCK ONE SOURCE, L... 2023002120509	05/11/2023	503 parks pickup rack and mou...	603.00.5300.444.40041	322.89
GERLACH OUTDOOR POWER E... 248238	05/11/2023	Mower shield	603.00.5300.444.40042	29.37

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L.T.G. POWER EQUIPMENT	276032	05/11/2023	Parts for mowers (#533 & 539)	603.00.5300.444.40042	410.71
L.T.G. POWER EQUIPMENT	276332	05/11/2023	Parks backpack blowers	603.00.5300.444.40042	39.92
NORTH AMERICAN TRAILER SAL...	30004204620	05/11/2023	Boom Truck (#330) silicone hose	603.00.5300.444.40041	88.56
NORTH AMERICAN TRAILER SAL...	30004205565	05/11/2023	Fire water truck parts and repai...	603.00.5300.444.40041	736.40
NORTH AMERICAN TRAILER SAL...	30004205689	05/11/2023	Boom Truck emergency lighting	603.00.5300.444.40041	61.38
NORTH AMERICAN TRAILER SAL...	30004205877	05/11/2023	Trailer LED light marker kit	603.00.5300.444.40042	36.36
NORTH AMERICAN TRAILER SAL...	30004205971	05/11/2023	Yellow emergency lights for 503...	603.00.5300.444.40041	217.69
NORTH AMERICAN TRAILER SAL...	30004205972	05/11/2023	800 Inspections pickup emerge...	603.00.5300.444.40041	217.69
MN GLOVE & SAFETY, INC.	341647	05/11/2023	Shop supplies	603.00.5300.444.60012	100.95
LITTLE FALLS MACHINE INC	368154	05/11/2023	333 Loader push block pivot	603.00.5300.444.40042	1,110.30
CINTAS CORPORATION	4154221746	05/11/2023	PW rugs	603.00.5300.444.40065	99.25
INVER GROVE FORD	5329126	05/11/2023	Inspections pickup floor con kit	603.00.5300.444.40041	148.93
INVER GROVE FORD	5329192	05/11/2023	#2333 Police Pickup floor con kit	603.00.5300.444.40041	148.93
INVER GROVE FORD	5329316	05/11/2023	Parts for Inspections pickup	603.00.5300.444.40041	37.38
INVER GROVE FORD	5329328	05/11/2023	Inspections pickup liner	603.00.5300.444.40041	136.85
INVER GROVE FORD	5329330	05/11/2023	Parks pickup liner	603.00.5300.444.40041	152.95
INVER GROVE FORD	5329339	05/11/2023	Inspections pickup spark plug a...	603.00.5300.444.40041	50.83
INVER GROVE FORD	5329369	05/11/2023	Parts for Squad car #2020	603.00.5300.444.40041	89.82
MAUER CHEVROLET	5500242	05/11/2023	Pickup element, filter kit, spark ...	603.00.5300.444.40041	305.61
NORTHERN SAFETY TECHNOLO...	55790	05/11/2023	503 Parks pickup on-off switch ...	603.00.5300.444.40041	11.60
INVER GROVE FORD	6388812	05/11/2023	Fire truck diesel enginge repair	603.00.5300.444.40041	1,484.01
FACTORY MOTOR PARTS COMP...	70-524280	05/11/2023	Stock filters	603.140.1450050	84.00
GRAINGER	9695061235	05/11/2023	Street supplies	603.00.5300.444.60016	26.05
POMP'S TIRE SERVICE, INC.	980105034	05/11/2023	Trailer (#543) tires	603.00.5300.444.60014	110.70
POMP'S TIRE SERVICE, INC.	980105166	05/11/2023	Towmax vanguard tires for Park...	603.00.5300.444.60014	456.60
SNAP-ON INDUSTRIAL	ARV/57243300	05/11/2023	Small tools	603.00.5300.444.60040	71.29
MACQUEEN EQUIPMENT INC	E01646	05/11/2023	Elgin sweeper (#325) purchase	603.00.5300.444.80400	193,502.00
ALTERNATORS STARTERS & PAR...	M000018871	05/11/2023	Fire Dept forklift alternator	603.00.5300.444.40042	228.64
MACQUEEN EQUIPMENT INC	P08952	05/11/2023	Fire Truck (#L13) recline assemb...	603.00.5300.444.40041	2,259.27
MACQUEEN EMERGENCY GRO...	P08963	05/11/2023	Fire Truck (#L13) seat cushion	603.00.5300.444.40041	687.24
MACQUEEN EMERGENCY GRO...	P09008	05/11/2023	Fire Truck (#E17) light repairs	603.00.5300.444.40041	245.84
MACQUEEN EMERGENCY GRO...	P09038	05/11/2023	Fire Truck (#E17) headlight bulbs	603.00.5300.444.40041	403.04
TRI-STATE BOBCAT INC.	P96328	05/11/2023	Parks toolcat	603.00.5300.444.40042	82.22
MACQUEEN EMERGENCY GRO...	W05104	05/11/2023	Fire truck (#R22) generator repa...	603.00.5300.444.40041	1,463.03
MACQUEEN EMERGENCY GRO...	W05115	05/11/2023	Fire Truck (#E17) maintenance ...	603.00.5300.444.40041	2,047.61
MACQUEEN EMERGENCY GRO...	W05132	05/11/2023	Fire Truck (#L13) mirror repairs	603.00.5300.444.40041	1,311.94
Fund 603 - CENTRAL EQUIPMENT Total:					299,194.33

Fund: 605 - CITY FACILITIES

CULLIGAN	157985030228X043023	05/04/2023	softener salt	605.00.7500.460.60016	87.50
PLUNKETT'S PEST CONTROL	7997276	05/04/2023	CH annual pest control svc	605.00.7500.460.40040	942.56
GRAINGER	9688659953	05/04/2023	gas solenoid valve FS2	605.00.7500.460.40040	180.38
LVC COMPANIES, INC.	113734	05/11/2023	repairs to Cold Storage systems	605.00.7500.460.40040	1,825.02
HUEBSCH SERVICES	20226506	05/11/2023	lobby mats	605.00.7500.460.40065	171.57
DRAIN BLASTER BILLS, LLC.	4/17/2023	05/11/2023	drain work at FS #1	605.00.7500.460.40040	1,125.00
AEP ONSITE PARTNERS, LLC	419-21429432	05/11/2023	Solar Panels Apr 2023	605.00.7500.460.40020	11,665.14
BRUCE NELSON PLUMBING AND..	4322	05/11/2023	checked on CH leak - coming fr...	605.00.7500.460.40040	188.00
NASSEFF PLUMBING & HEATING..	50450	05/11/2023	RPZ testing - CH/PD	605.00.7500.460.40040	192.00
NASSEFF PLUMBING & HEATING...	50451	05/11/2023	RPZ testing - PW	605.00.7500.460.40040	740.00
NASSEFF PLUMBING & HEATING...	50452	05/11/2023	RPZ testing - FS #1	605.00.7500.460.40040	329.00
NASSEFF PLUMBING & HEATING...	50453	05/11/2023	RPZ testing - FS #2	605.00.7500.460.40040	466.00
SHERWIN-WILLIAMS CO.	9638-7	05/11/2023	paint	605.00.7500.460.40040	29.37
GRAINGER	9700008569	05/11/2023	light bulbs	605.00.7500.460.60016	401.60
KENDELL DOORS & HARDWARE	IN075728	05/11/2023	City Hall door install work	605.00.7500.460.40040	6,824.20
Fund 605 - CITY FACILITIES Total:					25,167.34

Fund: 606 - TECHNOLOGY FUND

ZAYO GROUP, LLC	19424854	05/04/2023	PRI circuit 4.2023	606.00.1400.413.50020	1,583.83
ZAYO GROUP, LLC	19438908	05/04/2023	PRI lines 4.2023	606.00.1400.413.50020	1,797.35
TDS METROCOM	4/13/2023	05/04/2023	Analog lines	606.00.1400.413.50020	177.68
LOCAL GOVERNMENT INFORM...	53715	05/04/2023	Internet	606.00.1400.413.50070	1,991.00
INNOVATIVE OFFICE SOLUTIONS	IN4087246	05/04/2023	Printer paper	606.00.1400.413.60005	175.80

Expense Approval Report

Payment Dates: 5/3/2023 - 5/16/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
CDW GOVERNMENT INC	JF91211	05/04/2023	Printer Ink	606.00.1400.413.40050	433.86
INNOVATIVE OFFICE SOLUTIONS	SUM-072957-4147384	05/04/2023	Printer paper	606.00.1400.413.60005	175.80
Fund 606 - TECHNOLOGY FUND Total:					6,335.32
Fund: 702 - ESCROW FUND					
ST. PAUL PIONEER PRESS	423572521	05/04/2023	Ord # 1447 Dog Training 3-09C...	702.229.2283903	123.48
ST. PAUL PIONEER PRESS	423572521	05/04/2023	NOPH: Gunderson 23-17ZPA	702.229.2289503	25.48
ST. PAUL PIONEER PRESS	423572521	05/04/2023	NOPH Staples Land 23-12SV	702.229.2306603	26.46
ST. PAUL PIONEER PRESS	423572521	05/04/2023	NOPH Bituminous Rdwys 22-37...	702.229.2307003	30.38
Fund 702 - ESCROW FUND Total:					205.80
Grand Total:					1,391,795.09



Request for Council Action

SUBJECT: **Personnel Actions**

MEETING DATE: May 22, 2023

ITEM TYPE: Consent Agenda

CONTACT: Cora Bauer, HR Coordinator, 651.450.2490

ACTION REQUESTED

The Council is asked to confirm and approve the personnel actions as attached.

BACKGROUND

The attached listing of hires, promotions, resignations and/or retirements is presented for Council approval. Data contained in the attachment is not public information until after Council takes action.

FISCAL IMPACT

All positions to be filled are funded within the adopted City budget.

RECOMMENDATION

Staff recommends approval of the attached personnel actions.

ATTACHMENTS

1. Personnel Actions 05.22.23



Personnel Actions - Council Agenda Attachment

Meeting Date:	May 22, 2023
Item Type:	Consent Agenda
Contact:	Cora Bauer
Prepared by:	Cora Bauer
Reviewed by:	Janet Shefchik, HR Manager

Seasonal/Temporary Employment:

Kaden Kirsch, Park Maintenance Helper
Isaac Rabaey, Park Maintenance Helper
Jack Mitchell-Peterson, Golf Course Concessionaire
Joe Dirfronzo, Kids Rock Assistant
Will Hawkins, Engineering Intern
Josephine Lescarbeau, Golf Course Outside Services
Mia Ciarochi, Golf Course Concessionaire
Jacob Kraus, Golf Course Outside Services
Matthew Goldade, Golf Course Laborer
Jon Fisher, Aquatics Manager
Rowen McKnight, Golf Course Laborer
Dustin Halbert, Golf Course Laborer
Andrew Eckmann, Golf Course Outside Services
Abby Barschdorf, Golf Course Concessionaire
Kenidee Goduto, Kids Rock Assistant
Michael Tarara, Golf Course Concessionaire
Olivia Anderson, Golf Course Concessionaire
Sam Phipps, Golf Course Laborer
Matthew Beekman, Golf Course Laborer
Josalynn Abbott, Golf Course Concessionaire
Lucas Bollback, Park Maintenance Helper
Anthony Zepeda, Kids Rock Assistant
Owen McLoone, Golf Course Outside Services
Isak Christopherson, Golf Course Outside Services
Antonio Pedri, Golf Course Laborer

Voluntary Resignations, Retirements and/or Terminations:

Alanna Sobottka, Engineering Intern
Lynn Fuller, Manager on Duty
Quinn Sporer, Lifeguard



Request for Council Action

SUBJECT: **Resolution to Accept Donation**

MEETING DATE: May 22, 2023

ITEM TYPE: Consent Agenda

CONTACT: Melissa Chiodo, Police Chief, 651.450.2526

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, accepting an anonymous donation to the Police Department to be used for a memorial for Officer Ben Bidon.

BACKGROUND

A community member sent a check for \$1000 with a note to the Police Chief asking that the money be used for the Officer Ben Bidon Memorial. Officer Ben Bidon, an eight-year member of the Inver Grove Heights Police Department and a resident of Inver Grove Heights, unexpectedly passed away on April 30 of this year. Specific plans for use of the funds in a manner that will honor Officer Bidon will be developed by a committee of Police Department personnel.

FISCAL IMPACT

RECOMMENDATION

The Police Chief recommends adoption of the attached Resolution.

ATTACHMENTS

1. Resolution Accepting Donation

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

RESOLUTION NO. _____

RESOLUTION ACCEPTING \$1,000 IN DONATIONS FOR THE POLICE DEPARTMENT

WHEREAS, the City Council of the City of Inver Grove Heights (City), is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes, Section 465.03, for the benefit of its citizens and is specifically authorized to accept gifts; and

WHEREAS, an anonymous donor would like to donate \$1,000 to the Police Department for the Officer Ben Bidon memorial account; and

WHEREAS, the City is appreciative of the donation and finds that it is appropriate to accept.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS, MINNESOTA, does hereby accept the donation of funds in the amount of \$1,000 and commit the funds as follows: \$1000 towards the memorial for Officer Ben Bidon (101.42.4000.421.60068).

Adopted this 22nd day of May 2023 by the City Council of Inver Grove Heights, MN

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk



Request for Council Action

SUBJECT: **Exempt Gambling Permit for Ducks Unlimited**

MEETING DATE: May 22, 2023

ITEM TYPE: Consent Agenda

CONTACT: Rebecca Kiernan, City Clerk, 651.450.2513

ACTION REQUESTED

The Council is asked to approve the application of Ducks Unlimited for an exempt gambling permit to have a raffle at the Loyal Order of Moose Lodge #1088, 5927 Concord Blvd, on June 4, 2023.

BACKGROUND

Ducks Unlimited is seeking approval of an exempt gambling permit to hold a raffle event at the Loyal Order of Moose Lodge #1088 on June 4, 2023. Ducks Unlimited is a non-profit conservation organization specializing in habitat restoration and clean water across North America.

FISCAL IMPACT

none

RECOMMENDATION

Staff recommends approval of the exempt gambling permit.

ATTACHMENTS

1. Exempt Gambling Permit Application
2. Charter for Ducks Unlimited Cottage Grove Chapter

LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.

Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: Cottage Grove Ducks Unlimited

Previous Gambling Permit Number: X-82007

Minnesota Tax ID Number, if any: _____

Federal Employer ID Number (FEIN), if any: _____

Mailing Address: 7100 Knox Avenue South

City: Richfield State: MN Zip: 55423 County: Hennepin

Name of Chief Executive Officer (CEO): Robyn Jenzen

CEO Daytime Phone: 612-749-5386 CEO Email: rjenzen@gmail.com

(permit will be emailed to this email address unless otherwise indicated below)

Email permit to (if other than the CEO): _____

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

☐ Fraternal ☐ Religious ☐ Veterans ☒ Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

☐ **A current calendar year Certificate of Good Standing**

Don't have a copy? Obtain this certificate from:

MN Secretary of State, Business Services Division
60 Empire Drive, Suite 100
St. Paul, MN 55103

Secretary of State website, phone numbers:

www.sos.state.mn.us

651-296-2803, or toll free 1-877-551-6767

☐ **IRS income tax exemption (501(c)) letter in your organization's name**

Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.

☒ **IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**

If your organization falls under a parent organization, attach copies of both of the following:

1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling; and
2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): Loyal Order of Moose 1088

Physical Address (do not use P.O. box): 5927 Concord Blvd

Check one:

☒ City: Inver Grove Heights Zip: 55076 County: Dakota

☐ Township: _____ Zip: _____ County: _____

Date(s) of activity (for raffles, indicate the date of the drawing): June 4th, 2023

Check each type of gambling activity that your organization will conduct:

☒ Bingo ☐ Paddlewheels ☐ Pull-Tabs ☐ Tipboards ☒ Raffle

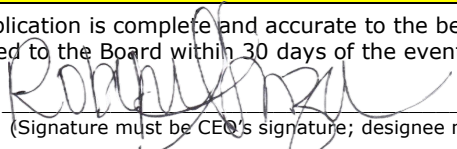
Gambling equipment for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under the **List of Licensees** tab, or call 651-539-1900.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

CITY APPROVAL for a gambling premises located within city limits	COUNTY APPROVAL for a gambling premises located in a township
☐ The application is acknowledged with no waiting period. ☐ The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city). ☐ The application is denied.	☐ The application is acknowledged with no waiting period. ☐ The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days. ☐ The application is denied.
Print City Name: _____ Signature of City Personnel: _____ Title: _____ Date: _____	Print County Name: _____ Signature of County Personnel: _____ Title: _____ Date: _____
The city or county must sign before submitting application to the Gambling Control Board.	
TOWNSHIP (if required by the county) On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.) Print Township Name: _____ Signature of Township Officer: _____ Title: _____ Date: _____	

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature:  Date: 5/5/2023

(Signature must be CEO's signature; designee may not sign)

Print Name: Robyn Jenzen

REQUIREMENTS

Complete a separate application for:

- all gambling conducted on two or more consecutive days; or
- all gambling conducted on one day.

Only one application is required if one or more raffle drawings are conducted on the same day.

Financial report to be completed within 30 days after the gambling activity is done:
 A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.

Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).

MAIL APPLICATION AND ATTACHMENTS

Mail application with:

- _____ a copy of your proof of nonprofit status; and
- _____ application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**. Make check payable to **State of Minnesota**.

To: Minnesota Gambling Control Board
 1711 West County Road B, Suite 300 South
 Roseville, MN 55113

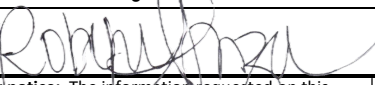
Questions?
 Call the Licensing Section of the Gambling Control Board at 651-539-1900.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the

application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Depart-

ment of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

Checklist for Exempt Raffle

Organization Name: Cottage Grove Ducks Unlimited		Previous Gambling Permit #: X- 82007	Date of Raffle Drawing: June 4th, 2023
INSTRUCTIONS: - The purpose of this form is to help your organization conduct exempt raffles in compliance with the requirements listed below. Detailed information regarding each requirement is available by clicking on the following links [in blue italics]: 1) applicable statutes and rules; 2) the <i>Lawful Gambling Manual</i> chapter on raffles; 3) the online class, "<i>Conduct of Raffles</i>"; and 4) the <i>phone number and email address</i> of your county's Compliance Specialist. - After reading each checklist item, mark "Yes" to indicate that you understand the requirement and agree to comply. After answering "Yes" to each applicable item, your organization's CEO must sign the acknowledgment below. Include the completed checklist as part of your application to conduct an exempt raffle.			
Yes	N/A	- If tickets will be sold prior to the event, mark "Yes" to item #1 and mark "N/A" to items #2 and #3. - If tickets are sold only at the event using theater tickets, mark "N/A" to item #1 and answer "Yes" to items #2 and #3.	Yes Conduct
☒	☐	1. Tickets are printed in accordance with MN Rule 7861.0310 .	☒ 9. Only cash, personal checks, cashier's checks, money orders, travelers' check, and debit cards may be accepted (NO CREDIT CARDS). (349.2127) (7861.0260)
☒	☐	2. Tickets contain the sequential number of the raffle ticket. (349.173)	☒ 10. The method of selection cannot be manipulated or based on the outcome of an event not under the organization's control. (349.173)
☒	☐	3. A list of prizes and a statement of other relevant information is made available to ticket purchasers. (349.173)	☒ 11. Persons are not required to be present at a raffle drawing to be eligible to win. (349.173) (7861.0310)
Yes	Prizes		☒ 12. Raffle tickets are not sold to or won by persons under age 18. (349.181) (7861.0310)
☒	4. The organization is the sole owner of all the real or personal property to be awarded. (7861.0260)		☒ 13. Purchasers are not required to buy anything other than the ticket. (349.173) (7861.0310)
☒	5. A merchandise certificate is used when a prize requiring registration or licensure (guns, cars, ATVs, etc.) is offered. (7861.0260)		Yes House Rules
☒	6. Prizes must not consist of lawful gambling equipment including raffle tickets for another raffle. (7861.0260)		☒ 14. Clear and legible house rules in accordance with MN Rule 7861.0310 are prominently posted at the point of winner selection.
☒	7. The total value of lawful gambling prizes awarded (use fair market value for donated prizes) does not exceed \$50,000 in a calendar year. (349.166)		Yes Post Raffle Conduct
☒	8. Alcohol is only awarded as a prize to persons who demonstrate that they are 21 years of age or older. (340A.707)		☒ 15. An exempt permit financial report (LG220A) must be submitted to the Gambling Control Board within 30 days of the gambling occasion. (349.166)
			☒ 16. Gambling funds may only be spent for allowable expenses and lawful purposes. (349.12 3a & 25)
			☒ 17. Gambling records must be kept for 3½ years. (7861.0310)
CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)			
Noncompliant Activity: I acknowledge by signing below that my organization must follow all raffle rules and that any gambling activity conducted by the organization at the event that is not in compliance with Minnesota Statute and Rule may subject the organization to citation or the inability to receive future permits to conduct gambling. I understand that my permit will not be issued until this form has been completed and submitted to the Minnesota Gambling Control Board.			
Signature: 		Date: 3/23/2023	Print Name: Robyn Jenzen
Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the application.		Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Department of Public	
		Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.	

This form will be made available in alternative format (i.e., large print, braille) upon request.

An equal opportunity employer

How You May Spend Gambling Funds	How You May Not Spend Gambling Funds
Allowable expenses - Gambling funds may be spent for allowable expenses, such as: • gambling equipment (pull-tabs, bingo paper, bingo blower, paddlewheel tickets, tipboard games); • advertising; • printing raffle tickets; or • any services or goods that are directly related to the conduct of your gambling. Charitable contributions - Gambling funds may be spent for the following charitable contributions (lawful purpose): • to or by 501(c)(3) organization and 501(c)(4) festival organizations; • relieving the effects of poverty, homelessness, or disability; • problem gambling programs approved by the Minnesota Department of Human Services; • public or private nonprofit school; • scholarships (if a contribution is made to a scholarship fund, it must be made to a nonprofit organization whose primary mission is to award scholarships); • church; • recognition of military service (open to public or active military personnel in need); • activities and facilities benefiting youth under age 21; • citizen monitoring of surface water quality, with data submitted to Minnesota PCA; • unit of government (NOTE: A direct contribution to a law enforcement or prosecutorial agency is not allowed); • wildlife management projects or activities that benefit the public-at-large, with DNR approval; • grooming and maintaining snowmobile or all-terrain trails that are grant-in-aid trails, or other trails open to public use, with DNR approval; • supplies and materials for DNR training and educational programs; • nutritional programs, food shelves, and congregate dining programs primarily for persons who are 62 or older or disabled; • community arts organizations or programs; • humanitarian service recognizing volunteerism or philanthropy; and • acquisition and repair of real property and capital assets (contact the Gambling Control Board for requirements).	1. Controlled contribution - An organization may not retain any control over any contribution made from gambling funds. The only exception is for expenditures by a 501(c)(3) organization or a 501(c)(4) festival organization to its general fund. 2. Financial gain - A contribution or expenditure may not be made if it results in any monetary, economic, financial, or material benefit to the organization making the contribution or expenditure. 3. Government - An expenditure may not be made for: • influencing the nomination or election of a candidate for public office; • promoting or defeating a ballot question; or • any activity intended to influence an election or a governmental decision-making process. 4. Law enforcement - A direct contribution may not be made to a law enforcement or prosecutorial agency. 5. Pension - A contribution may not be made to a government pension or retirement fund, such as a fire relief association. 6. Conflict of interest - A contribution or expenditure may not be made if it is not allowed under the conflict of interest provisions of the Minnesota Nonprofit Corporation Act, Minnesota Statutes, Section 317A.255. 7. Alcohol - An expenditure may not be made for the purchase of any intoxicating liquor, wine, or malt beverages. 8. Fundraising - An expenditure may not be made for fundraising costs, except as allowed for a 501(c)(3) organization or 501(c)(4) festival organization from its general fund. 9. Other organizations - With few exceptions, gambling funds may not be contributed to other organizations or clubs such as veterans, fraternal, Lions, etc. unless it is a 501(c)(3) organization. 10. Other contributions - A contribution may not be made to a 501(c)(3) organization or another entity with the intent or effect of not complying with lawful purpose restrictions or requirements.

29034610

Date of This Notice:

05-13-86

Employer Identification Number

41-1549745

If you inquire about your account, please refer to this number or attach a copy of this notice.

DUCKS UMLIMITED INC
COTTAGE GROVE CHAP COTTAGE GROVE MN 184
1 WATERFOWL WAY GILMER RD
LONG GROVE IL 60047

NOTICE OF NEW EMPLOYER IDENTIFICATION NUMBER ASSIGNED

Thank you for your Form SS-4, Application for Employer Identification Number. The number assigned to you is shown above. This number will be used to identify your business account and related tax returns and documents, even if you do not have employees.

Please keep a copy of this number in your permanent records. Use this number and your name, exactly as shown above, on all Federal tax forms that require this information, and refer to the number on all tax payments and tax-related correspondence or documents.

If your business is a partnership which must obtain prior approval for its tax year, the tax year you entered in Block 3 of your Form SS-4 does not establish a tax year. For guidance in determining if you must request prior approval and the method of doing so, see IRS Publication 538, Accounting Periods and Methods, available at most IRS offices.

For Exempt Organizations, please see the message on the reverse side.
Thank you for your cooperation.

575 0

Form 5372 (Rev. 8-85)

*U.S. GPO 1985-463-673

Form SS-4

(Rev. 9-82)
Department of the Treasury
Internal Revenue Service

Application for Employer Identification Number

(For use by employers and others as explained in the instructions.
Please read the instructions before completing this form.)

OMB No. 1545-0003 Expires 9-30-85

1 Name (True name and not trade name. If partnership, see page 4.) Cottage Grove Chapter - Ducks Unlimited, Inc.		2 Social security no., if sole proprietor	3 Ending month of accounting year December 31
4 Trade name, if any, of business (if different from item 1)		5 General partner's name, if partnership; principal officer's name, if corporation; or grantor's name, if trust	
6 Address of principal place of business (Number and street)		7 Mailing address, if different 1 Waterfowl Way at Gilmer Rd. Long Grove, IL 60047	
8 City, State, and ZIP code Cottage Grove, MN		9 County of principal business location Washington	
10 Type of organization ☐ Governmental ☒ Nonprofit organization ☐ Individual ☐ Trust ☐ Partnership ☐ Corporation ☐ Purchased going business ☐ Other (specify)		11 Date you acquired or started this business (Mo., day, year) 1/1/85	
12 Reason for applying ☒ Started new business ☐ Other (specify)		13 First date you paid or will pay wages for this business (Mo., day, year) N/A	
14 Nature of principal business activity (See instructions on page 4.) Charitable, Scientific, Educational- Wildlife Conservation		15 Do you operate more than one place of business? ☐ Yes ☒ No	
16 Peak number of employees expected in next 12 months (If none, enter "0")	Nonagricultural 0	Agricultural 0	Household 0
18 To whom do you sell most of your product or service?			

DUCKS UNLIMITED, INC., CHAPTER CHARTER

DUCKS UNLIMITED, INC., a District of Columbia not-for-profit corporation does hereby officially recognize and Charter the Cottage Grove Chapter Cottage Grove (City) MN (State), as an official Chapter of Ducks Unlimited, Inc. This Charter shall remain in force and effect for so long as the aforementioned Chapter shall abide by and comply with the then current and existing Articles of Incorporation, Code of Regulations, Operational Policies as set forth in the Operating Manual and Chapter Guidelines and Regulations, of Ducks Unlimited, Inc.

IN WITNESS WHEREOF, I, PETER H. COORS, President of Ducks Unlimited, Inc., have caused to be executed this Local Committee Charter on this 29 day of Jan, 198586

DUCKS UNLIMITED, INC.

By: Peter H. Coors
Peter H. Coors, President

ACCEPTED by the Cottage Grove Chapter
Cottage Grove (City) MN (State), this
29 day of Jan, 198586

By: Alan C. Running
Chairman

AUTHORIZATION

The undersigned, Chairman of the Cottage Grove Chapter of Ducks Unlimited, Inc., hereby authorizes Ducks Unlimited, Inc., to include said Chapter in an application for group income tax exemption under Section 501.(c) (3) of the Internal Revenue Code, thereby relieving said Chapter from the burden of obtaining a separate exemption determination.

Cottage Grove
Chapter of Ducks Unlimited, Inc.
Cottage Grove MN
(City) (State)

1/29/86
Date

By: Alan C. Running
Chairman



Request for Council Action

SUBJECT: **Professional Services Agreement for Insurance Agent Services**

MEETING DATE: May 22, 2023

ITEM TYPE: Consent Agenda

CONTACT: Sam Hosszu, Assistant Finance Director, 651.450.2516
Amy Hove, Finance Director, 651.450.2521

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, approving the professional services agreement with North Risk Partners, LLC for insurance agent services.

BACKGROUND

The City of Inver Grove Heights's insurance coverage for property/casualty (property, liability, automobiles) and workers' compensation is provided by the League of Minnesota Insurance Trust (LMCIT). The City has maintained these insurance coverages from LMCIT since 1985. The policy coverage period for property/casualty and workers' compensation runs from September 1 through August 31 annually. The next renewal date is scheduled for September 1, 2023.

The City also procures liquor liability insurance for Inver Wood Golf Course from Founders Insurance Company. That policy coverage period is an annual term and expires January 1, 2024.

As a condition of participating in the LMCIT property/casualty program, members must have an insurance agent. An agent provides advice and assistance in pulling together and reporting data needed for rating purposes, helps an organization manage its claims, assists with annual policy renewals, reviews coverage documents, and assists with safety and loss control activities, among other things. Members have the option not to use the services of an agent for the workers' compensation program, although most do. In the past, the City of Inver Grove Heights has only utilized an agent for the property/casualty program and liquor liability renewal, but when the City recently issued an RFP for this service, it included the potential add-on for services associated with the City's workers' compensation renewal. Staff believe the additional support for that could prove beneficial.

Arthur J. Gallagher is the city's current agent of record for property/casualty and liquor liability renewals.

On April 10, 2023, the City Council approved issuance of an RFP to solicit insurance broker services. The RFP was distributed by staff and advertised starting on April 11, 2023, with a deadline for submission of April 28, 2023. The City received submissions from the following three firms: Arthur J. Gallagher Risk Management Services, LLC, Assured Partners of Minnesota, and North Risk Partners LLC.

Staff analyzed and graded each of the proposals using a matrix that factored in price, firm experience, agent experience, premium volume and references. Of the three proposals received, North Risk Partners, LLC (North Risk) received the highest score and proposed the lowest fee structure. North Risk currently oversees \$95,000,000 in premium volume with LMCIT which is the highest agent premium volume by any single agency.

FISCAL IMPACT

The City currently pays approximately \$43,000 per year for property/casualty and liquor liability agent services. The proposed fee structure presents a significant annual savings to the City, plus provides the City with additional services to help oversee the annual workers' compensation renewal.

This proposed contract is for a three-year period, with the ability to extend for an additional two-years. The negotiated fee structure includes an annual increase of 5.5% each year for agent services covering the City's property/casualty, workers' compensation coverage, and liquor liability coverages.

Policy Period	Agent Fees
Initial 3-Year Contract	
September 1, 2023 - August 31, 2024	20,957
September 1, 2024 - August 31, 2025	22,110
September 1, 2025 - August 31, 2026	23,326
Initial 3-Year Contract	66,393
Optional 2-Year Extension	
September 1, 2026 - August 31, 2027	24,609
September 1, 2027 - August 31, 2028	25,962
Initial 3-Year Contract + 2-Year Extension	116,964

RECOMMENDATION

Staff recommends adoption of the attached Resolution, approving the professional services agreement with North Risk Partners, LLC for insurance agent services.

ATTACHMENTS

1. Resolution
2. Professional Services Agreement

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

**RESOLUTION TO ACCEPT PROPOSAL AND ENTER CONTRACT FOR
INSURANCE AGENT SERVICES WITH NORTH RISK PARTNERS, LLC.**

WHEREAS, the League of Minnesota Cities Insurance Trust (LMCIT) requires cities to use the services of an agent in order to participate in the LMCIT property/casualty program; and

WHEREAS, the City Council authorized the advertisement of request for proposals for insurance agent services via resolution number 2023-083.

WHEREAS, the City Council has reviewed and considered the written materials from LMCIT discussing the agent's role and compensation in LMCIT; and

WHEREAS, North Risk Partners, LLC has agreed that they are willing to provide to the city the services listed below under the terms and conditions listed within the signed contract

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF INVER GROVE HEIGHTS, that, the City Council of Inver Grove Heights hereby appoints as its agent for purposes of the City's participation in the LMCIT property/casualty and workers' compensation program, and liquor liability coverage, North Risk Partners LLC. This appointment shall remain effective until August 31, 2026, with the option for a renewal term of September 1, 2026 – August 31, 2028

Adopted this 22nd day of May 2023 by the City Council of Inver Grove Heights, MN

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

CITY OF INVER GROVE HEIGHTS PROFESSIONAL SERVICES AGREEMENT

This **PROFESSIONAL SERVICES AGREEMENT** (Agreement) is entered into this 23rd day of May, 2023, by and between the City of Inver Grove Heights, a Minnesota municipal corporation, (City) and North Risk Partners, LLC a Minnesota limited liability company (Consultant).

WHEREAS, the City has accepted the proposal of the Consultant for certain professional services as described in **Exhibit A**; and

WHEREAS, Consultant desires to perform the Services for the City under the terms and conditions set forth in this Agreement.

NOW THEREFORE, in consideration of the mutual consideration contained herein, it is hereby agreed by City and Consultant as follows:

1. **Term of Agreement**. This Agreement shall be in effect from the date of execution by all parties (the “Effective Date”) and shall continue until the time identified in **Exhibit A: Scope of Services**, unless terminated earlier in accordance with the terms of this Agreement. The Term of this Agreement may be extended upon the written mutual consent of the parties for such additional period as they deem appropriate upon the same terms and conditions as herein stated.

2. **Scope of Services**. City hereby agrees to engage Consultant as an Independent Contractor for the purposes of performing all of the services and supplying the goods (if any) set forth in the attached **Exhibit A: Scope of Services**.

3. **Time is of the Essence**. This Agreement is made in anticipation of conditions permitting continuous and orderly progress through completion of work as detailed in the Scope of Services and the Consultant’s Proposal. Times for performance shall be extended as necessary for delays or suspensions due to circumstances outside the reasonable control of the Consultant. Notwithstanding any other provision of this Agreement, the Consultant shall not have liability for or be deemed in breach because of delays caused by any factor outside of its reasonable control, including but not limited to natural disasters, adverse weather, or acts of the City, third parties, or governmental agencies.

4. **Contract Documents**. The following documents shall be referred to as the “Contract Documents,” all of which shall be taken together as a whole, as the contract between the City and Consultant:

- A. This Professional Services Agreement.
- B. Request for Proposals, Dated April 11, 2023
- C. Consultant’s Proposal dated April 28, 2023 (Consultant’s Proposal)

In the event of a conflict among the provisions of the Contract Documents, the terms of this Professional Services Agreement shall control in resolving any such conflict within the Contract Documents.

5. **Compensation.** The City shall pay the Consultant and the Consultant shall accept as payment for performance of the Services described in the Scope of Services the fee(s) as described on **Exhibit B: Schedule of Payment and Fee Schedule**. The total contract amount listed on **Exhibit B: Schedule of Payment and Fee Schedule** is inclusive of reimbursables, taxes, and all other charges (the “Fee”). Unless the City has agreed to pay the Consultant on an hourly basis, this Fee shall not be adjusted if the estimated hours to perform a task, the number of required meetings, or any other estimate or assumption is exceeded. Consultant shall submit itemized bills for the Services provided to the City on a monthly basis. Prior to payment, Consultant will submit evidence that all payrolls, materials bills, subcontractors, and other indebtedness connected with the Services have been paid as may be required by the City. Bills submitted to the City shall be paid in the same manner as other claims made to the City. The Fees for Professional Services shall be as specified in the attached **Exhibit B: Schedule of Payment and Fee Schedule**, or as specified in a supplemental agreement or work order approved in writing by the City. The Consultant may update its fee schedule annually by providing the City with its revised fee schedule.

6. **Change Orders.** Any changes to the Scope of Services shall require prior written approval by the authorized representative of the City or by the City Council. The City will not pay additional compensation for Services that do not have prior written authorization.

7. **Compliance with Laws and Regulations.** In providing Services hereunder, Consultant shall abide by all federal, state, and local laws, regulations, statutes, ordinances, and rules pertaining to the provisions of the Services to be provided to the City.

8. **Standard of Care.** Consultant represents that it has the requisite training, skills, and experience necessary to provide the Services, and is appropriately licensed and has obtained all permits from all applicable agencies and governmental entities. Consultant shall exercise the same degree of care, skill, and diligence in the performance of the Services as is ordinarily possessed and exercised by a professional consultant under similar circumstances.

9. **Indemnification.** The Consultant agrees, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City, and its employees, officials, and agents from and against all claims, actions, damages, liability, losses, expenses or other costs (including reasonable attorney's fees and cost of defense) arising out of Consultant's negligence or Consultant's performance or failure to perform its obligations under this Agreement. Consultant's indemnification obligation shall apply to Consultant's subcontractor(s), or anyone directly or indirectly employed or hired by Consultant, or anyone for whose acts Consultant may be liable. Consultant agrees this indemnity obligation shall survive the completion or termination of this Agreement.

No supplemental agreement, work order, or Authorization to Proceed under this Agreement may reduce or limit this obligation.

10. Insurance. Unless more specific insurance provisions are listed in the Scope of Services, the following will apply. At all times during the term of this Agreement, Consultant shall obtain and keep in force the following types of insurance in the following minimum amounts:

- i. Commercial General Liability. Consultant will obtain and keep Commercial General Liability insurance including coverage for bodily injury and property damage with limits not less than \$1,000,000 each occurrence and \$2,000,000 annual aggregate. The policy shall cover liability arising from premises, operations, products-completed operations, personal injury, advertising injury, and contractually assumed liability. The City, including its elected and appointed officials, employees, and agents, shall be endorsed as additional insured.
- ii. Automobile Liability. If Consultant operates a motor vehicle in performing the Services, Consultant will obtain and keep Business Automobile Liability insurance with a minimum limit of not less than \$1,000,000 per occurrence, Combined Single Limit for Bodily Injury and Property Damage, including coverage for owned, hired or non-owned vehicles, as applicable.
- iii. Professional Liability/Errors & Omissions. Consultant will obtain and keep Professional Liability/Errors & Omissions insurance with a limit of not less than \$1,000,000 per claim/occurrence and \$2,000,000 annual aggregate for damages caused by error, omission or negligent acts related to any professional services to be provided under this Agreement. If written on a claims-made basis, the professional liability insurance will be maintained for a period of not less than two (2) years following the expiration or termination of this Agreement.
- iv. Workers' Compensation/Employers Liability. Consultant will obtain and keep Workers' Compensation insurance as required by statute and Employers Liability insurance with limits not less than \$1,000,000 each accident, \$1,000,000 disease – each employee, \$1,000,000 disease – policy limit.

These insurance policies are to be issued by an insurance company authorized to do business in the State of Minnesota with an A.M. Best rating of A- or better. City shall be included as an additional insured for General Liability, Automobile Liability, and any Umbrella/Excess Liability policy. Limit requirements may be met through combination of Primary and Umbrella/Excess insurance. All such policies will provide for thirty (30) days' written notice to the City prior to cancellation or non-renewal or ten (10) days' written notice for non-payment of premium. Consultant's insurance must be primary and non-contributory with regard to any insurance or self-insurance maintained by the City. Consultant and its insurers waive all rights of subrogation against the City. A Certificate of Insurance evidencing the requirements contained in this clause must be provided prior to the commencement of the Services and annually thereafter as dictated by the terms of the Certificate of Insurance.

11. Independent Contractor. The City hereby retains Consultant as an Independent Contractor upon the terms and conditions set forth in this Agreement. Consultant is not an employee of the City and is free to contract with other entities as provided herein. Consultant shall

be responsible for selecting the means and methods of performing the work outlined in the Scope of Services. Consultant shall furnish any and all supplies, equipment, and incidentals necessary for Consultant's performance under this Agreement. Consultant shall be exclusively responsible under this Agreement for Consultant's own FICA payments, Workers' Compensation payments, unemployment compensation payments, withholding amounts, and/or self-employment taxes if any such payments, amounts, or taxes are required to be paid by law or regulation.

12. Subcontractors. Consultant shall not enter into any subcontracts for Services provided under this Agreement without the express written consent of the City. Consultant shall comply with the provisions of Minnesota Statutes § 471.425. Consultant must pay subcontractor for all undisputed services provided by subcontractor within ten (10) days of Consultant's receipt of payment from the City. Consultant must pay interest of 1.5% (one and one-half percent) per month or any part of a month to subcontractor on any undisputed amount not paid on time to subcontractor. The minimum monthly interest penalty payment for an unpaid balance of \$100 or more is \$10.

13. Minnesota Government Data Practices Act. Pursuant to Minnesota Statutes, § 13.05, subd. 11, all of the data created, collected, received, stored, used, maintained, or disseminated by Consultant in performing those functions that the City would perform while performing the Services are subject to the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, and Consultant must comply with the Minnesota Government Data Practices Act as it applies to (1) all data provided by the City pursuant to this Agreement, and (2) all data created, collected, received, stored, used, maintained, or disseminated by Consultant pursuant to this Agreement. Consultant is subject to all the provisions of the Minnesota Government Data Practices Act, including but not limited to the civil remedies of Minnesota Statutes, Section 13.08, as if it were a government entity. In the event Consultant receives a request to release data, Consultant must immediately notify City. City will give Consultant instructions concerning the release of the data to the requesting party before the data is released. Consultant agrees to defend, indemnify, and hold City, its officials, officers, agents, employees, and volunteers harmless from any claims resulting from Consultant's officers', agents', partners', employees', assignees', or subcontractors' unlawful disclosure and or use of protected data. The terms of this paragraph shall survive the cancellation or termination of this Agreement.

14. Intellectual Property Rights.

A. Intellectual Property Rights of City. City owns all rights, title, and interest in all the intellectual property rights, including copyrights, patents, trade secrets, trademarks and service marks in the Works and Documents created and paid for under this Agreement. "Works" means all inventions, improvements, discoveries (whether or not patentable), databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes and disks conceived, reduced to practice, created or originated by the Consultant, its employees, agents and subcontractors, either individually or jointly with others in the performance of the Services under this Agreement. Works includes Documents. "Documents" are the originals of any databases, computer

programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, disks, or other materials, whether in tangible or electronic forms, prepared by the Consultant, its employees, agents, or subcontractors, in the performance of this Agreement. Documents will be the exclusive property of the City and the Consultant must immediately return all such Documents to the City upon completion or cancellation of this Agreement. To the extent possible, those Works eligible for copyright protection under the United States Copyright Act will be deemed to be “works made for hire”. The Consultant assigns all right, title, and interest it may have in the Works and the Documents to the City. The Consultant must, at the request of the City, execute all papers and perform all other acts necessary to transfer or record the City’s ownership interest in the Works and Documents.

B. Intellectual Property Rights of Consultant. The Consultant retains title and interest in all its standard details, plans, specifications, and engineering computation documents (“Previously Created Works and Documents”), whether in written or electronic form, which have been incorporated into the Works and Documents, but which were developed by the Consultant independent of this Agreement. The Consultant issues to the City a royalty-free, nonexclusive, and irrevocable license to use the Previously Created Works and Documents.

C. Notification. Whenever the Consultant reasonably believes it, or its employees or subcontractors has made an invention, improvement, or discovery (whether or not patentable) in the performance of this Agreement, and has or actually or constructively reduced it to practice, the Consultant will immediately give the City’s authorized representative written notice thereof and must promptly furnish the City’s authorized representative with complete information and/or disclosure thereon.

D. Representation. The Consultant must perform all acts and take all steps necessary to ensure that all intellectual property rights in the Works and Documents created and paid for under this Agreement are the sole property of the City and that neither the Consultant nor its employees, agents or subcontractors retain any interest in and to the Works and Documents created and paid for under this Agreement, except that the Consultant need not obtain patents, copyrights or trademarks. The Consultant represents that the Works and Documents created and paid for under this Agreement do not and will not infringe upon any intellectual property rights of other persons or entities. The Consultant will indemnify; defend, to the extent permitted by the Attorney General; and hold harmless the City, at the Consultant’s expense, from any action or claim brought against the City to the extent that it is based on a claim that all or part of the Works or Documents created and paid for under this Agreement infringe upon the intellectual property rights of others. The Consultant will be responsible for payment of any and all such claims, demands, obligations, liabilities, costs and damages including but not limited to reasonable attorney fees. If such a claim or action arises, or in the Consultant’s or the City’s opinion is likely to arise, the Consultant must, at the City’s discretion, either procure for the City the right or license to use the intellectual property rights at issue or replace or

modify the allegedly infringing Works or Documents created and paid for under this Agreement as necessary and appropriate to obviate the infringement claim. This remedy of the City will be in addition to and not exclusive of other remedies provided by law. This Article does not apply to Consultant's Previously Created Works and Documents as described in 14.B.

E. City's Reuse of Works and Documents. If the Works and Documents created and paid for under this Agreement are engineering plans, specifications or recommendations requiring the certification of a licensed professional engineer, the City acknowledges that such plans, specifications, and recommendations have been created solely for the specific project covered by this Agreement and may not be suitable for reuse on other projects. There will be no restriction on reuse of the Works and Documents created and paid for under this Agreement but reuse without the written verification or adaptation by the Consultant will be done at City's sole risk and without liability to the Consultant.

15. Equal Opportunity and Non-Discrimination. Consultant agrees to comply with applicable provisions of all applicable federal, state, and city laws, regulations, statutes, and ordinances pertaining to the civil rights and non-discrimination in the application for and employment of applicants for employment, employees, subcontractors and suppliers of the Consultant.

16. Assignment. Neither party shall assign this Agreement, or any interest arising herein, without the written consent of the other party.

17. Waiver. Any waiver by either City or Consultant of any breach of this Agreement shall be in writing. No waiver by a party of any default or nonperformance will be deemed a waiver of any subsequent default or nonperformance.

18. Notices. Any notice required under this Agreement shall be sent to the parties as follows:

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

Consultant: North Risk Partners, LLC
1640 S. Frontage Road
Suite 102
Hastings, MN 55033

19. Termination. This Agreement may be terminated by either party upon thirty (30) days written notice delivered to the other party at the address listed in Section 18 of this Agreement. Upon Termination, if there is no default by Consultant, Consultant shall be paid for Services

rendered and reimbursable expenses until the effective date of Termination. This Agreement may be terminated by either party upon written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement. The non-performing party shall have fifteen (15) calendar days from the date of Termination notice to cure or to submit a plan for cure that is acceptable to the other part.

20. Controlling Law/Venue. The City and Consultant agree to negotiate all disputes related to this Agreement in good faith for a period of thirty (30) days from the date of the notice of dispute prior to proceeding to file a lawsuit regarding the dispute. This Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota. In the event of litigation, the exclusive venue shall be in the District Court of the State of Minnesota for Dakota County.

21. Entire Agreement. The entire agreement of the parties is contained herein. This Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof, as well as any previous agreements presently in effect between the parties relating to the subject matter hereof. Any alterations, amendments, deletions, or waivers of the provisions of this Agreement shall be valid only when expressed in writing and duly signed by the parties, unless otherwise provided herein.

**[THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK
SIGNATURES TO FOLLOW]**

In witness whereof, Consultant and City and caused this Agreement to be executed on their behalf by the proper officers.

Date: _____, 20____

CITY OF INVER GROVE HEIGHTS

BY: _____

Brenda Dietrich, Mayor

ATTEST: _____

Rebecca Kiernan, City Clerk

CONSULTANT

Dated: _____, 20____

By: _____

Its: _____

EXHIBIT A
SCOPE OF SERVICES

Agent Duties and Responsibilities

1. Assist with the completion of the LMCIT renewal forms using the data supplied by the City.
2. Advise and assist the City in evaluating and selecting coverage alternatives such as deductibles, limits, optional coverage, alternative coverage forms, etc. Advise the City on potential gaps or overlaps in coverage. Provide the City's Finance Director, or designee, with access to the agent's working files of City business upon request, at the City's convenience and discretion.
3. Review the LMCIT insurance policies for completeness and accuracy. Confirm the schedules have been updated for the new data supplied during the renewal process.
4. Provide the City with a recap of insurance costs and an explanation of premium increases for each renewal.
5. Provide explanations of insurance coverage, coverage options and make recommendations as requested.
6. Conduct quarterly review of open claims. Review claim reserves for appropriateness.
7. Assist the City in identifying risk exposures and developing appropriate strategies to address those exposures.
8. Assist as requested with safety and loss control activities.
9. Evaluate and advise the City on whether comparable insurance can be provided by someone other than the League of Minnesota Cities, including self-insurance.
10. Other usual functions expected of an agent and requested by the City such as, but not limited to, accurately amending policies, providing interpretation of coverage, policy maintenance, binders and certificates, timely delivery of policies and/or binders, providing unbiased recommendations, answering questions, and resolving issues.

A. Term of Engagement

The agreement is a three-year term commencing on the Effective Date subject to annual review. Based on satisfactory performance, the concurrence of the City Council and the annual availability of an appropriation, the City may extend the agreement for up to two (2) additional years without solicitations from other firms.

In the event of unsatisfactory performance, or when in the best interest of the City, proposals may be solicited before the end of the three-year period.

The City or Agent reserves the right to cancel the contract with a 30-day written notice.

B. Subcontracting

Following the award of the contract, no subcontracting will be allowed without the express prior written consent of the City.

EXHIBIT B
SCHEDULE OF PAYMENT AND FEE SCHEDULE

Policy Period	Property/Casualty Fee/Liquor Liability	Workers Compensation Fee
Initial 3-Year Contact		
September 1, 2023 – August 31, 2024	\$20,957	included
September 1, 2024 – August 31, 2025	\$22,110	included
September 1, 2025 – August 31, 2026	\$23,326	included
Optional 2-Year Extension		
September 1, 2026 – August 31, 2027	\$24,609	Included
September 1, 2027 – August 31, 2028	\$25,962	included



Request for Council Action

SUBJECT: **Storm Water Facilities Maintenance Agreement for 6556 Alverno Lane**

MEETING DATE: May 22, 2023

ITEM TYPE: Consent Agenda

CONTACT: Nicole Portugal, Engineering Technician, 651.450.2573
 Paul Merchlewicz, City Engineer, 651.450.2572

ACTION REQUESTED

The Council is asked to approve the attached Storm Water Facilities Maintenance Agreement for the property located at 6556 Alverno Lane.

BACKGROUND

The owners of 6556 Alverno Lane are proposing to install a concrete patio, concrete walks, a pool, and retaining walls, and are affected by City Ordinance Title 9, Chapter 5, Section 9-5-5. This ordinance requires properties of record which do not have recorded contracts or agreements with the City to provide information to ensure proposed site improvements meet current City standards for grading, erosion control and storm water management.

The owners, Heather and Joshua Beck, have provided the plans required by the Ordinance. An underground infiltration system will be constructed on the lot. They have signed the attached Storm Water Facilities Maintenance Agreement which spells out the conditions to be met. An engineering escrow of \$1,500 has been provided to cover costs incurred by the City for review and inspection of the site improvements.

FISCAL IMPACT

N/A

RECOMMENDATION

Staff recommends approval of the Storm Water Facilities Maintenance Agreement for 6556 Alverno Lane.

ATTACHMENTS

1. Storm Water Facilities Maintenance Agreement

STORM WATER FACILITIES MAINTENANCE AGREEMENT
FOR 6556 ALVERNO LANE, INVER GROVE HEIGHTS,
DAKOTA COUNTY, MINNESOTA

THIS STORM WATER FACILITIES MAINTENANCE AGREEMENT (Agreement) is made, entered into and effective this 22nd day of May, 2023, by and between the City of Inver Grove Heights, a Minnesota municipal corporation (hereafter referred to as City) and Heather Marie Beck and Joshua Christopher Beck, husband and wife (hereafter referred to as Landowner and Responsible Owner). Subject to the terms and conditions hereafter stated and based on the representations, warranties, covenants, agreements and recitals of the parties herein contained, the parties do hereby agree as follows:

ARTICLE 1
DEFINITIONS

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

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

1.3 Landowner. “Landowner” means Joshua Christopher Beck and Heather Marie Beck, husband and wife, and their successors and assigns.

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

Any existing or future storm water pipes, ponds, raingardens, drainage areas, conduits, culverts, ditches, catch basins, or approved storm water quality structures or storm water collection appurtenances lying on or within the Landowner Property as depicted on the Storm Water Facility Plan; together with any outfall pipe and anti-seepage collar, inlet pipe, stormwater controls, gutters, downspouts, stormwater manholes, and catch-basins.

1.5 Storm Water Facility Plan. “Storm Water Facility Plan” means the Stormwater Management Plan & Erosion Control Plan drafted February 5, 2021 and revised August 15, 2022, prepared by Advance Surveying & Engineering, Co. and approved by the City Engineer on February 15, 2023. The Storm Water Facility Plan is on file with the City and attached hereto as **Exhibit D.**

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

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

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

The current Responsible Owner is the Landowner.

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

1.9 Stormwater Management Plan. Means the 4th Generation Stormwater Management Plan and current Inver Grove Heights City Code Title 9, Chapter 5 Storm Water Management design, water quality, rate control, and volume and control standards. The Low Impact Design (LID) standards for construction and maintenance Best Management Practices shall be in accordance with the current Dakota County LID standards and the Inver Grove Heights Northwest Area (NWA) Storm Water Manual prepared by Emmons & Olivier Resources dated July 2006, and as adopted by the City of Inver Grove Heights and codified in Section 10-13J-5 (H) of the Inver Grove Heights City Code, as amended from time to time by amendment of general applicability.

ARTICLE 2 **RECITALS**

Recital No. 1. Landowner owns the Landowner Property.

Recital No. 2. Landowner has requested that the City approve the grading of the Landowner Property and the construction of the proposed deck and pool as shown on the Storm Water Facility Plan.

Recital No. 3. The City is willing to approve a land alteration permit and the construction of the proposed deck and pool as shown on the Stormwater Facility Plan, if, among other things, Landowner executes this Storm Water Facilities Maintenance Agreement.

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

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

ARTICLE 3 **RESPONSIBILITY FOR MAINTENANCE**

3.1 Construction of Storm Water Facilities. Responsible Owner agrees that in conjunction with construction of the deck and pool (additional impervious surface) on the Landowner Property, the Storm Water Facilities shall be constructed and installed in accordance with the Storm Water Facility Plan, the Stormwater Management Plan, and the NWA Stormwater Manual at the sole expense of Responsible Owner at a location and in a configuration as approved by the City.

3.2 Maintenance of Storm Water Facilities. The Responsible Owner is obligated at its expense to perpetually maintain the Storm Water Facilities in accordance with the Standard of Maintenance set forth in Section 3.3 hereof. The Responsible Owner shall not modify, alter, remove, eliminate or obstruct the Storm Water Facilities for as long as the Storm Water Facilities exist. The Responsible Owner shall also ensure that the Storm Water Facilities always remain in compliance with the Storm Water Facility Plan. All entities that fall within the definition of Responsible Owner have the joint and several obligations of the defined Responsible Owner. The responsibility of the Responsible Owner for maintaining the Storm Water Facilities on the Landowner Property exists even though the event or omission which caused the need for maintenance of the Storm Water Facilities may arise on property outside of the Landowner Property.

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

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

- a. The Standard of Maintenance shall comply with the standards contained in Title 9, Chapter 5 of the Inver Grove Heights City Code (as amended from time to time, by amendment of general applicability); and

- b. The Standard of Maintenance shall comply with the stormwater maintenance standards and bio-retention standards and requirements as set forth in the **NWA Stormwater Manual** (as amended from time to time, by amendment of general applicability). The NWA Stormwater Manual is on file with the City's Director of Public Works; and
- c. The Standard of Maintenance shall comply with the City approved Operations & Maintenance Plan attached hereto as **Exhibit B**; and
- d. The Standard of Maintenance shall comply with the Dakota County Soil and Water Conservation District Low Impact Standards; current version; and
- e. The Standard of Maintenance shall comply with the Residential Bioretention Basin (STM-15) dated January 2017, attached hereto as **Exhibit E**; and
- f. The Standard of Maintenance shall comply with the 2011 Watershed Management Plan for the Lower Mississippi Watershed Management Organization (LMRWMO) dated August 2011;
- g. The Standard of Maintenance shall include but not be limited to each of the following:
 - i.) The Responsible Owner shall monitor the Storm Water Facilities and shall as soon as possible correct any malfunction or deficiency in the operation of such structure so as to ensure that the structure operates in conformance with the design parameters.
 - ii.) Responsible Owner must comply with Section IV of the NWA Stormwater Manual which outlines the requirements for the operations and maintenance of Long-Term Best Management Practices (BMP's) for storm water facilities. The City has prepared an Operations & Maintenance Plan to show how the Responsible Owner shall operate and maintain Long Term Best Management Practices for the Storm Water Facilities being constructed on the Landowner Property. The Operations & Maintenance Plan is attached hereto as **Exhibit B**. The Responsible Owner and the successors and assigns thereof shall be responsible for following the Operations & Maintenance Plan as approved by the City. The Operations & Maintenance Plan shall be on file with the City's Director of Public Works.
 - iii.) The Operations & Maintenance Plan shall contain the following information:
 - a. Detailed inspection requirements;
 - b. Inspection and maintenance schedules;
 - c. Contact information for the Responsible Owner;
 - d. As built plans of the Storm Water Facilities;
 - e. The requirement for an annual report to the City to demonstrate that post construction maintenance is being accomplished per the Operations & Maintenance Plan;

- f. The GPS coordinates for the Storm Water Facilities shall be provided to the City after construction is completed. Storm Water Facilities smaller than 200 square feet can be located with one GPS coordinate. Storm Water Facilities larger than 200 square feet shall have outlet coordinates and the corners of the Storm Water Facilities located by GPS. The GPS readings shall be provided to the City before the Storm Water Facilities are covered.

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

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

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

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

The amount of costs charged by the City to the Responsible Owner shall be the usual and customary amounts charged by the City given the task, work, or improvement performed by the

City to ensure compliance with the Standard of Maintenance. The Responsible Owner shall make payment directly to the City within twenty (20) days after invoicing ("Due Date") by the City. Bills not paid by the Due Date shall incur the standard penalty and interest established by the City for utility billings within the City.

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

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

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

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

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

3.8 Indemnification of City. Responsible Owner shall indemnify, defend and hold the City, its council, agents, employees, attorneys and representatives harmless against and in respect of any and all claims, demands, actions, suits, proceedings, losses, costs, expenses,

obligations, liabilities, damages, recoveries, and deficiencies, including interest, penalties and attorneys' fees, that the City incurs or suffers, which arise out of, result from or relate to:

- a.) failure by the Responsible Owner to observe or perform any covenant, conditions, obligation or agreement on their part to be observed or performed under this Agreement;
- b.) failure by the Responsible Owner to pay contractors, subcontractors, laborers, or materialmen;
- c.) failure by the Responsible Owner to pay for any materials that may be used by the Responsible Owner to maintain the Storm Water Facilities; and
- d.) construction of the Storm Water Facilities.

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

ARTICLE 4 **ESCROW DEPOSIT**

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

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

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

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

ARTICLE 5
CITY'S COVENANTS

5.1 Approval of Plans. The City agrees that if Landowner executes this Storm Water Facilities Maintenance Agreement and if all other requirements of the City are met by the Landowner, the City will approve the issuance of a land alteration permit and building permit for the Landowner Property.

ARTICLE 6
MISCELLANEOUS

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

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

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

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

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

6.6 Notice. Notice shall mean notices given by one party to the other if in writing and if and when delivered or tendered either in person or by depositing it in the United States mail in a sealed envelope, by certified mail, return receipt requested, with postage and postal charges prepaid, addressed as follows:

If to City:	City of Inver Grove Heights Attention: City Administrator 8150 Barbara Avenue Inver Grove Heights, MN 55077
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If to Landowner:	Joshua Beck and Heather Beck
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IN WITNESS WHEREOF Landowner and the City have entered into this Agreement on the day and year first stated above.

CITY OF INVER GROVE HEIGHTS

By: _____
Brenda Dietrich
Its: Mayor

ATTEST:

Rebecca Kiernan, City Clerk

(CITY SEAL)

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

On this ____ day of _____, 2023, before me a Notary Public within and for said County, personally appeared Brenda Dietrich and Rebecca Kiernan to me personally known, who being each by me duly sworn, each did say that they are respectively the Mayor and City Clerk of the City of Inver Grove Heights, the municipality named in the foregoing instrument, and that the seal affixed to said instrument was signed and sealed on behalf of said municipality by authority of its City Council and said City Clerk acknowledged said instrument to be the free act and deed of said municipality.

Notary Public

**RESPONSIBLE OWNER AND
LANDOWNER:**



Joshua Christopher Beck



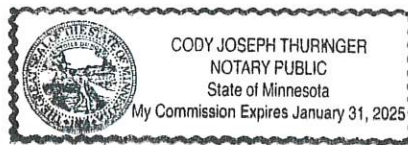
Heather Marie Beck

STATE OF MINNESOTA)

)

SS.

COUNTY OF DAKOTA)



The foregoing instrument was acknowledged before me this 10 day of MAY, 2023, by Joshua Christopher Beck and Heather Marie Beck, husband and wife.


Notary Public

This Instrument Was Drafted By and Upon
Recording Please Return to:

Bridget McCauley Nason, # 0347322
LeVander, Gillen, & Miller, P.A.
1305 Corporate Center Drive, #300
Eagan, MN 55121

(651) 451-1831

EXHIBIT A
LEGAL DESCRIPTION OF LANDOWNER PROPERTY

Lot 11, Block 5, Blackstone Ridge, Dakota County, Minnesota.

Abstract Property

PID: 20-14167-05-110

EXHIBIT B

OPERATIONS & MAINTENANCE PLAN

OPERATIONS & MAINTENANCE PLAN

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

TABLE 1.1 – MAINTENANCE ACTIVITIES

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

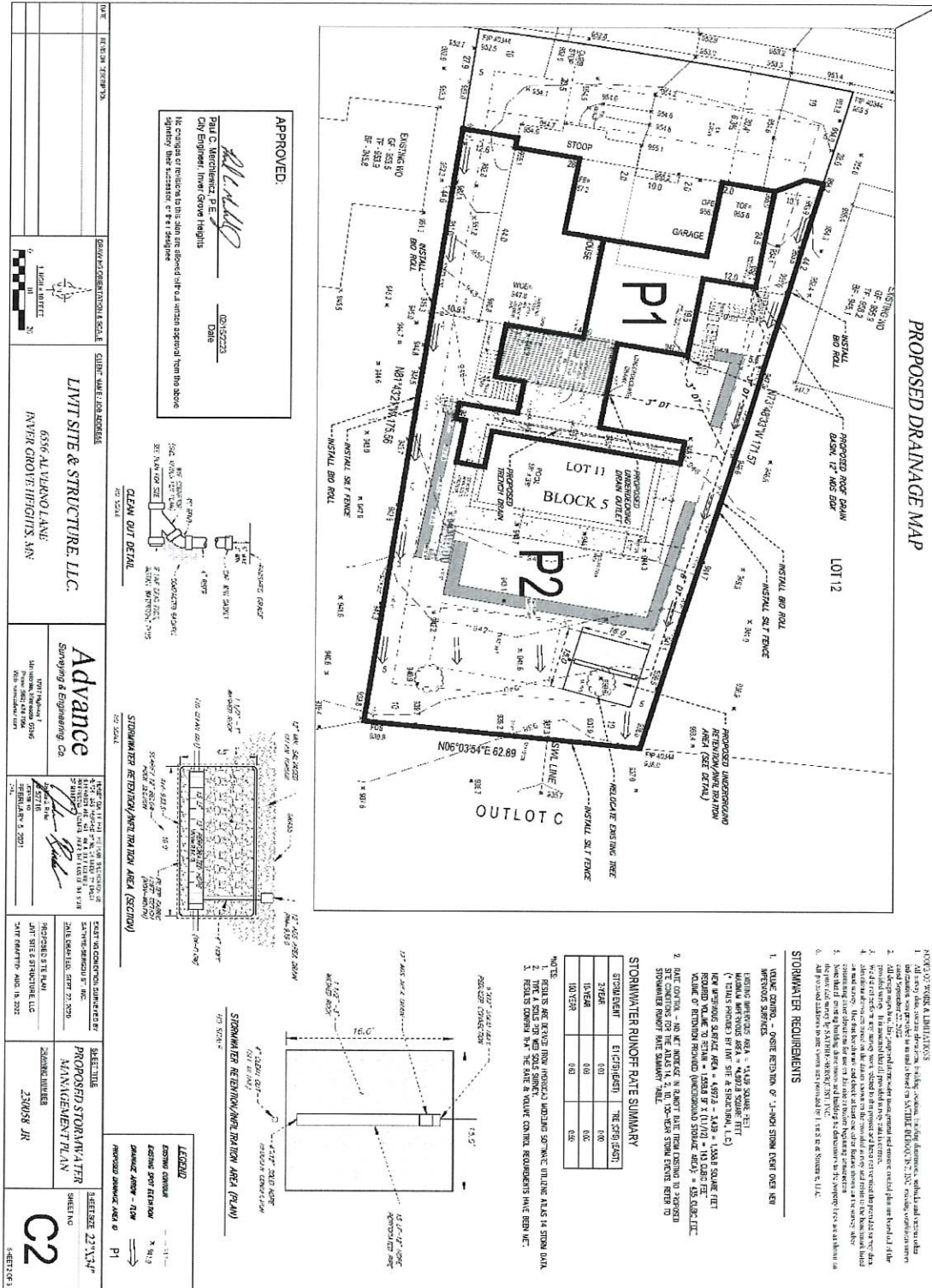
EXHIBIT C **ANNUAL INSPECTION FORM**

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

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

EXHIBIT D

STORMWATER FACILITY PLAN



(continued)

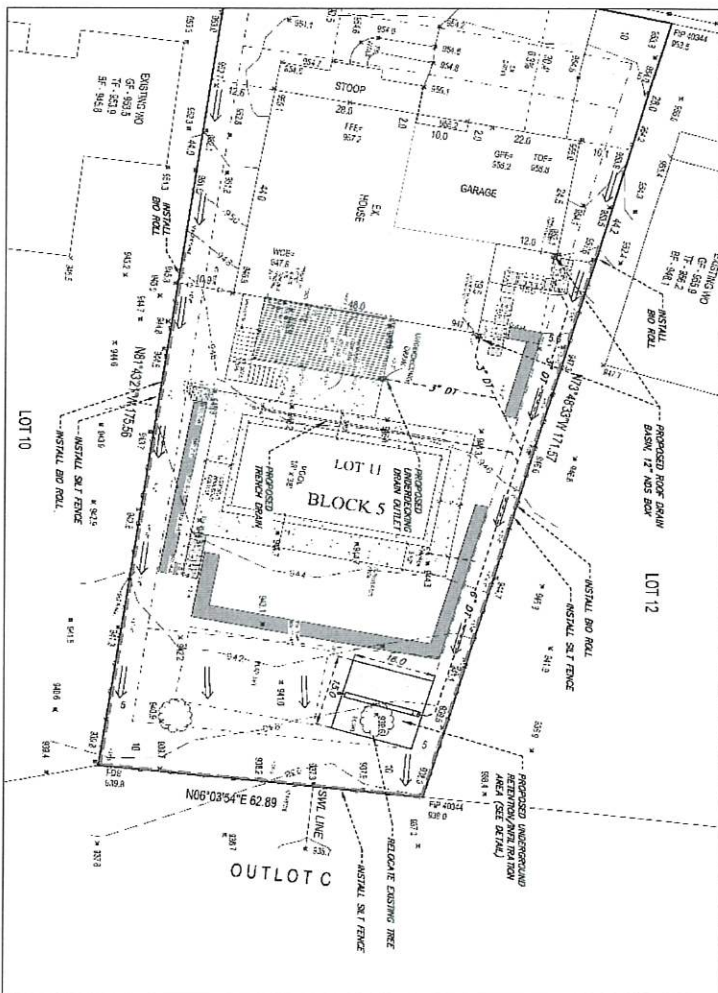
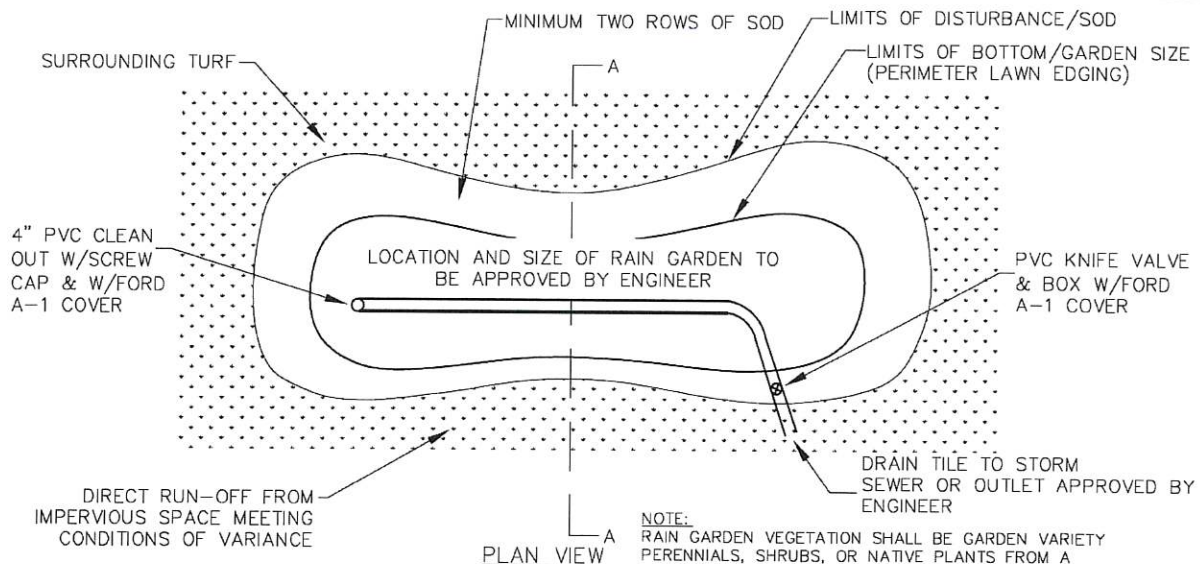


EXHIBIT E

RESIDENTIAL BIORETENTION BASIN (STM-15)

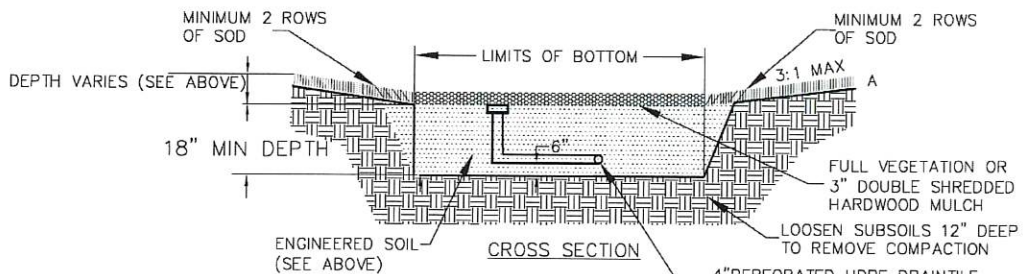


SUBSOIL TYPE	SUBSOIL TYPE	RECOM. DEPTH
A	SAND/GRAVEL	12"–18"
B	SAND WITH CLAY OR SILT	9"–12"
C	CLAY OR SILT WITH SAND	6"–9"
D	CLAYS OR SILTS	6"

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

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

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



NOTES

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



RESIDENTIAL BIORETENTION BASIN

CITY OF INVER GROVE HEIGHTS
ENGINEERING DEPARTMENT

01/17

PLATE NO.
STM-15



Request for Council Action

SUBJECT: **Resolution Amending Final Project Budget and Closing Project Account for City Project No. 2022-04 - Lund Easement Acquisition**

MEETING DATE: May 22, 2023

ITEM TYPE: Consent Agenda

CONTACT: Paul Merchlewicz, City Engineer, 651.450.2572

ACTION REQUESTED

The Council is asked to approve the attached Resolution, amending the final project budget and closing the project account for City Project No. 2022-04 - Lund Easement Acquisition.

BACKGROUND

On August 23, 2021, the Council passed Resolution No. 2021-225 authorizing the purchase of drainage, utility, and conservation and natural area easements over a 4.25 acre portion of the real property located at 6680 Robert Trail South, approximately 0.25 miles north of 70th Street East on the east side of Highway 3/Robert Trail. According to the Resolution, the specified purchase price of the easements was \$379,569.80.

As part of Resolution 2021-225, the Council authorized the Mayor and City Clerk to execute all closing documents related to the acquisition as stated or contemplated by the terms of the Purchase Agreement for the easements; and City staff, with the City Attorney's office, were authorized to take all necessary steps to complete the same.

Through the acquisition and closing process, the City incurred legal expenses in the amount of \$21,616.12 and closing costs of \$2,716.50 related to the purchase of the easement defined above. These additional costs have been applied to City Project No. 2022-04 without any noted funding source or previously-approved budget, and need to be resolved in order to close out the project, with the responsibility for these costs lying with the City.

FISCAL IMPACT

As Project No. 2022-04 was intended to be funded entirely through the Northwest Area Stormwater Fund (Fund 533), staff are recommending the outstanding project balance of \$24,332.62 be paid through the same Fund.

RECOMMENDATION

Staff recommends approval of the attached Resolution, amending the final project budget and closing the project account for City Project No. 2022-04 - Lund Easement Acquisition.

ATTACHMENTS

1. Resolution to Amend Budget for Project 2022-04

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

RESOLUTION NO. _____

**RESOLUTION AMENDING FINAL PROJECT BUDGET AND CLOSING THE PROJECT ACCOUNT FOR
CITY PROJECT NO. 2022-04 – LUND EASEMENT ACQUISITION**

WHEREAS, the City Council approved and authorized the acquisition of drainage, utility, and conservation and natural area easements over a 4.25 acre portion of the real property located at 6680 Robert Trail South, approximately 0.25 miles north of 70th Street East on the east side of Highway 3/Robert Trail in 2021 via Resolution No. 2021-225; and

WHEREAS, the City and Seller negotiated a purchase price of \$379,569.80, to be paid for through the Northwest Area Stormwater Fund (Fund 533); and

WHEREAS, Finance Department staff originally utilized the identified funding from the Northwest Area Stormwater Fund from existing Project No. 2020-12 to acquire the easement; and

WHEREAS, Finance Department staff have since moved the easement acquisition to City Project No. 2022-04, to include easement acquisition, legal, and closing costs in entirety and separately from other ongoing projects; and

WHEREAS, additional legal and closing costs for the work, not included in the original purchase agreement, totaled \$24,332.62; and

WHEREAS, the total cost of the project work has been identified at \$403,902.42, which is greater than the amount authorized by Council to date.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS, MINNESOTA, that the following budget is hereby amended for City Project No. 2019-06:

PROJECT COSTS	2022-04
Land Acquisition	\$379,569.80
Closing Costs	\$2,716.50
Legal Fees Associated with Acquisition and Closing	\$21,616.12
TOTAL	\$403,902.42

FUNDING SOURCES	2022-04
NWA Stormwater Fund (Fund 533) – Original Allocation	\$379,569.80
NWA Stormwater Fund (Fund 533) – NEW Allocation	\$24,332.62
TOTAL	\$403,902.42

BE IT FURTHER RESOLVED THAT:

- 1) The Council hereby authorizes the use of \$24,332.62 from the Northwest Area Stormwater Fund (Fund 533) to cover the additional funds needed to complete the project; and
- 2) Upon transfer of these funds and balancing of the project budget, Project No. 2022-04 will be closed.

Adopted by the City Council of the City of Inver Grove Heights, MN on May 8, 2023.

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

Request for Council Action

SUBJECT: **Resolution to Close Emerald Ash Borer Fund, Transfer Remaining Balance and Amend 2023 Parks Division Budget**

MEETING DATE: May 22, 2023

ITEM TYPE: Consent Agenda

CONTACT: Adam Lares, Parks & Recreation Director, 651.450.2587

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, approving the closure of the Emerald Ash Borer (EAB) Fund and transferring the remaining balance to the Park's Maintenance-Diseased Tree Account Fund and amending the Parks Division's 2023 Budget.

BACKGROUND

At the May 1 Council work session, staff presented an overview of the EAB Fund with several recommendations to move forward with the fund. Those recommendations were as follows:

- Close the Emerald Ash Borer (EAB) Fund (Fund 450) by transferring the balance in the fund, estimated at \$58,000 to the General Fund (Fund 101);
- Amend the 2023 Parks Division Budget by the transferred amount to be used towards Emerald Ash Borer remediation (101.44.6000.451.40045 Maintenance-Diseased Tree Account);
- In the future, the Parks Division budget will reflect a request for funding in the Maintenance-Diseased Tree Account.

The transferred EAB funds will continue to address the original inventory of the 2010 EAB Management Plan that ended in 2020. There are 155 ash trees remaining from the original plan that will be addressed in 2023.

In addition, staff will continue to annually identify and inventory diseased trees throughout City property and budget accordingly through the annual budgetary process. The City will continue to contract out this work and reach out to property owners with ash trees in the right-of-way (ROW). The City Forester currently anticipates the need to remove an estimated 100 – 150 diseased trees annually. Cost for removal will vary based on tree diameter, season, location, and other varying factors.

FISCAL IMPACT

The Emerald Ash Borer Fund (Fund 450) currently has an approximate balance of \$58,000. Staff recommends closing the EAB Fund (Fund 450) and transferring all unspent dollars to the General Fund, specifically the Parks Division budget (101.44.6000.451.40045 Maintenance-Diseased Tree Account) to pay for 2023 EAB expenses.

In addition, each year moving forward, the Parks Division budget request will include a request for diseased tree funding, in an anticipated amount of \$50,000.

RECOMMENDATION

Staff recommends adoption of the attached Resolution, approving the closure of the EAB Fund and transferring all remaining funds to the Park's Maintenance-Diseased Tree Account and amending the Parks Division's 2023 Budget.

ATTACHMENTS

1. RESOLUTION - CLOSURE OF EAB FUND AND TRANSFER TO PARK OPERATING BUDGET

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

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE CLOSURE OF THE EMERALD ASH BORER (EAB)
FUND, TRANSFERING REMAINING EAB FUNDS, AND AMENDING THE 2023
PARKS BUDGET.**

WHEREAS, in June 2010, the Council approved a 10-year Emerald Ash Borer (EAB) Management Plan to address EAB diseased trees throughout the city. This included an inventory of 1,141 ash trees to be removed on city property. In addition, an EAB Fund was created and budgeted for \$33,000 annually to address EAB impacts; and

WHEREAS, as of April 2023, there are 155 ash trees that remain from the original inventory that are need of removal and estimated \$58,000 remaining in the EAB Fund; and

WHEREAS, at the May 1, 2023, Council work session, staff presented an overview of the Emerald Ash Borer Fund, with several recommendations to move forward with the fund. Those recommendations were to close the Emerald Ash Borer (EAB) Fund by transferring the balance in the fund to the Parks General Fund; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS, MINNESOTA, close the Emerald Ash Borer (EAB) Fund (Fund 450) by transferring the balance in the fund, estimated at \$58,000 to the General Fund (Fund 101)

AND FURTHER, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS, MINNESOTA, to amend the 2023 Parks Budget by the transferred amount to be used towards Emerald Ash Borer remediation in the 101.44.6000.451.40045 Maintenance-Diseased Tree Account

Adopted this 22nd day of May 2023 by the City Council of Inver Grove Heights, MN

Ayes:

Nays:

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk



Request for Council Action

SUBJECT: **Resolution to Approve 2023 Tree Replacement Plan**

MEETING DATE: May 22, 2023

ITEM TYPE: Consent Agenda

CONTACT: Adam Lares, Parks & Recreation Director, 651.450.2587

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, approving the 2023 Tree Replacement Plan utilizing funding from the Tree Preservation Fund.

BACKGROUND

The City's existing Tree Replacement Policy was approved by the City Council on February 10, 2003. The purpose of this policy is to provide criteria for the expenditure of funds in the City of Inver Grove Heights Tree Protection and Preservation Fund. The intent is the enhancement of the city's forest resources. It also provides criteria for expenditure of funds received when a development does not have sufficient room on its site to allow for all required reforestation and City Council approves a payment in lieu of planting (approved at final plat). Additionally, it calls for an annual tree replacement plan, prepared by the Parks Division, submitted to the Park & Recreation Advisory Commission for review, and City Council for approval.

Funds may be used for tree purchase, planting, and a maintenance period (i.e. irrigation , tree stacking , fertilization, pruning, etc.) until the tree(s) becomes established. Also, it may be used for special needs – such as in the event of a natural disaster or other identifiable special situation. According to the adopted policy, annual expenditures cannot exceed 50% of the balance in the fund, or lower the balance below \$10,000, unless specifically approved by the Council.

At the April 12, 2023, Park and Recreation Advisory Commission (PRAC) meeting, the city forester presented the 2023 Tree Preservation Plan, requesting that they recommend Council approval of the plan with funding from the Tree Preservation Fund. The plan focuses on planting trees in the northwest area public parks and in stormwater areas. The total estimated cost to implement the plan is \$279,150. The PRAC voted unanimously to approve sending a recommendation to the Council to approve the 2023 plan.

At the May 1 Council work session, staff presented an overview of the Tree Replacement Plan, which includes the following:

Area	Projects	Quantity	Cost
Northwest Area – Parks/Stormwater	Tree & shrub planting, irrigation	Trees = 135 Shrubs = 25 Irrigation = 1	\$162,250
Citywide Parks	Tree & shrub planting, irrigation, maintenance, landscaping	Trees = 70 Shrubs = 475	\$101,900
Fire Station #2 Stormwater	Tree & shrub planting	Trees = 20 Shrubs = 60	\$15,000
	Total	Trees = 225 Shrubs = 560 Irrigation = 1	\$279,150

Noteworthy, the irrigation at Hertiage Village Park, Argenta Hills Park, and Overlook Ridge Park have been removed from what was originally presented on May 1. This is a result of higher than anticipated price quotes for irrigation at Vista Pines Park and limitations to construction scheduling at each of the sites. Irrigation for these parks will be brought back in the 2024 Tree Replacement Plan.

FISCAL IMPACT

The policy provides for expenditures of up to 50% of the fund in any given year. The current balance in the Tree Preservation Fund (Fund 443), as of December 2022, is approximately \$825,100. The Parks and Public Works Departments are requesting to spend \$279,150 in 2023. This would leave a balance of approximately \$545,950 in the fund.

RECOMMENDATION

Staff recommends adoption of the attached Resolution, approving the 2023 Tree Replacement Plan, to be funded from the City's Tree Preservation Fund.

ATTACHMENTS

1. RESOLUTION - APPROVAL OF 2023 TREE REPLACEMENT PLAN

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

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE 2023 CITY TREE REPLACEMENT PLAN
UTILIZING THE TREE PRESERVATION FUND.**

WHEREAS, the Tree Replacement Policy was approved by the City Council on February 10, 2003. The purpose of this policy is to provide criteria for the expenditure of funds in the City of Inver Grove Heights Tree Protection and Preservation Fund; and

WHEREAS, the plan calls for an annual tree replacement plan, prepared by the Parks Division, submitted to the Park & Recreation Advisory Commission for review, and City Council for approval; and

WHEREAS, at the April 12, 2023, Park and Recreation Advisory Commission (PRAC) meeting, the city forester presented the 2023 Tree Preservation Plan, requesting that they recommend Council approval of the plan using the Tree Preservation Fund. The plan focuses on planting trees in the northwest area public parks and in stormwater areas in the amount of \$ \$279,150. The PRAC voted unanimously to approve sending a recommendation to the Council to approve the plan utilizing tree preservation funding; and

WHEREAS, at the May 1, 2023, Council work session, staff presented the same plan in the amount of \$279,150, with recommendations by the City Forester to move forward with the plan; and

Area	Projects	Quantity	Cost
Northwest Area – Parks/Stormwater	Tree & shrub planting, irrigation	Trees = 135 Shrubs = 25 Irrigation = 1	\$162,250
Citywide Parks	Tree & shrub planting, irrigation, maintenance, landscaping	Trees = 70 Shrubs = 475	\$101,900
Fire Station #2 Stormwater	Tree & shrub planting	Trees = 20 Shrubs = 60	\$15,000
	Total	Trees = 225 Shrubs = 560 Irrigation = 1	\$279,150

FUNDING SOURCES	Amount
Tree Preservation Fund	\$279,150
TOTAL	\$279,150

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS, MINNESOTA, approves the 2023 Tree Replacement Plan recommended by the City Forester in the amount of \$279,150 from the Tree Preservation Fund

AND FURTHER, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS, MINNESOTA, as part of the Tree Replacement Plan, the Parks and Recreation Director is authorized to direct the use of funds up to \$279,150 for the scope of the work with various vendors that will be providing various service within the plan. In order to keep the project timely and efficient as quotes are received for work identified in the plan, the director will only authorize service where two quotes have been obtained and will award work to the lowest quote for service requested. Unless the vendor is an approved state contract vendor in which a second quote will not be obtained.

Adopted this 22nd day of May 2023 by the City Council of Inver Grove Heights, MN

Ayes:

Nays:

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

SUBJECT: Resolution Approving City Participation in SolSmart and Submittal of Letter of Commitment

MEETING DATE: May 22, 2023
ITEM TYPE: Consent Agenda
CONTACT: Ally Sutherland, Environmental Specialist, 651.604.8511

PURPOSE/ACTION REQUESTED

The Council is asked to adopt the attached Resolution, approving City participation in SolSmart and submittal of a letter of commitment.

BACKGROUND

On February 13, 2023, the City Council approved the 2023 Environmental Advisory Commission (EAC) Work Plan, which includes a goal to “Support solar development in Inver Grove Heights by joining SolSmart”.

Currently, the IGH City Code does not explicitly define solar development requirements, which makes it challenging for residents and developers to understand how they can add solar panels to their property. As such, planning staff researched best practices for solar development and found that many other cities utilized the technical services associated with SolSmart, a non-profit that is funded by grants from state, federal and regional governments, and contributions from individuals supportive of solar power energy use.

SolSmart is a free and voluntary certification program designed to help communities adopt best practices that encourage solar energy development in their jurisdictions. It is also designed to recognize cities, counties, towns, and regional organizations that adopt these practices. Through SolSmart, local governments receive no-cost technical assistance to implement these best practices from a team of national experts in solar energy and local government.

SolSmart organizes the program's best practices into five criteria categories: Permitting and Inspection, Planning and Zoning, Government Operations, Community Engagement, and Market Development. SolSmart allows communities to select which and how many best practices it wants to achieve, and provides clear guidance and templates to help communities put these practices into action. Technical assistance also includes reviewing the existing city code to suggest new solar ordinance language. Communities that meet sufficient criteria receive a SolSmart designation of Bronze, Silver, Gold or Platinum. There are nearly 40 communities in Minnesota that have achieved SolSmart certification, including South St. Paul, Burnsville, Woodbury, Maplewood, Northfield, Red Wing and more.

The Environmental Advisory Commission reviewed and recommended approval of this item on April 27, 2023. The Inver Grove Heights Comprehensive Plan also recommends the city leverage free technical assistance provided by SolSmart to implement the goals listed in Chapter 2 Land Use Plan,

under the Solar Access section.

Staff finds that the time needed to implement items contained within SolSmart will not exceed staff time already budgeted for environmental planning within the Community Development Department. The vast majority of staff time spent on SolSmart implementation will fall into the existing work plan of the Environmental Specialist, whose job duties include coordinating the development and implementation of environmental planning projects.

FISCAL IMPACT

This item is budget neutral for the City.

RECOMMENDATION

Staff and the Environmental Advisory Commission recommend adoption of the attached Resolution.

ATTACHMENTS

1. Resolution
2. Letter of Commitment

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

RESOLUTION NO. _____

**RESOLUTION APPROVING PARTICIPATION IN SOLSMART AND SUBMITTAL OF
A LETTER OF COMMITMENT**

WHEREAS, the City Council approved the 2023 Environmental Advisory Commission (EAC) Work Plan, which includes a goal to “support solar development in Inver Grove Heights by joining SolSmart”;

WHEREAS, City code does not explicitly define solar development requirements, making it challenging for residents and developers to understand how they can add solar panels to their property;

WHEREAS, SolSmart is a free and voluntary certification program dedicated to helping communities adopt best practices that encourage solar energy growth in their jurisdictions;

WHEREAS, through SolSmart, local governments receive no-cost technical assistance to implement these best practices, which includes reviewing the existing city code to suggest new solar ordinance language;

WHEREAS, SolSmart organizes the program's best practices into five criteria categories: Permitting and Inspection, Planning and Zoning, Government Operations, Community Engagement, and Market Development;

WHEREAS, SolSmart allows communities to select which and how many best practices it wants to achieve, and provides clear guidance and templates to help communities put these practices into action;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS, MINNESOTA, that the Council hereby authorizes the City join SolSmart and that the attached letter of commitment be sent to SolSmart representatives.

Adopted this 22nd day of May, 2023 by the City Council of the City of Inver Grove Heights, Minnesota.

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk



8150 Barbara Avenue
Inver Grove Heights
Minnesota 55077

651-450-2500

www.ighmn.gov

May XX, 2023

Tim Anderson
Metropolitan Council
390 Robert St N
St. Paul, MN 55101

Sydne Tursky
Great Plain Institute
2801 21st Ave S, Suite 220
Minneapolis, MN 55407

Dear Tim and Sydne,

This letter is to notify you that the City of Inver Grove Heights is committed to joining SolSmart and becoming a SolSmart designed community. In partnership with the SolSmart team, Inver Grove Heights staff will support the solar market, making it faster, easier, and more affordable for our residents and businesses to install solar energy systems. These efforts will also increase the efficiency of local processes related to solar development, which may save our local government time and money.

Participation in the SolSmart program supports implementation of the City of Inver Grove Heights' existing solar energy goals included the 2040 Comprehensive Plan, 2023 Inver Grove Heights Environmental Advisory Commission (EAC) Work Plan, Inver Grove Heights Energy Action Plan, and GreenStep Cities programming.

Technical assistance provided through SolSmart will help the City of Inver Grove Heights support solar development by:

- Adding language to the zoning code to clarify solar development standards
- Eliminating zoning codes that unintentionally prohibit solar development
- Creating easy-to-follow checklists of the municipal zoning and permitting approval process for solar development
- Developing materials to educate residents, business owners, and local developers about solar energy benefits
- Implementing any additional best practices recommended by the program as the city sees fit

Sincerely,

Ally Sutherland
Environmental Specialist
City of Inver Grove Heights
asutherland@ighmn.gov
651-604-8511



Request for Council Action

SUBJECT: **Comprehensive Plan Amendments and Associated Rezoning of Existing City Park and Public Works Facility Parcels**

MEETING DATE: May 22, 2023

ITEM TYPE: Consent Agenda

CONTACT: Allan Hunting, City Planner, 651.450.2554

ACTION REQUESTED

The Council is asked to approve the following:

- a) Ordinance rezoning parcels for four city parks and one parcel for the Public Works Campus; and
- b) Resolutions approving Comprehensive Plan Amendments for parcels for three city parks

BACKGROUND

With the recent acquisition of parcels for three new parks (Vista Pines, Argenta Hills, and Overlook Ridge) and further development of Heritage Village Park, the zoning of the parcels needs to be changed to a "Public" designation to be consistent with the use of the property. A fifth rezoning involves a recent acquisition of land adjacent to the current Public Works building, intended for a future public works campus expansion. Comprehensive Plan Amendments are also needed for Vista Pines, Argenta Hills and Overlook Ridge Parks.

This is a house-keeping exercise for the City to insure that all of the new parks have the correct zoning and the future public works expansion site is properly zoned for such use.

FISCAL IMPACT

n/a

RECOMMENDATION

The Planning Commission recommended approval of all rezoning and comprehensive plan amendments (6-0) on April 4, 2023.

Staff also recommends approval of the actions.

ATTACHMENTS

- 1. Argenta Hills Comp Plan Amendment Resolution
- 2. Argenta Hills Rezoning Ordinance
- 3. Overlook Ridge Comp Plan Amendment Resolution
- 4. Overlook Ridge Rezoning Ordinance
- 5. Vista Pines Comp Plan Amendment Resolution

6. Vista Pines Rezoning Ordinance
7. Heritage Village Park Rezoning Ordinance
8. Kundla Property Rezoning Ordinance
9. Planning Report

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

RESOLUTION NO. _____

**RESOLUTION APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT TO CHANGE
THE LAND USE DESIGNATION FROM LDR, LOW DENSITY RESIDENTIAL TO PUBLIC OPEN
SPACE**

CASE NO. 23-10X

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

**Lot 1, Block 1, Peltier Reserve 2nd Addition, Dakota County, Minnesota according the
recorded plat thereof**

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

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the request on April 4, 2023, in accordance with City Code Title 10, Chapter 3, Section 10-3-5, D;

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

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

1. The comprehensive plan land use change shall not become effective until approved by the Metropolitan Council.
2. The Metropolitan Council shall not require any significant modifications to the comprehensive plan amendment.

3. The Metropolitan Council shall not make a finding that the comprehensive plan amendment has a substantial impact or contain a substantial departure from any metropolitan systems plan.

Adopted by the City Council of Inver Grove Heights on this 22nd day of May, 2023.

Ayes:

Nays:

ATTEST:

Brenda Dietrich, Mayor

Rebecca Kiernan, City Clerk

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

ORDINANCE NO. _____

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

CASE NO. 23-10X

The City Council of Inver Grove Heights ordains as follows:

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

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

Lot 1, Block 1, Peltier Reserve 2nd Addition, according to the recorded plat thereof, Dakota County, Minnesota

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

Ordinance No. _____
Page 2

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

Enacted and ordained into an Ordinance this 22nd day of May, 2023.

Ayes:

Nays:

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

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

RESOLUTION NO. _____

**RESOLUTION APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT TO CHANGE
THE LAND USE DESIGNATION FROM LDR, LOW DENSITY RESIDENTIAL TO PUBLIC OPEN
SPACE**

CASE NO. 23-10X

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

**Lot 30, Block 1, Highlands At Settlers Ridge, Dakota County, Minnesota according the
recorded plat thereof**

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

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the request on April 4, 2023, in accordance with City Code Title 10, Chapter 3, Section 10-3-5, D;

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

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

1. The comprehensive plan land use change shall not become effective until approved by the Metropolitan Council.
2. The Metropolitan Council shall not require any significant modifications to the comprehensive plan amendment.

3. The Metropolitan Council shall not make a finding that the comprehensive plan amendment has a substantial impact or contain a substantial departure from any metropolitan systems plan.

Adopted by the City Council of Inver Grove Heights on this 22nd day of May, 2023.

Ayes:

Nays:

ATTEST:

Brenda Dietrich, Mayor

Rebecca Kiernan, City Clerk

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

ORDINANCE NO. _____

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

CASE NO. 23-10X

The City Council of Inver Grove Heights ordains as follows:

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

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

Lot 30, Block 1, Highlands At Settlers Ridge, according to the recorded plat thereof, Dakota County, Minnesota

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

Ordinance No. _____
Page 2

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

Enacted and ordained into an Ordinance this 22nd day of May, 2023.

Ayes:

Nays:

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

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

RESOLUTION NO. _____

**RESOLUTION APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT TO CHANGE
THE LAND USE DESIGNATION FROM MDR, MEDIUM DENSITY RESIDENTIAL TO PUBLIC
OPEN SPACE**

CASE NO. 23-10X

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

**Real property in the City of Inver Grove Heights, County of Dakota, State of
Minnesota, legally described as follows:**

Parcel 2:

**That part of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$) of
Section 7, Township 27 North, Range 22 West lying East of the centerline of
former SAR No. 63, and lying West of the west right of way line of C.R. 28 (Argenta
Trail) as depicted on Dakota County Road Right Of Way Map No. 435, and lying
South of a parcel described as follows:**

**Commencing at the Southeast corner of the Northwest Quarter (NW $\frac{1}{4}$); thence
North along the East line of said Northwest Quarter (NW $\frac{1}{4}$), 384.2 feet to the
actual point of beginning; thence deflect left 51 degrees, 24 minutes for 549.19
feet to the centerline of former SAR No. 63; thence deflect left 76 degrees 15
minutes along said centerline 79.94 feet; thence deflect left 111 degrees 31
minutes, 53 seconds, 573.48 feet to the point of beginning.**

Parcel 3:

**That part of the North Half of the Southwest Quarter of the Northeast Quarter (N
 $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$) and the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of
NW $\frac{1}{4}$) of Section 7, Township 27 North, Range 22 West, depicted as Parcel 12B
on Dakota County Road Right Of Way Map No. 435, lying North of a parcel
described as follows:**

Commencing at the Southeast corner of the Northwest Quarter (NW ¼) of said Section 7; thence North along the East line of said Northwest Quarter (NW ¼) 384.2 feet to the actual point of beginning; thence deflect left 51 degrees, 24 minutes, 549.19 feet to the centerline of former SAR No. 63; thence deflect right 103 degrees, 45 minutes along said centerline 200.1 feet; thence deflect right 76 degrees, 15 minutes, for 452.39 feet; thence deflect right 51 degrees, 24 minutes, 248.7 feet; thence deflect right 128 degrees, 36 minutes to the point of beginning, Dakota County, Minnesota.

Parcel 4:

That part of the Southeast Quarter of the Northwest Quarter (SE ¼ of NW ¼) of Section 7, Township 27 North, Range 22 West, depicted as Parcel 13A on Dakota County Road Right Of Way Map No. 435.

Parcel 5:

That part of the Southeast Quarter of the Northwest Quarter (SE ¼ of NW ¼) of Section 7, Township 27 North, Range 22 West, depicted as Parcel 12A on Dakota County Road Right Of Way Map No. 435.

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

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the request on April 4, 2023, in accordance with City Code Title 10, Chapter 3, Section 10-3-5, D;

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

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

1. The comprehensive plan land use change shall not become effective until approved by the Metropolitan Council.
2. The Metropolitan Council shall not require any significant modifications to the comprehensive plan amendment.
3. The Metropolitan Council shall not make a finding that the comprehensive plan amendment has a substantial impact or contain a substantial departure from any metropolitan systems plan.

Adopted by the City Council of Inver Grove Heights on this 22nd day of May, 2023.

Ayes:

Nays:

ATTEST:

Brenda Dietrich, Mayor

Rebecca Kiernan, City Clerk

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

ORDINANCE NO. _____

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

CASE NO. 23-10X

The City Council of Inver Grove Heights ordains as follows:

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

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

Parcel 2:

That part of the Southeast Quarter of the Northwest Quarter (SE ¼ of NW ¼) of Section 7, Township 27 North, Range 22 West lying East of the centerline of former SAR No. 63, and lying West of the west right of way line of C.R. 28 (Argenta Trail) as depicted on Dakota County Road Right Of Way Map No. 435, and lying South of a parcel described as follows:

Commencing at the Southeast corner of the Northwest Quarter (NW ¼); thence North along the East line of said Northwest Quarter (NW ¼), 384.2 feet to the actual point of beginning; thence deflect left 51 degrees, 24 minutes for 549.19 feet to the centerline of former SAR No. 63; thence deflect left 76 degrees 15 minutes along said centerline 79.94 feet; thence deflect left 111 degrees 31

minutes, 53 seconds, 573.48 feet to the point of beginning.

Parcel 3:

That part of the North Half of the Southwest Quarter of the Northeast Quarter (N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$) and the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 7, Township 27 North, Range 22 West, depicted as Parcel 12B on Dakota County Road Right Of Way Map No. 435, lying North of a parcel described as follows:

Commencing at the Southeast corner of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 7; thence North along the East line of said Northwest Quarter (NW $\frac{1}{4}$) 384.2 feet to the actual point of beginning; thence deflect left 51 degrees, 24 minutes, 549.19 feet to the centerline of former SAR No. 63; thence deflect right 103 degrees, 45 minutes along said centerline 200.1 feet; thence deflect right 76 degrees, 15 minutes, for 452.39 feet; thence deflect right 51 degrees, 24 minutes, 248.7 feet; thence deflect right 128 degrees, 36 minutes to the point of beginning, Dakota County, Minnesota.

Parcel 4:

That part of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 7, Township 27 North, Range 22 West, depicted as Parcel 13A on Dakota County Road Right Of Way Map No. 435.

Parcel 5:

That part of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 7, Township 27 North, Range 22 West, depicted as Parcel 12A on Dakota County Road Right Of Way Map No. 435.

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

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

Enacted and ordained into an Ordinance this 22nd day of May, 2023.

Ayes:

Ordinance No. _____
Page 3

Nays:

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

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

ORDINANCE NO. _____

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

CASE NO. 23-10X

The City Council of Inver Grove Heights ordains as follows:

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

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

Lots 1-6, 7,8, 9-12, Block 30, and
Lots 1-5, 6, 7,8, 9, North 60 feet of Lot 11, North ½ of Lot 10 plus the South 20 feet of Lot 11, South ½ of Lot 10, 13, 14, Block 31, and
Lots 5-7, 8, 9-11, 12, South ½ of Lot 13, North ½ of Lot 13, South ½ of Lot 14, North ½ of Lot 14, Block 33, all located within Inver Grove Factory Addition, according to the recorded plat thereof, Dakota County, Minnesota.

SECTION II. The Zoning Map of the City of Inver Grove Heights referred to and described in said Ordinance No. 1190 as that certain map entitled "Inver Grove Heights Zoning Map, June 24, 2002", together with all amendments thereto, hereinafter referred to as the "zoning map", shall not be republished to show the aforesaid rezoning, but the Clerk shall appropriately mark the said zoning map on file in the

Ordinance No. _____
Page 2

Clerk's Office for the purpose of indicating the rezoning hereinabove provided for in this ordinance and all of the notations, references and other information shown thereon are hereby incorporated by reference and made a part of this ordinance.

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

Enacted and ordained into an Ordinance this 22nd day of May, 2023.

Ayes:

Nays:

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

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

ORDINANCE NO. _____

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

CASE NO. 23-10X

The City Council of Inver Grove Heights ordains as follows:

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

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

The West 415 feet of Lots Ten (10) and Eleven (11) in State Subdivision of Northwest Quarter (NW ¼) except South 888.48 feet thereof, Section Sixteen (16) Township Twenty-Seven (27) Range Twenty-Two (22) and Commencing at a point 80 Rods South of the Northeast corner of Section Seventeen (17) Township Twenty-Seven (27) Range Twenty-Two (22) thence West 14 Rods, approximately to the center of the German Road, thence Southeasterly along the center line of said Road to a point where said road intersects the East line of said Section Seventeen (17), thence North on said Section line to the place of beginning, Excepting therefrom that part of the Southwest Quarter (SW ¼) Northwest Quarter (NW ¼) of Section Sixteen (16) Township Twenty-Seven (27) Range Twenty-Two (22) described as follows: Beginning at a point on the West line of

said Southwest Quarter (SW ¼) Northwest Quarter (NW ¼) a distance of 888.48 feet North of the Southwest corner of said Southwest Quarter (SW ¼) Northwest Quarter (NW ¼), thence East perpendicular to said West line 415 feet, thence South parallel with said west line 52.48 feet, thence West perpendicular to said West line 415 feet to said West line, thence North to the beginning, ALSO except that part of the Southeast Quarter (SE ¼) of Northeast Quarter (NE ¼) of Section Seventeen (17) Township Twenty-Seven (27) Range Twenty Two (22) lying Easterly of the centerline of County Road No. 73, northerly of the Right-of-Way line of STH No. 52 and 55 and South of the Northerly line of the aforescribed parcel extended Westerly to the centerline of said County Road No. 73, according to the Government Survey thereof.

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

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

Enacted and ordained into an Ordinance this 22nd day of May, 2023.

Ayes:

Nays:

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk



Planning Commission Report

MEETING DATE:	April 4, 2023
CASE NO:	23-10X
APPLICANT:	City of Inver Grove Heights
PROPERTY OWNER:	Same as Applicant
REQUEST:	Comprehensive Plan & Rezoning of City Owned Parcels
LOCATION:	Numerous Locations
COMPREHENSIVE PLAN:	Varies
ZONING:	Varies
STAFF CONTACT:	Allan Hunting, 651.450.2554

ACTION REQUESTED

The specific requests for the project include the following:

1. Comprehensive Plan Amendment to change the current land use designation for the Vista Pines, Highlands at Settlers Ridge and Peltier Reserve parks to Public Park and Open Space.
2. Rezoning of the properties within Heritage Village Park, Vista Pines Park, Highlands at Settlers Ridge, Peltier Reserve parks and the Kundla property to P, Institutional District.

BACKGROUND

The City has acquired a number of properties over the last couple of years either for park purposes or for future city maintenance facility needs. This exercise will bring the Zoning and Comprehensive Guide Plan guidance consistent with the use or future use of the property.

EVALUATION OF REQUEST

Comprehensive Plan Amendment. The re-guiding of the parcels makes the use or future use of the land consistent with the Public Park and Open Space designation which is intended for public parks.

Rezoning. This exercise will rezone the parcels to P, Institutional District, so they are all consistent with the use of the property.

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 applicable actions should be taken:

- Approval of the Comprehensive Plan Amendment to change the land use designation to Public Park and Open Space subject to the following conditions:
 - I. The Metropolitan Council shall not require any significant modifications to the Comprehensive Plan Amendment.
 - II. The Metropolitan Council shall not make a finding that the Comprehensive Plan Amendment has a substantial impact or contains a substantial departure from any metropolitan systems plan.
- Approval of the Rezoning to P, Institutional District subject to the following conditions:
 - I. The Rezoning shall not become effective until the Metropolitan Council has approved the Comprehensive Plan Amendment.

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

RECOMMENDATION

The changes are a clean-up exercise, so the parks have the correct zoning and land use designations on the official maps.

ATTACHMENTS

1. Heritage Village Rezoning Map
2. Highlands at Settlers Ridge Park Comp Plan Amendment Map
3. Highlands at Settlers Ridge Park Rezoning Map
4. Vista Pines Park Comp Plan Amendment Map
5. Vista Pines Park Rezoning Map
6. Peltier Reserve Park Comp Plan Amendment Map
7. Peltier Reserve Park Rezoning Map



Heritage Village Park Rezoning



- Existing Zoning -

- Proposed Zoning -





Highlands at Settlers Ridge Park Comp Plan Amendment



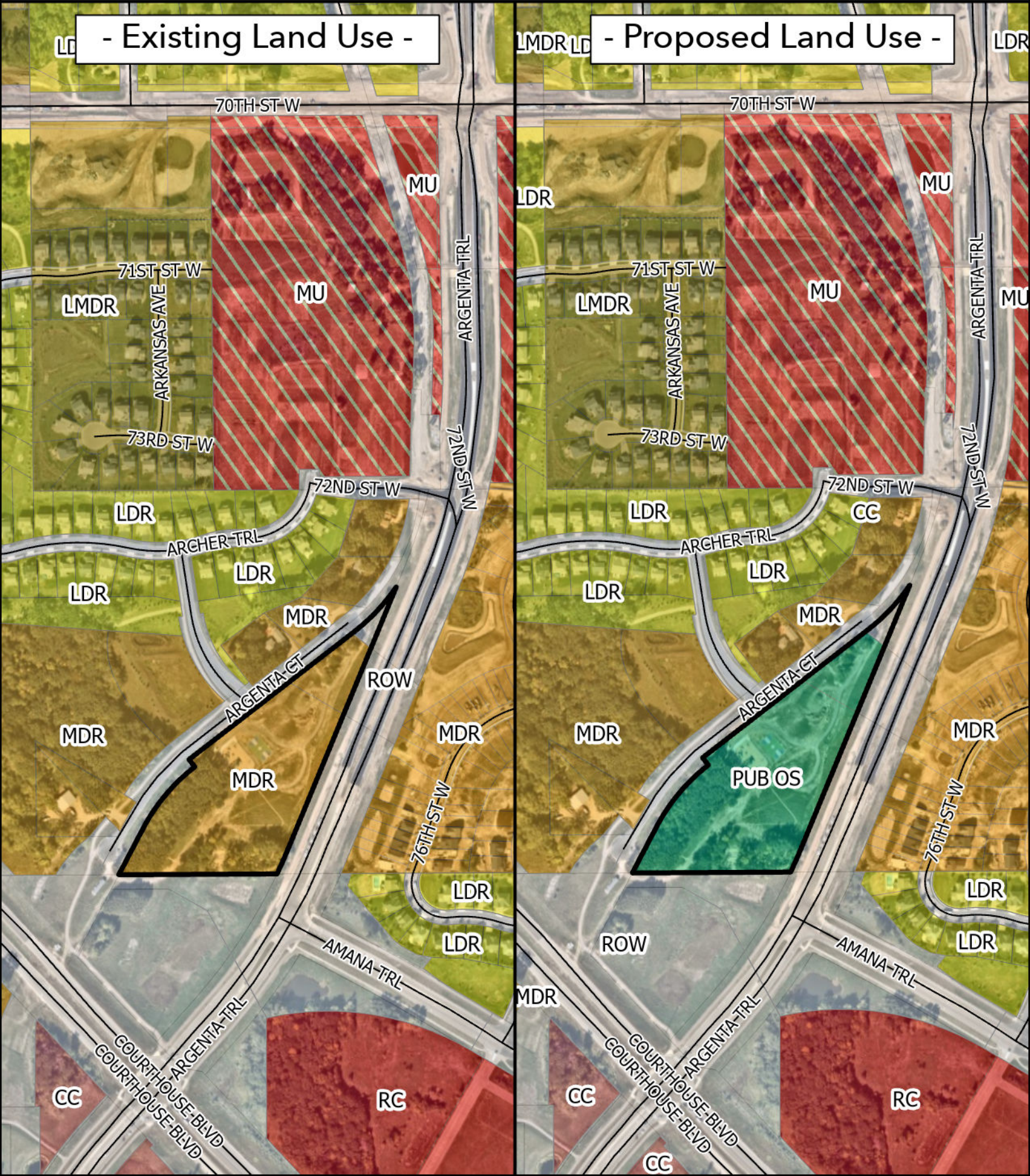


Highlands at Settlers Ridge Park Rezoning



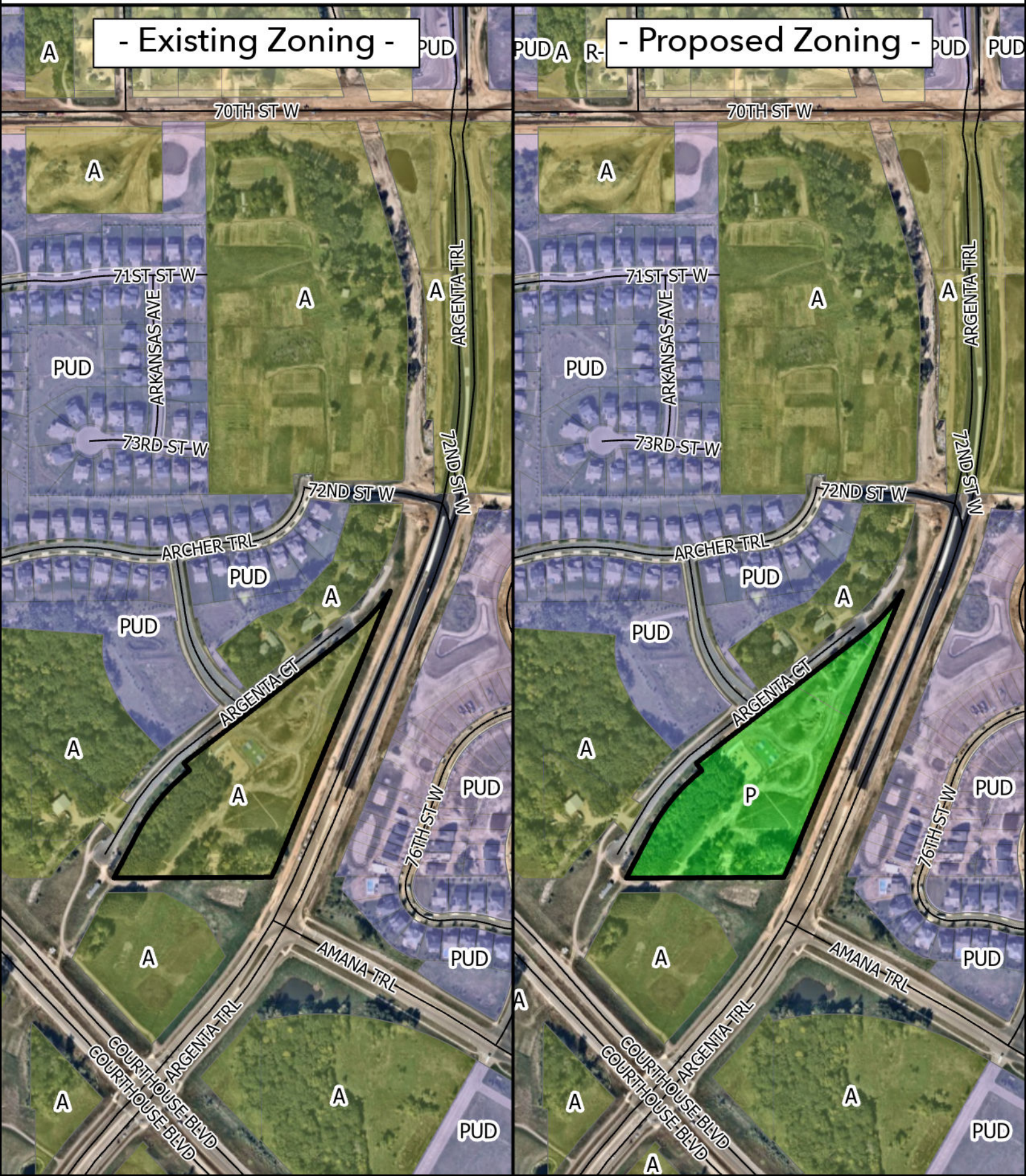


Vista Pines Park Comp Plan Amendment



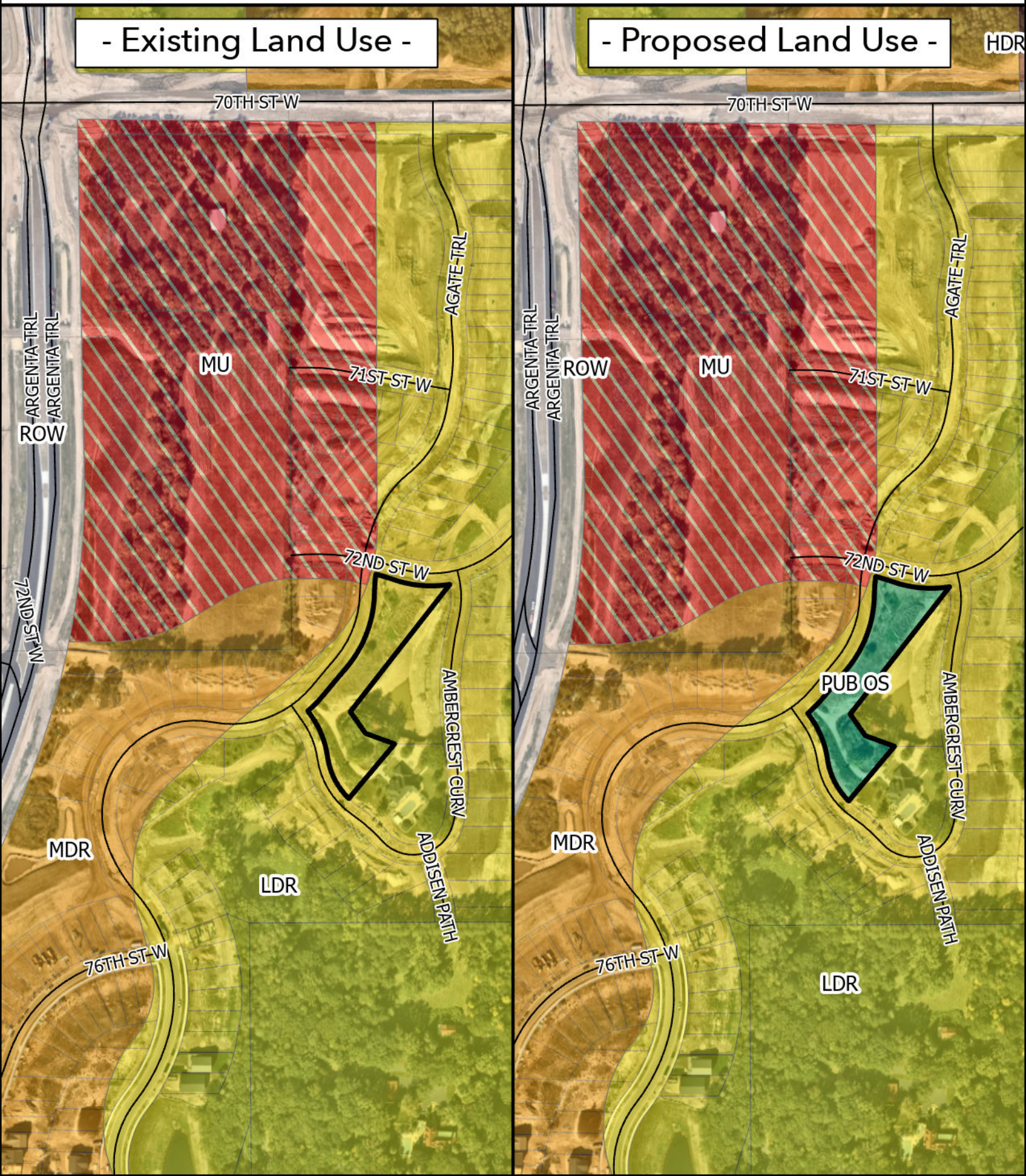


Vista Pines Park Rezoning





Peltier Reserve Park Comp Plan Amendment





Peltier Reserve Park Rezoning

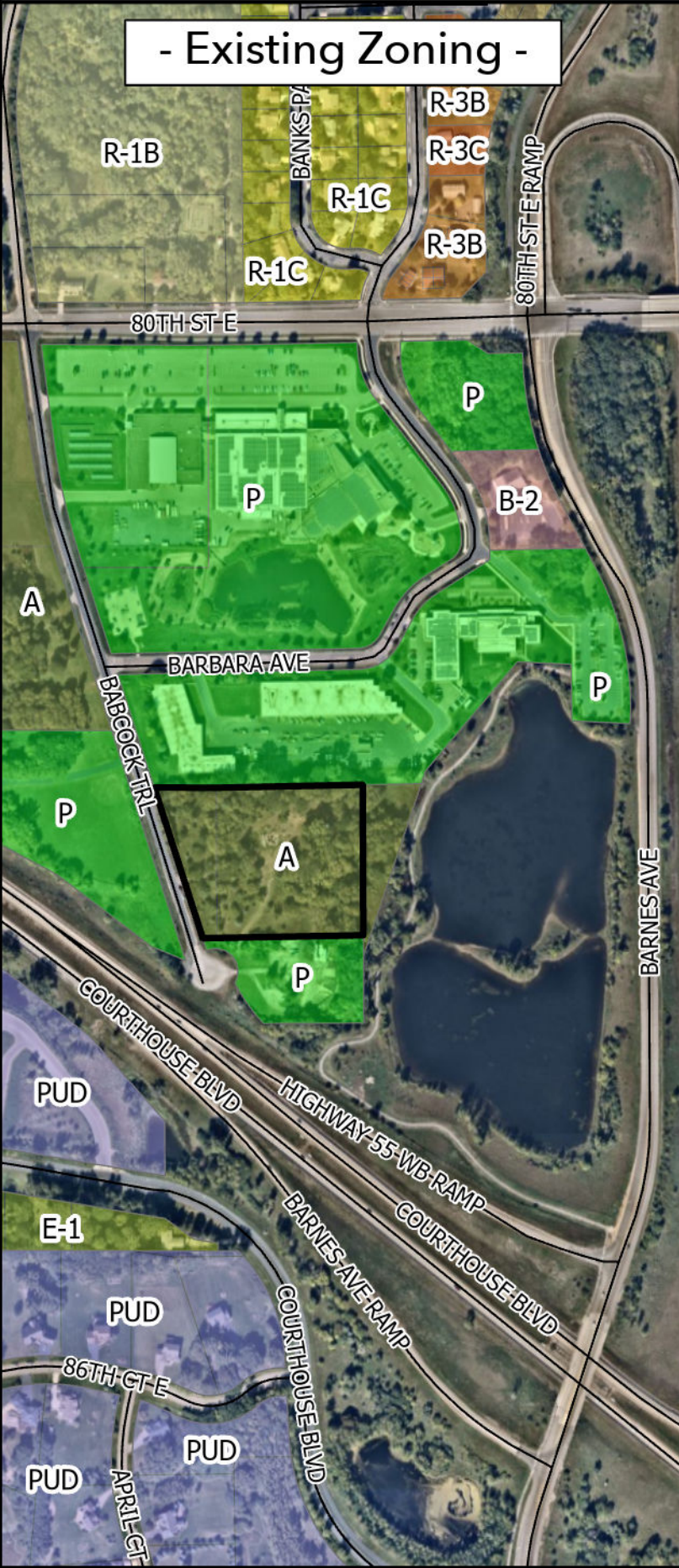




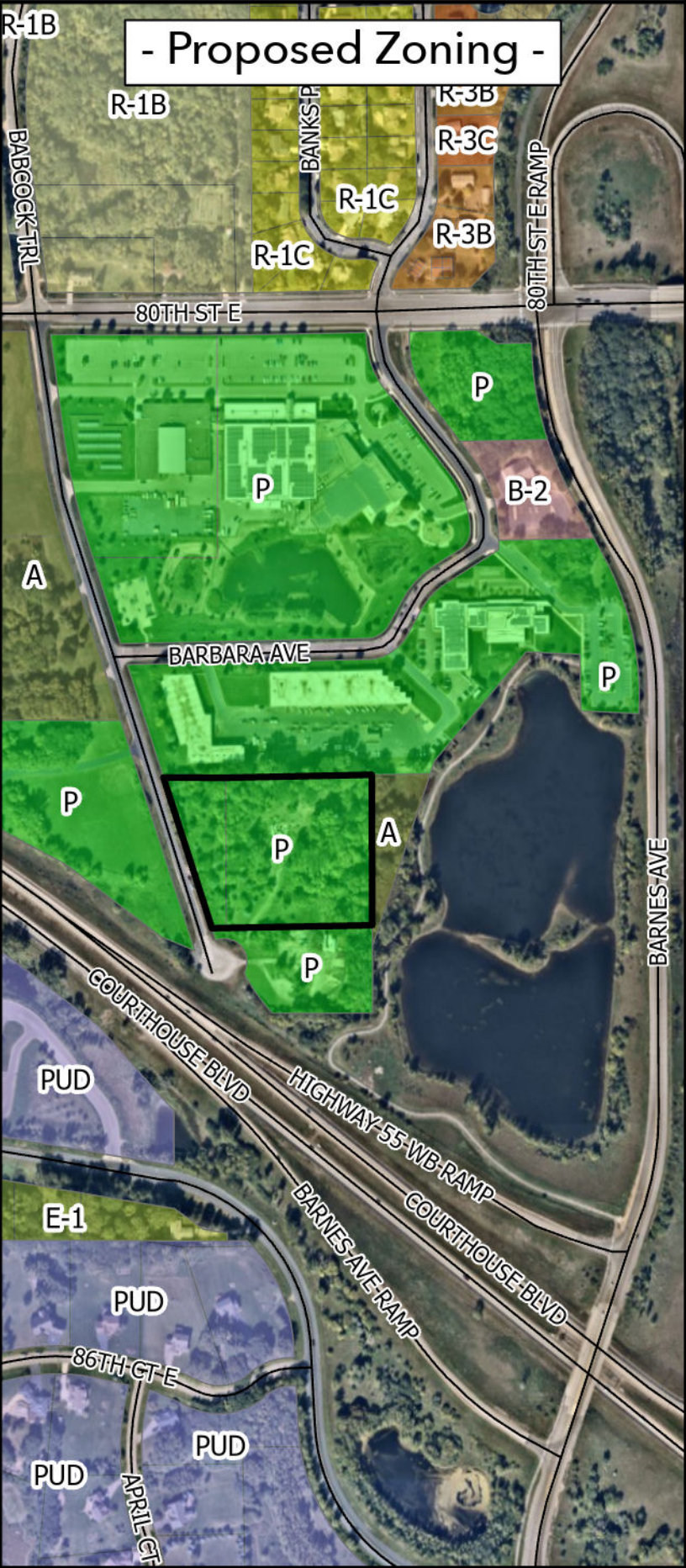
Kundla Property Rezoning



- Existing Zoning -



- Proposed Zoning -





Request for Council Action

SUBJECT: **Resolution Approving a Comprehensive Plan Amendment and Ordinance Approving a Rezoning for Property in the 70XX Block of Concord Blvd.**

MEETING DATE: May 22, 2023

ITEM TYPE: Consent Agenda

CONTACT: Heather Botten, Associate Planner, 651.450.2569

ACTION REQUESTED

The Council is asked to approve the following requests for the vacant property located immediately north of 7027 Concord Blvd - with Parcel ID # 20-71161-00-016 (Case No. 23-17ZPA):

- 1) Comprehensive Plan Amendment to change the land use from MDR, Medium Density Residential to LDR, Low Density Residential (Requires a 4/5th vote)
 - 2) Rezoning of the property from R-3C, Multiple-family Residential to R-1C, Single-Family Residential (Requires a 3/5th vote)
- 60-day deadline: May 29, 2023

BACKGROUND

The applicant is requesting a comprehensive plan designation change from Medium Density Residential (MDR) to Low Density Residential (LDR) and rezoning of the property from multiple-family (R-3C) to single-family residential (R-1C) zoning. The property is 15,000 square feet in size and is currently vacant. It is the applicant's desire to move a single-family home onto the property. The proposed home would comply with setbacks and impervious surface requirements. The house would match neighboring single-family homes for style, age, and footprint. Access would be off a shared driveway to the south of the lot, gaining access off of Concord Boulevard.

The current comprehensive plan designation of MDR allows for higher density residential and could see up to 8-12 units per acre. Based on the lot size, a 4-unit building could potentially go on this lot. Rezoning a property must be in the best interest of the physical development of the city in order to be approved. When reviewing the location and neighborhood, there are other single-family homes to the south and west of this lot. The request does not appear to have any adverse impacts on neighboring properties. City sewer and water are available to the site. No additional roadways or other public improvements appear to be necessary with this request.

FISCAL IMPACT

Not applicable

RECOMMENDATION

Planning Staff: Staff finds the proposed comprehensive plan change and rezoning would be compatible with the existing established uses in the neighborhood and would be in the best interest of the physical development of the area. Staff recommends approval of both requests with the conditions listed in the attached Resolution.

Planning Commission: At the May 2, 2023 public hearing, the applicant was present and no neighbors testified regarding the request. The Planning Commission recommended approval of the requests with the conditions listed in the attached resolution.

ATTACHMENTS

1. Resolution Approving Comprehensive Plan Amendment
2. Ordinance - Rezoning
3. Planning Commission Recommendation
4. Planning Report

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

RESOLUTION NO. _____

**RESOLUTION APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT TO
CHANGE THE LAND USE DESIGNATION FROM MDR, MEDIUM DENSITY
RESIDENTIAL TO LDR, LOW DENSITY RESIDENTIAL**

**CASE NO. 23-17ZPA
(Gunderson)**

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

The North 100.08 feet of the following described parcel:
That part of Outlot A, South Grove No. 12, Dakota County, Minn. described as follows:
Beginning at a point on the Easterly line of said Outlot A, distant 175.0 feet Southwesterly of the Northeast corner thereof; thence Southwesterly, along the said Easterly line of Outlot A, a distance of 188.71 feet; thence Northwesterly, along a line drawn at right angles to said Easterly line of Outlot A, a distance of 150.0 feet, to the Northeast corner of Lot 5, Block 5, South Grove No. 12, thence Northeasterly, along the Easterly line of Lots 4, 3, and 2, Block 5, South Grove No. 12, a distance of 188.71 feet, to a point distant 51.29 feet, Southwesterly of the Northeast corner of Lot 2, Block 5, South Grove No. 12; thence Southeasterly at right angles to the said Easterly line of Lots 4, 3, and 2, Block 5, a distance of 150.0 feet, to the point of beginning. Reserving an Easement over the Easterly 30 feet thereof, for a public roadway.

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

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the request on May 2, 2023, in accordance with City Code Title 10, Chapter 3, Section 10-3-5, D;

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

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

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

2. The Metropolitan Council shall not make a finding that the comprehensive plan amendment has a substantial impact or contain a substantial departure from any metropolitan systems plan.

Adopted by the City Council of Inver Grove Heights on this 22nd day of May, 2023.

Ayes:

Nays:

ATTEST:

Brenda Dietrich, Mayor

Rebecca Kiernan, City Clerk

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

ORDINANCE NO.

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

CASE NO. 23-17ZPA
Gunderson

The City Council of Inver Grove Heights ordains as follows:

SECTION I. Ordinance No. 1190 adopted July 27, 2009, entitled, "AN ORDINANCE ADOPTING THE RECODIFICATION OF THE INVER GROVE HEIGHTS CITY CODE INCLUDING THE CITY ZONING ORDINANCE, is hereby amended to rezone the following described property located within the City of Inver Grove Heights from R-3C, Multiple-family Residential to R-1C, Single-Family Residential, to wit:

The North 100.08 feet of the following described parcel:

That part of Outlot A, South Grove No. 12, Dakota County, Minn. described as follows: Beginning at a point on the Easterly line of said Outlot A, distant 175.0 feet Southwesterly of the Northeast corner thereof; thence Southwesterly, along the said Easterly line of Outlot A, a distance of 188.71 feet; thence Northwesterly, along a line drawn at right angles to said Easterly line of Outlot A, a distance of 150.0 feet, to the Northeast corner of Lot 5, Block 5, South Grove No. 12, thence Northeasterly, along the Easterly line of Lots 4, 3, and 2, Block 5, South Grove No. 12, a distance of 188.71 feet, to a point distant 51.29 feet, Southwesterly of the Northeast corner of Lot 2, Block 5, South Grove No. 12; thence Southeasterly at right angles to the said Easterly line of Lots 4, 3, and 2, Block 5, a distance of 150.0 feet, to the point of beginning. Reserving an Easement over the Easterly 30 feet thereof, for a public roadway.

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

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

Enacted and ordained into an Ordinance this 22nd day of May, 2023.

Ayes:

Nays:

Ordinance No.
Page 2

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

RECOMMENDATION TO CITY OF INVER GROVE HEIGHTS

TO: Mayor and City Council of Inver Grove Heights

FROM: Planning Commission

DATE: May 2, 2023

SUBJECT: **Consider a Request by Eric Gunderson for a Rezoning from R-3C, Multiple Family Residential to R-1C, Single Family Residential and a Comprehensive Plan Amendment from MDR, Medium Density Residential to LDR, Low Density Residential for the property identified as PID No. 20-71161-00-016. (Case No. 23-17ZPA)**

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice to consider the request for Gunderson, Case No. 23-17ZPA. The request involves property located to the south of 7011 Concord Boulevard at PID No. 20-71161-00-016. The request consists of a rezoning from R-3C multiple family residential district, to R-1C single family residential district, and a comprehensive plan amendment from MDR medium density residential, to LDR low density residential. Notices were mailed to 28 property owners on April 13, 2023.

Presentation of Request

Associate Planner Heather Botten discussed the request for property located on the west side of Concord Boulevard, south of 70th Street, zoned R-3C, multi-family, and guided MDR, medium density residential. The request is a change from the comprehensive plan designation to LDR and rezoning the property to R-1C single family residential zoning. The property is 15,000 square feet in size and currently vacant. It is the applicant's desire to move a single-family home onto the property. The proposed home would comply with setbacks and impervious surface requirements. The house would match neighboring single-family homes for style, age, and footprint. Access would be off a shared driveway to the south of the lot, gaining access off of Concord Boulevard. The current comprehensive plan designation of MDR allows for higher density residential and could see up to 8-12 units per acre. Based on the lot size in this case, a 4-unit building could potentially go on this lot. The change to low density would be the one single family unit. Rezoning must be in the best interest of the physical development of the city in order to be approved. When reviewing the location and neighborhood there are other single-family homes to the south and west of this lot. The request does not appear to have any adverse impacts on neighboring properties. Utilities are available to the lot, a requirement for urban density. Staff believes the proposed zoning would be compatible with the existing established uses in the area. Staff recommends approval of both requests as presented with the conditions listed. Staff has not heard from any of the surrounding property owners.

Opening of the Public Hearing

Eric Gunderson, 797 Lexington Parkway South, St. Paul, Applicant, stated that he has read and understands the report. He is saving a house in Rosemount near the Akron/42 redevelopment. The home was meant to be demolished; he was hoping to see it saved by placing it on the proposed lot.

Chair Niemioja closed the Public Hearing.

Planning Commission Discussion

Commissioner Challeen said she was surprised it was not currently single family residential.

Planning Commission Recommendation

Motion by Commissioner Challeen, Second by Commissioner Heidenreich, to Approve Rezoning from R-3C, Multiple Family Residential, to R-1C, Single Family Residential, for property identified as PID No. 20-71161-00-016. (Case No. 23-17ZPA).

Motion carried (6/0).

Motion by Commissioner Challeen, Second by Commissioner Heidenreich, to Approve the Comprehensive Plan Amendment from MDR, Medium Density Residential, to LDR, Low Density Residential, for the property identified as PID No. 20-71161-00-016. (Case No. 23-17ZPA).

Motion carried (6/0).

This item goes before the City Council on May 22, 2023.



Planning Commission Report

MEETING DATE:	May 2, 2023
CASE NO:	23-17ZPA
APPLICANT:	Eric Gunderson
PROPERTY OWNER:	Same as Applicant
REQUEST:	Comprehensive Plan Amendment & Rezoning
LOCATION:	South of 7011 Concord Blvd, Identified as PID No. 20-71161-00-016
COMPREHENSIVE PLAN:	MDR, Medium Density Residential
ZONING:	R-3C, Multiple-Family Residential
STAFF CONTACT:	Heather Botten, 651.450.2569

ACTION REQUESTED

The following specific applications are being requested:

- A Comprehensive Plan Amendment to change the land use from MDR, Medium Density Residential to LDR, Low Density Residential.
- A Rezoning of the property from R-3C, Multiple-family Residential to R-1C, Single-family Residential.

BACKGROUND

The applicant's property is 0.34 acres (15,012 square foot) in size. The property is currently vacant. It is the applicants desire to move a single-family home onto the lot. The property is located along the west side of Concord Boulevard, south of 70th Street. The proposed home would comply with setbacks and impervious surface requirements and would match neighboring single-family homes in style, age, and relative footprint. Access would be off the shared driveway to the south of the lot.

The current zoning of R-3C allows a multiple-family development on the parcel. The applicant has stated the lot is too small for a multi-family development to be financially feasible. Additionally, a multi-family building would more than likely require variances to comply with today's code requirements.

If the Comprehensive Plan Amendment and Rezoning are successful, a building permit would be required to relocate a home onto this parcel.

EVALUATION OF REQUEST

Surrounding Uses

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

North: Landscaping business; zoned B-2; guided NC, Neighborhood Commercial

East: ROW/Vacant land; zoned I-1, Limited Industrial; guided LI, Light Industrial

South: Single-family Residential; zoned R-3C; guided MDR

West: Single-family Residential; zoned R-1C; guided LDR

Comprehensive Plan Amendment

The property is currently guided MDR, Medium Density Residential. Medium Density Residential accommodates somewhat higher residential densities, ranging from 8 to 12 dwelling units per net acre. Uses in this classification include higher density townhome developments and apartments, all with full public utility service.

The applicant is requesting a change to Low Density Residential (LDR). The Low Density Residential category encompasses traditional “urban” density development in Inver Grove Heights. LDR includes lots or parcels ranging from 1 unit per acre to 4 units per net acre. Housing types in the Low Density Residential category include single-family detached homes, twin units and lower density, townhome style developments. In all cases, Low Density residential developments will be served by public water and sanitary sewer systems.

Rezoning

The City Code, Title 10-3-5 states that a Rezoning request must be in the best interest of the physical development of the City in order to be approved. This suggests that the request should be reviewed against such factors as infrastructure availability; compatibility with existing land uses in the neighborhood; and consistency with the Comprehensive Plan.

Infrastructure

City sewer and water are available to the site. No additional roadways or other public improvements appear to be necessary with this request.

Comp Plan Consistency

With the approval of the requested Comprehensive Plan Amendment, the Rezoning would be consistent with the 2040 Comprehensive Plan.

Neighborhood Compatibility

The property is an existing lot of record. There are other single-family units to the south and west of this parcel. The request does not appear to have any adverse impacts on the neighboring properties

Staff believes the proposed zoning would be compatible with the existing, established uses in the neighborhood.

ALTERNATIVES

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

A. Approval: If the Planning Commission finds the application acceptable, the Commission should make the following recommendation(s):

- Approving the Comprehensive Plan Amendment to change the land use from MDR, Medium Density Residential to LDR, Low Density Residential subject to the following conditions:
 1. The Metropolitan Council shall not require any significant modifications to the Comprehensive Plan Amendment.
 2. The Metropolitan Council shall not make a finding that the Comprehensive Plan Amendment has a substantial impact or contain a substantial departure from any metropolitan systems plan.
- Approval of a **Rezoning** of the parcel from R-3C, Multiple-family Residential to R-1C, Single-family Residential

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

RECOMMENDATION

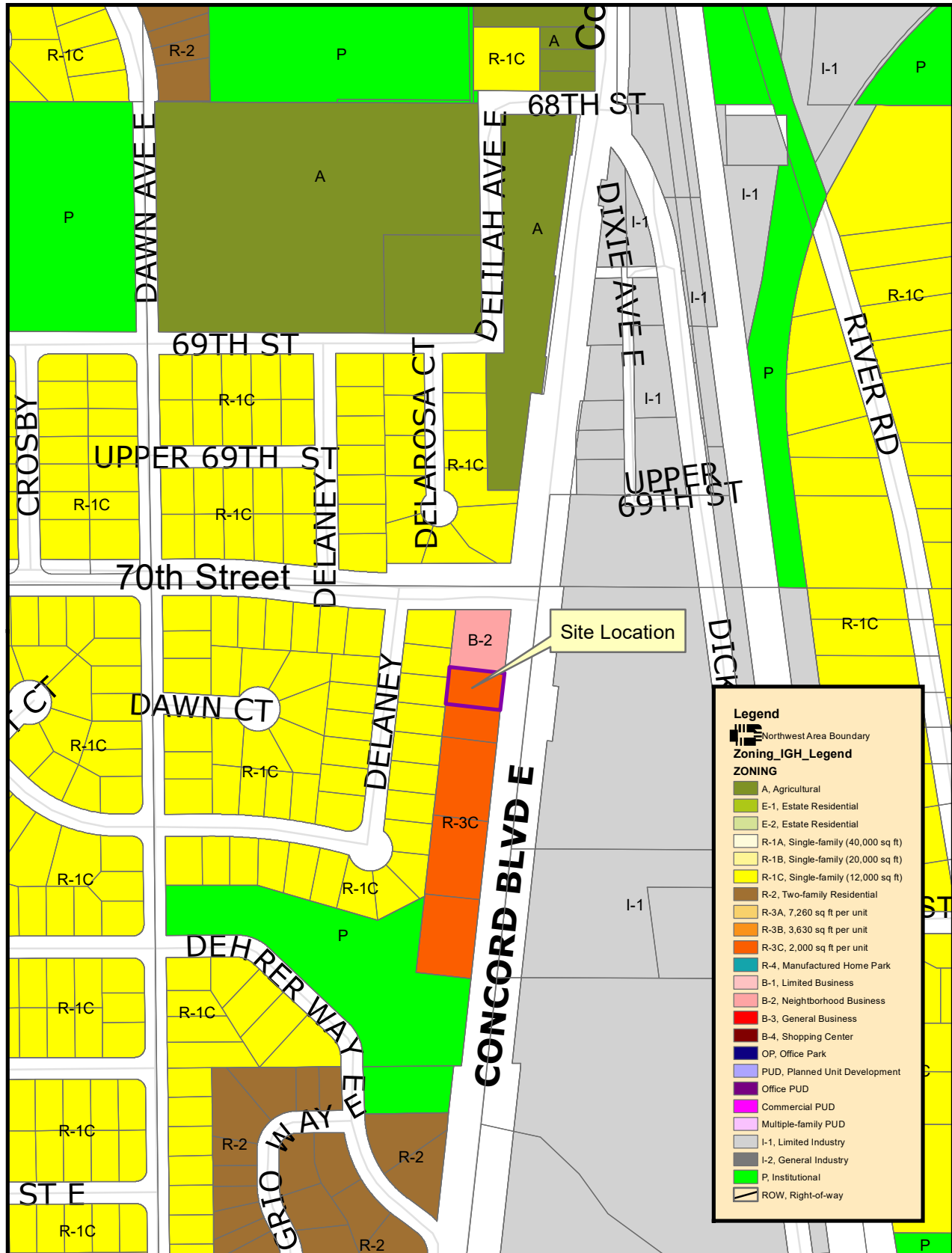
Based on the information in the preceding report and the conditions listed in Alternative A, staff is recommending approval of the request as presented.

ATTACHMENTS

1. Zoning and Location Map
2. Narrative
3. Site Plan
4. Photo of House



7025 Concord Blvd Case No. 23-17ZPA



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

Map not to scale

Eric Gunderson
797 Lexington Pkwy S
St Paul, MN 55116
651-226-1521 | eric@monarchmsp.com

Re: Re-zoning and Comprehensive Plan Amendment for 7025 Concord Blvd

To Staff at the City of Inver Grove Heights,

Hello, my name is Eric Gunderson. I'm the new owner of PID: 20-71161-00-016 roughly located at 7025 Concord Blvd. I am seeking a Rezoning and Comprehensive Plan Amendment of this property from its current designation of R-3C to R-1C in order to construct a single family home. Please see Exhibit A for location reference.

I am seeking these because:

- The current lot is too small for multi-family development to be financially feasible
- Access to the site is restricted to a one-way in one-way out frontage road; a less dense development would have less of a traffic impact on the neighbor directly adjacent to the site
- The proposed development will match neighboring single family homes in scale, style, age, and relative footprint
- The proposed development will save a structure from demolition while also adding housing to a vacant parcel that has never been developed in Inver Grove Heights

With the parcel's current zoning, I cannot construct a new foundation and move a single family house to this location. Because of this, and with the above mentioned points in mind, I am formally submitting my applications for Rezoning and a Comprehensive Plan Amendment for this parcel to R-1C.

In addition to this letter which serves as the narrative clearly describing my requests for rezoning and a comprehensive plan amendment, I have attached the following:

- A completed Planning Application Form
- An Abstractor's Certificate of properties within 350 feet of this property
- Map clearly showing the property to be rezoned (Exhibits B)
- An exact legal description of the property in Word format (Exhibit C)
- A site plan showing setbacks and the approximate location of the house (Exhibit D)
- A picture of the house to be moved from Rosemount to Inver Grove Heights (Exhibit E)

Thank you for your time and consideration.

Sincerely,

Eric Gunderson

This is an aerial map of a residential neighborhood in Minneapolis, MN. The map displays property boundaries, lot numbers, and street names. A central property is highlighted in yellow and labeled "Subject Property" with dimensions of 100' x 150'. Surrounding properties are labeled with numbers: 7061, 7053, 7045, 7033, 7011, 4082, 7056, 7048, 7038, 7026, 7018, 7027, 7011 (Natureview Landscaping), and 7015. Streets shown include Delaney Avenue, 70th Street East, Concord Boulevard, and Mississippi River Greenway. The map also shows a "Chippewa Trail" and a "Mississippi River Greenway".

Property Map



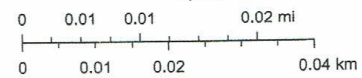
4/20/2023, 4:10:21 PM

Parcels

Dedicated Right of Way

Right of Way Easement

1:1,128



Esri Community Maps Contributors, County of Dakota, Metropolitan Council, MetroGIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson,

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This drawing is neither a legally recorded map nor a survey and is not intended to be used as one.

Picture of House to be Moved from Rosemount to Inver Grove Heights





Request for Council Action

SUBJECT: **Resolutions Approving Variances for Minimum Lot Size and Lot Width for properties located at 11331 & 11335 Albavar Path (Case No. 23-15V).**

MEETING DATE: May 22, 2023

ITEM TYPE: Consent Agenda

CONTACT: Allan Hunting, City Planner, 651.450.2554

ACTION REQUESTED

The Council is asked to approve two resolutions granting Variances for minimum lot area and minimum lot width for two properties located at 11331 and 11335 Albavar Path.

Requires 3/5ths vote

60-day deadline: June 2, 2023 (first 60-days)

BACKGROUND

The request is to move a lot line so there is permanent road frontage for Parcel 2 noted on the survey. Family members own both of the lots. Currently, a driveway easement exists for Parcel 2 to cross over Parcel 1. The proposal is to make a 35 foot wide "pipe stem" lot and add to Parcel 2 so Parcel 2 has ownership on Albavar Path. This creation of the pipe stem would reduce the size of Parcel 1 from 5.2 acres to 4.79 acres. The property is zoned A, Agricultural, which requires a 5.0 acre minimum lot size.

This request requires two variances; one for Parcel 1 to be less than 5.0 acres in size and one for Parcel 2 to have lot width on a road less than 200 feet wide. Practical difficulties for the variances are listed in the attached resolutions.

If the variances are approved, an Administrative Subdivision would be approved by staff with the condition that the County record the legal descriptions for Parcels 2 & 3 to be combined into one tax parcel.

FISCAL IMPACT

n/a

RECOMMENDATION

Planning Commission recommended approval of the two variances (6-0).
Staff also recommends approval of the two variances.

ATTACHMENTS

1. Resolution Approving Lot Size Variance for 11331 Albavar Path
2. Resolution Approving Lot Width Variance for 11335 Albavar Path

3. Planning Report

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

RESOLUTION NO. ____

**RESOLUTION APPROVING A VARIANCE FROM CHAPTER 10-7-2.A TO ALLOW A
PARCEL 4.79 ACRES IN SIZE WHEREAS 5.0 ACRES IS MINIMUM IN THE A,
AGRICULTURAL DISTRICT**

**CASE NO. 23-15V
(Goehering)**

Property located at 11331 Albavar Path and legally described as follows:

LOT 9, BLOCK 2, WHISTLEWOOD FARMS 2ND ADDITION, ACCORDING TO THE PLAT
ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER, DAKOTA
COUNTY, MINNESOTA.

WHEREAS, an application has been received for a Variance from minimum lot size standards;

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

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

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the request on May 2, 2023 in accordance with City Code Section City Code 10-3-3:C;

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

- Reducing the size of Parcel 1 does not appear to have an impact on the neighborhood as this lot is already developed and because the house is on the opposite side of the lot, any possible improvements would not be impacted by the 35 foot wide reduction in width of the lot.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the variance to allow the lot to be less than 5.0 acres in size is hereby approved subject to the following condition:

1. An administrative subdivision approval shall be required to modify the lot boundary. The applicant is responsible for making application for such administrative subdivision prior to any survey being submitted to Dakota County.
2. The variance shall become void two (2) years after it was granted unless made use of within two (2) years or such longer period as the council, within two years may provide. This is described in Chapter 10-3-4.F of the City Code.

Adopted by the City Council of Inver Grove Heights this 22nd day of May, 2023.

Brenda Dietrich, Mayor

Ayes:

Nays:

ATTEST:

Rebecca Kiernan, City Clerk

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

RESOLUTION NO. _____

**RESOLUTION APPROVING A VARIANCE FROM CHAPTER 10-7-2.A TO ALLOW A
PARCEL WITH LESS THAN 200 FEET OF LOT WIDTH AT SETBACK LINE IN THE A,
AGRICULTURAL DISTRICT**

**CASE NO. 23-15V
(Goehering)**

Property located at 11335 Albavar Path and legally described as follows:

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST
QUARTER OF SECTION 31, TOWNSHIP 31, RANGE 22, ACCORDING TO THE
GOVERNMENT SURVEY THEREOF

And

THE EASTERLY 35.00 FEET OF LOT 9, BLOCK 2, WHISTLEWOOD FARMS 2ND
ADDITION, DAKOTA COUNTY, MINNESOTA

WHEREAS, an application has been received for a Variance from minimum lot
frontage standards;

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

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

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the
request on May 2, 2023 in accordance with City Code Section City Code 10-3-3:C;

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

- Creating the flag stem for Parcel 2 provides direct lot frontage for the lot so
the use would be like other lots providing reasonable use of the property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the variance to allow the lot to be less than 5.0 acres in size is hereby approved subject to the following condition:

1. An administrative subdivision approval shall be required to modify the lot boundary. The applicant is responsible for making application for such administrative subdivision prior to any survey being submitted to Dakota County.
2. Parcel 3 shall be required to be combined with Parcel 2 when recording the document with the County. This will be a condition of Administrative Subdivision approval.
3. The variance shall become void two (2) years after it was granted unless made use of within two (2) years or such longer period as the council, within two years may provide. This is described in Chapter 10-3-4.F of the City Code.

Adopted by the City Council of Inver Grove Heights this 22nd day of May, 2023.

Brenda Dietrich, Mayor

Ayes:

Nays:

ATTEST:

Rebecca Kiernan, City Clerk



Planning Commission Report

MEETING DATE:	May 2, 2023
CASE NO:	23-15V
APPLICANT:	Michael & Kathleen Goehring
PROPERTY OWNER:	Michael & Kathleen Goehring, and Colleen Goehring
REQUEST:	Variance from lot size and lot frontage
LOCATION:	11331 & 11335 Albavar Path
COMPREHENSIVE PLAN:	RDR, Rural Density Residential
ZONING:	A, Agricultural District
STAFF CONTACT:	Allan Hunting, 651.450.2554

ACTION REQUESTED

The specific requests for the project include the following:

1. A Variance to allow Parcel 1 to be 4.79 acres in size, whereas 5.0 acres is the minimum required.
2. A Variance to allow Parcel 2 to have a lot width at building setback line of 35 feet, whereas 200 feet is required.

BACKGROUND

The applicant is proposing to create a more permanent connection to Albavar Path for Parcel 2 so the existing driveway is located on a land strip to be created, then added to Parcel 2 so it has direct road frontage. See attached Lot Line Adjustment survey for parcel references.

The two parcels are owned by members of the same family. The applicants have supplied a survey drawing from 1991 that showed a driveway easement over Parcel 1 to be used as the driveway access for Parcel 2. The driveway easement apparently was never recorded. The owners are now proposing to make a permanent land connection to the road for Parcel 2.

In order to accomplish this, the owners are proposing to create a 35 foot wide parcel that would be removed from Parcel 1 and added to Parcel 2. This narrow width to a public street is sometimes known as a "flag stem" or "pipe stem" lot. Both parcels are zoned A, Agriculture which requires a minimum lot size of 5.0 acres and minimum lot width at building setback line (30 feet) of 200 feet. The minimum lot frontage for any lot at road frontage must be at least 30 feet. Parcel 1 is currently 5.2 acres in size. The 35 foot wide strip would be 0.41 acres in size. Once removed from Parcel 1, its lot size would drop to 4.79 acres. Parcel 2 is currently over 10 acres in size. Two Variances are needed for this land swap to occur, one for lot size and one for lot width at setback line.

EVALUATION OF REQUEST

VARIANCE

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 variance, 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.

Both lots are developed with houses. The house on Parcel 1 is to the far west side of the lot. Reducing the size of the lot for the driveway would not have an impact on the parcel as developed. Parcel 1 would still have a lot width of 299 feet, which exceeds minimum standards. Parcel 2 is 10 acres in size and adding the flag portion would bring this lot into conformity with other lots that have direct frontage on a public street.

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

Again, creating the flag stem for Parcel 2 provides direct lot frontage for the lot so the use would be like other lots providing reasonable use of the property.

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

Creating the flag stem for Parcel 2 does impact Parcel 1 which puts it at less than 5.0 acres, thus needing a variance. Adding the land to Parcel 2 for the driveway could be looked at as a better solution rather than creating a driveway easement over Parcel 1 so there is full ownership and would remove an encumbrance from Parcel 1.

4. The Variance will not alter the essential character of the locality.

The driveway already exists so creating the flag stem would not alter the character of the neighborhood as this has no impact on the physical appearance of the two parcels. Reducing the size of Parcel 1 does not appear to have an impact on the neighborhood as this lot is already developed and because the house is on the opposite side of the lot, any possible improvements would not be impacted by the 35 foot wide reduction in width of the lot.

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

Economic considerations do not appear to be a factor in 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:

- A Variance from Chapter 10-7-2.A to allow a parcel 4.79 acres in size whereas 5.0 acres in minimum subject to the following conditions:

1. An Administrative Subdivision approval shall be required to modify the lot boundary. The applicant is responsible for making application for such Administrative Subdivision prior to any survey being submitted to Dakota County.

2. The Variance shall become void two (2) years after it was granted unless made use of within two (2) years or such longer period as the council, within two years, may provide. This is described in Chapter 10-3-4.F of the City Code.

Practical Difficulty: Reducing the size of Parcel 1 does not appear to have an impact on the neighborhood as this lot is already developed and because the house is on the opposite side of the lot, any possible improvements would not be impacted by the 35 foot wide reduction in width of the lot.

- A Variance from Chapter 10-7-2.A to allow a parcel with less than 200 feet of lot width at setback line subject to the following conditions:

1. An Administrative Subdivision approval shall be required to modify the lot boundary. The applicant is responsible for making application for such Administrative Subdivision prior to any survey being submitted to Dakota County.

2. Parcel 3 shall be required to be combined with Parcel 2 when recording the document with the County. This will be a condition of Administrative Subdivision approval.

3. The Variance shall become void two (2) years after it was granted unless made use of within two (2) years or such longer period as the council, within two years, may provide. This is described in Chapter 10-3-4.F of the City Code.

Practical Difficulty: creating the flag stem for Parcel 2 provides direct lot frontage for the lot so the use would be like other lots providing reasonable use of the property.

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

RECOMMENDATION

Staff believes there is a rationale for approving both Variances with the practical difficulties listed above. Staff recommends approval of the Variances as presented.

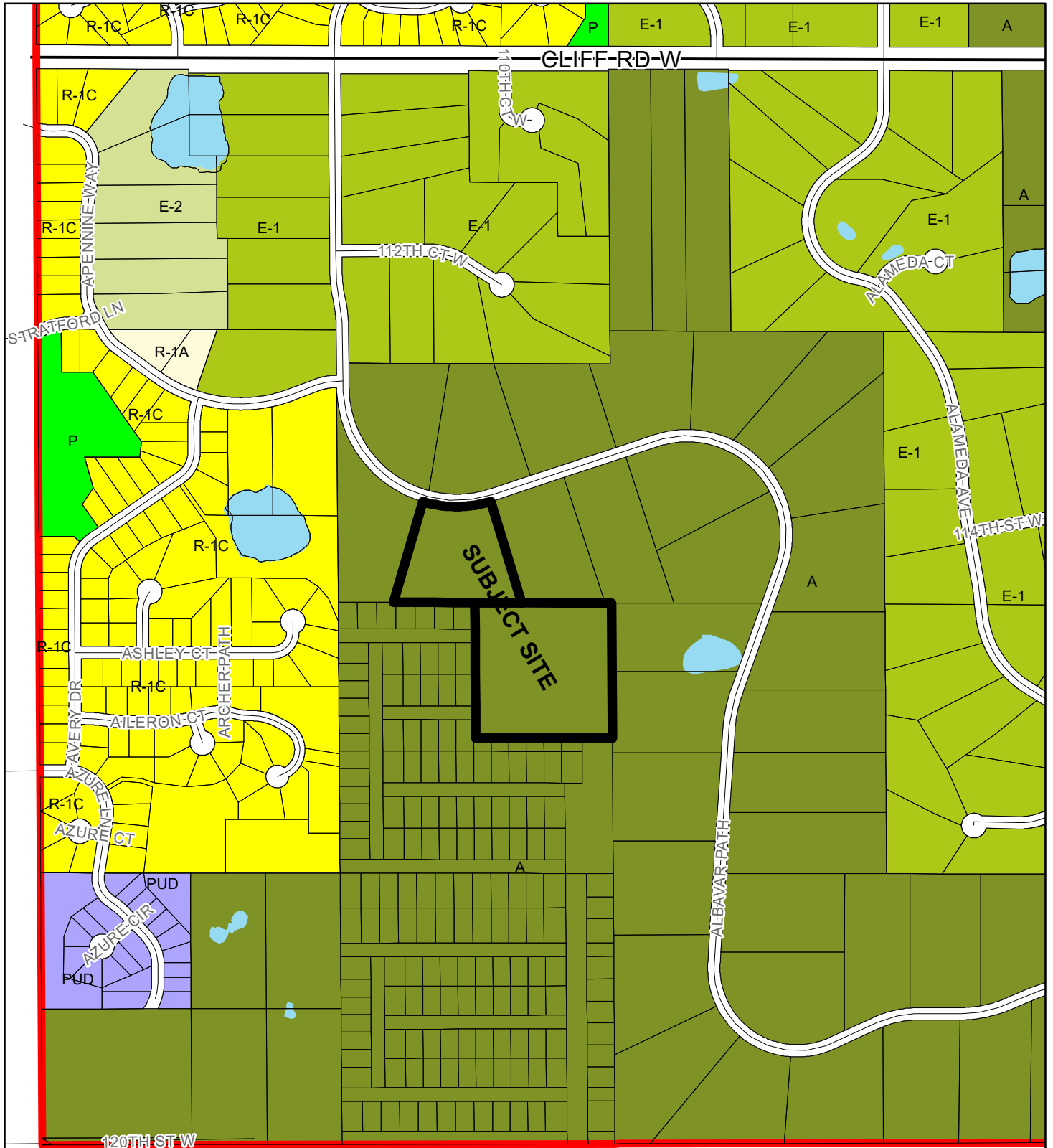
ATTACHMENTS

1. Location Map
2. Narrative
3. Lot Line Adjustment Survey
4. 1992 Survey showing proposed Driveway Easement



Location Map

Case No. 23-15V



DESCRIPTION OF REQUEST

The property at 11335 Albavar Path is currently accessed by an easement from 11331 Albavar Path.

This request is for a variance to transfer ownership of the easement property (Michael P Goehring and Kathleen A Goehring) to the owner of 11335 Albavar Path (Colleen V Goehring). Approval of this request will consolidate the entire driveway of 11335 property to that parcel.

The recently performed survey indicates that approval of this variance request will result:

Lot 9 (11331 Albavar Path)

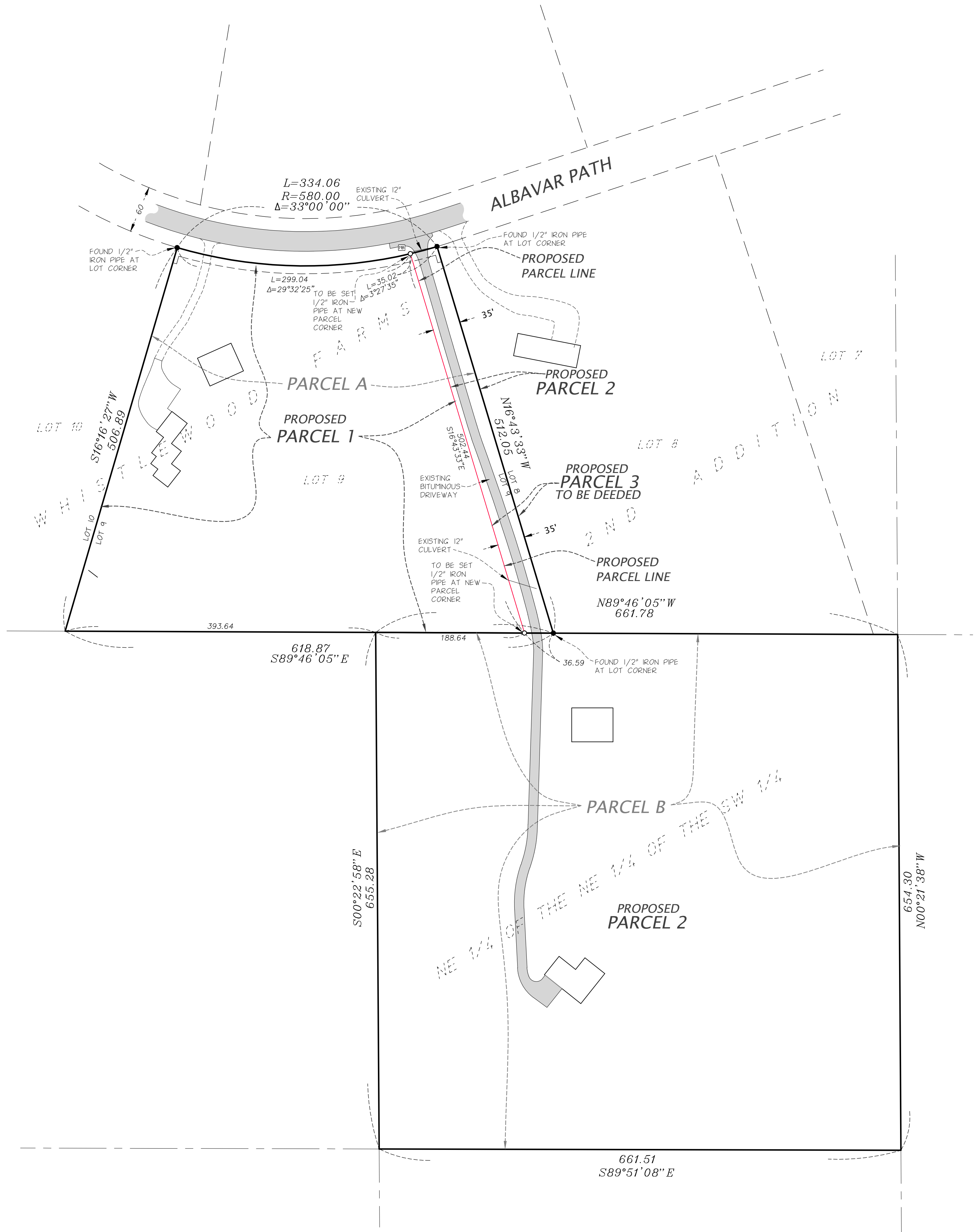
Existing: 5.196 acres

Proposed: 9.945 acres

Parcel 2 (11335 Albavar Path)

Existing: 9.945 acres

Proposed: 10.29 acres



EXISTING LEGAL DESCRIPTIONS:

PARCEL A (AS SHOWN ON AVAILABLE TAX RECORDS)
MICHAEL & KATHLEEN GOEHRING
11331 ALBAVAR PATH

Lot 9, Block 2, WHISTLEWOOD FARMS 2ND ADDITION, Dakota County, Minnesota.

PARCEL B (CERTIFICATE OF TITLE #185150
COLLEEN GOEHRING
11335 ALBAVAR PATH

The Northeast Quarter of the Northeast Quarter of the Southwest Quarter of Section 31, Township 31, Range 22, according to the Government Survey thereof.

EXISTING AREAS:

PARCEL A = 226,350 SQ.FT. / 5.196 ACRES
PARCEL B = 433,217 SQ.FT. / 9.945 ACRES

TOTAL = 15.142 ACRES

PROPOSED LEGAL DESCRIPTIONS:

PARCEL 1
MICHAEL & KATHLEEN GOEHRING PARCEL AFTER DEEDING PARCEL 3 TO COLLEEN GOEHRING - 11331 ALBAVAR PATH

Lot 9, Block 2, WHISTLEWOOD FARMS 2ND ADDITION, Dakota County, Minnesota, EXCEPT the easterly 35.00 feet thereof.

PARCEL 2
COLLEEN GOEHRING PARCEL AFTER ACQUIRING PARCEL 3 FROM MICHAEL & KATHLEEN GOEHRING - 11335 ALBAVAR PATH

The Northeast Quarter of the Northeast Quarter of the Southwest Quarter of Section 31, Township 31, Range 22, according to the Government Survey thereof

and

The easterly 35.00 feet of Lot 9, Block 2, WHISTLEWOOD FARMS 2ND ADDITION, Dakota County, Minnesota.

PARCEL 3
35' STRIP OF LAND FROM MICHAEL & KATHLEEN GOEHRING TO COLLEEN GOEHRING

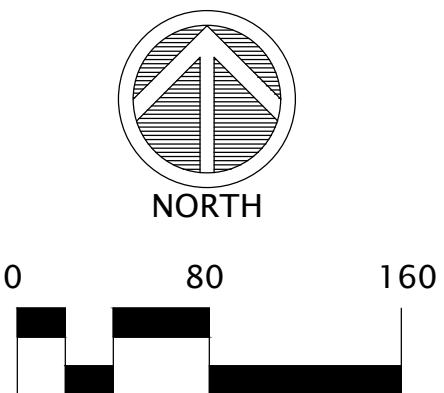
The easterly 35.00 feet of Lot 9, Block 2, WHISTLEWOOD FARMS 2ND ADDITION, Dakota County, Minnesota.

PROPOSED AREAS:

PARCEL 1 = 208,602 SQ.FT. / 4.79 ACRES
PARCEL 2 = 450,991 SQ.FT. / 10.35 ACRES
PARCEL 3 = 17,774 SQ.FT. / 0.41 ACRES (TO BE DEEDED)

SURVEY NOTES:

1. BEARINGS ARE BASED ON THE DAKOTA COUNTY COORDINATE SYSTEM NAD 1983. BEARINGS ARE DIFFERENT THAN SHOWN ON THE RECORDED PLAT. ALL INTERIOR ANGLES MATCH THE RECORDED PLAT ANGLES.
2. UNDERGROUND UTILITIES NOT SHOWN.
3. CONTOURS SHOWN PER LIDAR DATA OBTAINED FROM THE DNR MNTPO WEBSITE. NOT FIELD VERIFIED.
4. ELEVATION ARE BASED ON GPS DERIVED VALUES FOR NAVD 88.
5. BUILDINGS AND DRIVEWAYS SHOWN PER AIR PHOTO. NOT FIELD VERIFIED.
6. AS DIRECTED BY THE CLIENT. THE PURPOSE OF THIS SURVEY WAS TO LOCATE THE DRIVEWAY AND THE LOT CORNERS COMMON TO LOTS 8 AND 9 AND SET THE NEW CORNERS FOR PARCEL 3.



LOT LINE ADJUSTMENT

CONTACT:

Colleen Goehring
11335 Albavar Path
651-552-0346
cogoehring@outlook.com0

COUNTY/CITY:

DAKOTA COUNTY

CITY OF INVER GROVE HEIGHTS

REVISIONS:

DATE	REVISION
4-20-23	ISSUED
4-26-23	REVISED PARCEL LINE

CERTIFICATION:

I hereby certify that this plan 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.

Daniel L. Thurmes
Daniel L. Thurmes Registration Number: 25718
Date: 4-20-23

PROJECT LOCATION:

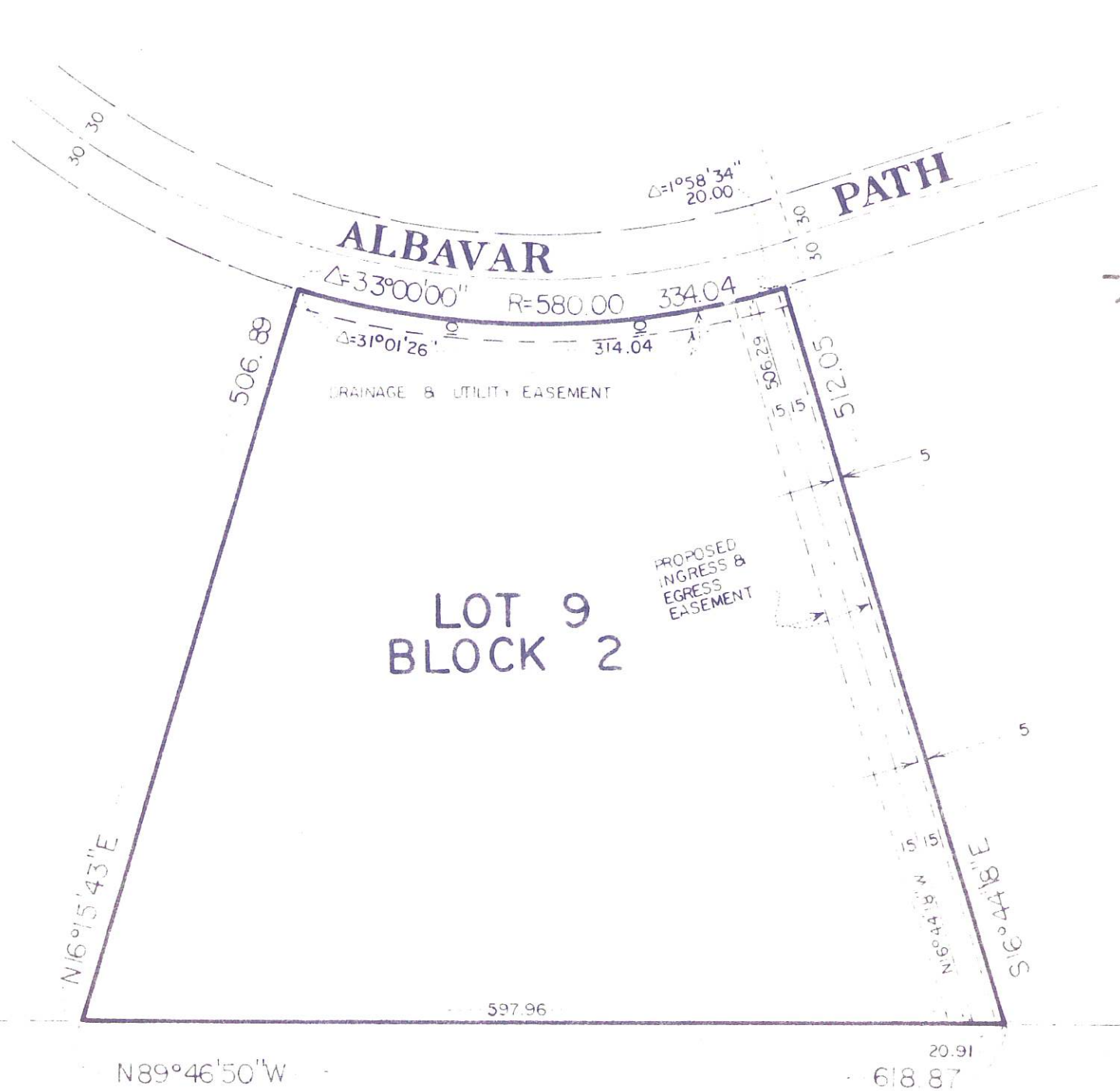
11335 ALBAVAR PATH
PID#20-03100-56-921
11331 ALBAVAR PATH
PID#20-84001-02-090

Suite #200
1970 Northwestern Ave.
Stillwater, MN 55082
Phone 651.275.8969
dan@cssurvey.net

CORNERSTONE LAND SURVEYING, INC.

FILE NAME SURVLEN09A
PROJECT NO. LEN2209A

LOT LINE ADJUSTMENT



A 30.00 foot easement for ingress and egress, over, under and across Lot 9, Block 2, WHISTLEWOOD FARMS 2ND ADDITION, Dakota County, Minnesota, being 15.00 feet on each side of the following described center line: Commencing at the southeast corner of said Lot 9; thence $N89^{\circ}46'50''W$, bearing assumed, along the south line of said Lot 9, a distance of 20.91 feet to its intersection with a line 20.00 feet westerly of, as measured at right angles to, and parallel with the east line of said Lot 9 and the point of beginning of the center line to be described; thence $N16^{\circ}44'18''W$, along said parallel line, a distance of 506.29 feet to the north line of said Lot 9 and there terminating. The side lines of said easement are to be lengthened or shortened to terminate on the south line of said Lot 9 and on the north line of said Lot 9.

MISC3:D701 DDXXIV

DWYER & ASSOCIATES, INC.

Land Surveyors

875 Spiral Boulevard

Hastings, Minnesota 55033

Bus. (612) 437-2909

Res. (612) 435-5417



DESCRIPTION SKETCH

SCALE: 1" = 100'

APPROVED BY:

DRAWN BY DLT

DATE: 4-8-91

REVISED

WARREN GOEHRING

DAKOTA CO., MN

DRAWING NUMBER

91-023

I hereby certify that this survey plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

John I. Dwyer
4/9/91 Reg. No. 9294



Request for Council Action

SUBJECT: **Resolution Approving 2nd Amendment to FY 2022 MN DEED HCEP Grant Application**

MEETING DATE: May 22, 2023

ITEM TYPE: Consent Agenda

CONTACT: Heather Rand, Community Development Director, 651.450.2546

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, amending the City's DEED HCEP FY2022 Grant Application and Grant Contract.

BACKGROUND

Every year, the City is eligible to apply to the Minnesota Department of Employment & Economic Development (DEED) for grant funding of up to \$425,625 to be spent on capital improvement projects on land owned by the city or its EDA, or to be acquired by the EDA with a purpose of advancing economic development in the city that measurably grows tax base, jobs and eliminates blight. The awarded grant for the 2022 state fiscal year that ends on June 30, 2023 was originally intended to be utilized for acquisition of land parcels on the 6500 block of Concord Blvd, and then amended in April to include land parcels just south of that block and on Dickman Trail as part of a larger redevelopment project referred to as North Concord Boulevard & Dickman Trail.

Given that the City was unable to negotiate the purchase of land parcels within the redevelopment area, and the state grant deadline for FY 2022 grant funds is fast approaching, City staff is seeking Council approval to amend the grant application in hopes that DEED will allow the FY 2022 grant funds to be utilized by the City's Public Works Department to Dickman Trail, from approximately 850 feet southeast of its northern terminus with Concord Boulevard, to its southern terminus with Concord Boulevard, a length of approximately 1 mile.

The projected budget for the proposed pavement rehabilitation project is \$245,000 which includes an estimated \$165,000 in raw materials and \$80,000 in public works employee labor and equipment cost.

DEED staff have indicated a willingness to consider a Council-approved, amended application for the Dickman Trail roadway rehab project as the project is located within the approved project area, is a capital expenditure, and can contribute to the project area's redevelopment.

City staff find that the pavement is in dire need of rehabilitation and utilizing the FY 2022 DEED grant funds as proposed, will continue to advance the potential for redevelopment of Dickman Trail blighted parcels, and also, be of benefit to the existing, non-blighted businesses operating along the southern section of this roadway.

FISCAL IMPACT

If DEED approves a grant application amendment, the City may realize up to \$245,000 in grant funding for roadway rehab in the grant project area.

RECOMMENDATION

Staff recommend approval of the attached Resolution.

ATTACHMENTS

1. Resolution - Amend DEED HCEP Grant 2022
2. Project Area Map
3. Picture - Dickman Trail Existing Condition

**CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY MINNESOTA
RESOLUTION NO. _____**

**RESOLUTION APPROVING THE SUBMITTAL OF AN AMENDED APPLICATION
AND EXECUTION OF UPDATED GRANT CONTRACT OF A STATE FY 2022 HOST
COMMUNITY GRANT PREVIOUSLY AWARDED BY THE MINNESOTA
DEPARTMENT OF EMPLOYMENT & ECONOMIC DEVELOPMENT (DEED)**

WHEREAS, the City of Inver Grove Heights is a Host Community under Minnesota Statute §116J.548; and as such, may apply annually to the Minnesota Department of Employment and Economic Development (DEED) for Host community Economic Development Program (HCEP) grant funds, and

WHEREAS, the city submitted to DEED a grant application for HCEP grant funds on December 13, 2021, such grant fund project area defined as being the 6500 Block of Concord Boulevard and the project defined as city/EDA parcel acquisition to advance redevelopment in the North Concord Boulevard and Riverfront area of the city, and

WHEREAS, DEED approved such grant application and executed a grant contract with the city on February, 2022; and

WHEREAS, on April 24, 2023, the city council authorized the submittal of an amended HCEP grant application and grant contract with DEED to expand the economic development project area to include land parcels just south of the 6500 block of Concord Boulevard including Dickman Trail; and

WHEREAS, the afore stated grant funds available per the terms of the grant contract, must be utilized on capital projects within the approved project area before June 30, 2023 or forfeited.

NOW, THEREFORE BE IT RESOLVED that the City of Inver Grove Heights acting as the legal Sponsor for capital projects referenced in an amended Host Community Grant Program application dated May 22, 2023, be submitted to DEED, and that the city respectfully requests DEED's approval of the amended grant application for a Dickman Trail pavement rehabilitation project to be completed on or before June 30, 2023.

BE IT FURTHER RESOLVED that the City of Inver Grove Heights has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration.

BE IT FURTHER RESOLVED that the City of Inver Grove Heights has not violated any Federal, State, or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its amended application by DEED and the State, the City of Inver Grove Heights may enter into an amended grant agreement with the State of Minnesota for the above referenced project, and that the City of Inver Grove Heights

certifies that it will comply with all applicable laws and regulations as stated in all contract agreements.

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

Adopted by the City Council of the City of Inver Grove Heights on December 13, 2021.

Ayes:

Nays:

CITY OF INVER GROVE HEIGHTS

By: _____
Brenda Dietrich
Its: Mayor

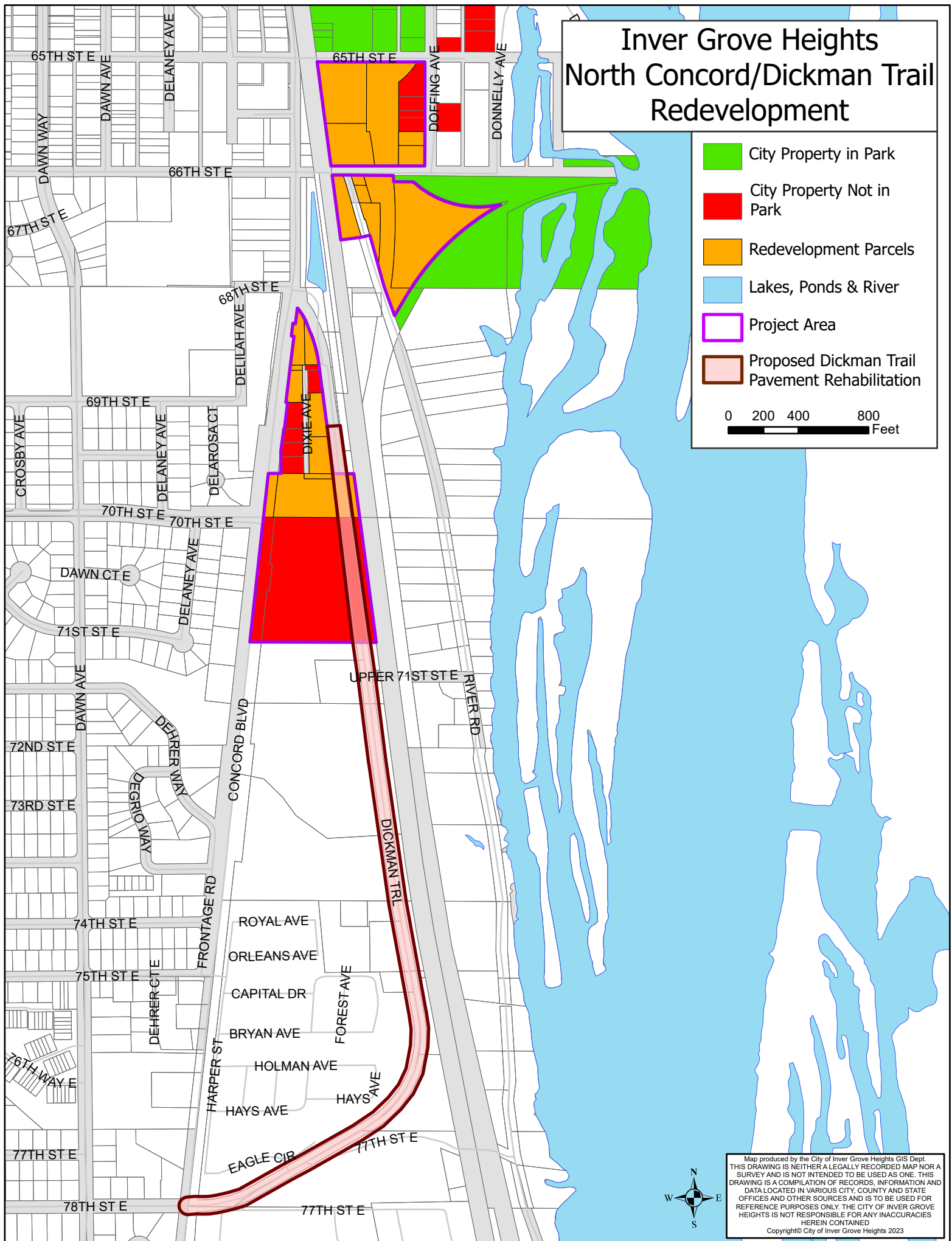
Attested:

By: _____
Rebecca Kiernan
Its: City Clerk

Inver Grove Heights
North Concord/Dickman Trail
Redevelopment



0 200 400 800 Feet



Map produced by the City of Inver Grove Heights GIS Dept.
THIS DRAWING IS NEITHER A LEGAL 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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City of Inver Grove Heights, MN – Dickman Trail Street Improvement Project

Existing Condition:





Request for Council Action

SUBJECT: Rental Housing Licenses**MEETING DATE:** May 22, 2023**ITEM TYPE:** Regular Business**CONTACT:** Mary Lein, Assistant to the Chief Building Official, 651-450-2552

ACTION REQUESTED

The Council is asked to consider approval of rental housing licenses.

BACKGROUND

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

The following rental license applications have been submitted:

RENTAL ADDRESS	PROPERTY OWNER	PROPERTY MANAGER
5466 Bryce Ave	Leah Freeman Frederick Anchorage, AK	Mark Roesler Hatings, MN
8785 Branson Dr	Nichole Frost 8709 Hunters Way, MN	Daniel Keil Christensen Apple Valley, MN
8791 Branson Dr	Alante Williamson Brooklyn Center, MN	Brandon James Nation Eden Prairie, MN
10805 Rich Valley Blvd	TSA Holdings LLC Inver Grove Heights, MN	Peter Tjornhom Inver Grove Heights, MN
3956 71st St E	HPA US1 LLC Chicago, IL	Gary Vanderbush Roseville, MN
3875 75th St E	IH2 Property Illinois LP Dallas, TX	Invitation Homes Mendota Heights, MN
4738 Barbara Ave	IH2 Property Illinois LP Dallas, TX	Invitation Homes Mendota Heights, MN

3085 Upper 76th	IH2 Property Illinois LP Dallas, TX	Invitation Homes Mendota Heights, MN
7324 Cahill Ave	IH2 Property Illinois LP Dallas, TX	Invitation Homes Mendota Heights, MN
6920 Clayton Ave	IH2 Property Illinois LP Dallas, TX	Invitation Homes Mendota Heights, MN
6978 Delaney Ave	IH2 Property Illinois LP Dallas, TX	Invitation Homes Mendota Heights, MN
1730 Atwater Path	IH2 Property Illinois LP Dallas, TX	Invitation Homes Mendota Heights, MN

The above applications have been found to be complete. The applications include the necessary fee payments, and BCA background checks. The City of Inver Grove Heights Police Chief/Designee has also reviewed and approved the license applications.

FISCAL IMPACT

None.

RECOMMENDATION

Community Development and Police Department staff recommend approval of the licenses listed above.

ATTACHMENTS

None



Request for Council Action

SUBJECT: **Third Reading of Ordinance Amending City Code to Allow Police Cadets to Issue Certain Citations and Summary Publication Resolution**

MEETING DATE: May 22, 2023
ITEM TYPE: Regular Business
CONTACT: Melissa Chiodo, Police Chief, 651.450.2526

ACTION REQUESTED

The Council is asked to consider the third reading of the attached Ordinance, amending Title 1, Chapter 4, Section 4 and Title 7, Chapter 5, Section 1 of the City Code, to authorize Police Cadets to issue citations for certain violations of state statute and the City Code.

BACKGROUND

The City Code currently authorizes various city employees, including police officers and community service officers, to issue citations for violations of certain state statutes and provisions of the City Code.

In recent years, the Police Department has replaced the position of Community Service Officers with Police Cadets, who are part-time, uniformed employees of the City.

To assist the Police Department with enforcement of city code and state statute provisions related to parking restrictions, expired vehicle registration on a parked car or abandoned vehicle, animal control and park regulations, the Police Department is seeking the ability to have Police Cadets issue citations for these types of violations. The attached ordinance would add Police Cadets to the list of city employees authorized to issue citations for various violations of the City Code and state statutes.

Examples of City Code provisions that cadets may write a citation for include the following:

Violation	City Code Section	Level of Offense
Animal Running at Large	5-4-8	Misdemeanor
Keeping of Unvaccinated Dog	5-4-3	Misdemeanor
Vehicle Parked in Park After Hours	7-5-2	Misdemeanor
Winter Parking Violation	6-3-6	Misdemeanor
Parking More Than 20 Hours	6-3-14	Petty Misdemeanor

The attached ordinance is identical to the version presented to the Council for a second reading at the April 24th Council Meeting.

FISCAL IMPACT

n/a

RECOMMENDATION

Staff recommends approval of the third reading of the attached ordinance. If the ordinance is adopted, staff recommend approval of the attached summary publication resolution.

ATTACHMENTS

1. Ordinance Amending City Code to Authorize Police Cadets to Issue Citations for Certain Violations of State Statutes and City Code Provisions
2. Summary Publication Resolution

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

ORDINANCE NO. _____

**AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE, TITLE 1,
CHAPTER 4, SECTION 4, AND CITY CODE TITLE 7, CHAPTER 5, SECTION 1
TO ALLOW POLICE CADETS TO ISSUE CITATIONS FOR CERTAIN VIOLATIONS
OF STATE STATUTE AND THE CITY CODE**

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

Section One. Amendment. Inver Grove Heights City Code Title 1, Chapter 4, Subdivision 4 (1-4-4) is hereby amended as follows. The ~~struck-out~~ text shows the deleted wording and the underlined text shows the language added to the code:

A. Licensed peace officers are hereby authorized to issue citations for violations of state law and for violations of this code.

B. Part time peace officers are hereby authorized to issue citations for violations of state law and for violations of this code.

C. Community service officers are hereby authorized to issue citations for violations of state law and violations of this code.

D. Police cadets are hereby authorized to issue citations for violations of state law and of this code related to parking restrictions, expired vehicle registration, animal control regulations, and park regulations.

ED. The electrical inspector, the plumbing inspector, the mechanical inspector, the building official, the fire chief, the fire marshal, and the fire inspectors are hereby authorized to issue citations for violations of the state building code, the state fire code, the city building code, the city fire code, the state plumbing code, the city plumbing code, the state electrical code, and the city electrical code. (1974 Code § 115.11; amd. 2008 Code)

FE. The code compliance specialist is hereby authorized to issue citations for violations of this code. (Ord. 1193, 7-27-2009)

GF. The weed inspector and deputy weed inspector are hereby authorized to issue citations for violation of those provisions of state law and this code that relate to control, elimination and prevention of weeds.

HG. The city forester is hereby authorized to issue citations for violations of those provisions of state law and this code that relate to control, elimination and prevention of tree and plant disease. (1974 Code § 115.11; amd. 2008 Code)

Section Two. Amendment. Inver Grove Heights City Code Title 7, Chapter 5, Subdivision 1 (7-5-1) is hereby amended to read as follows. The underlined text shows the language added to the code:

N. Prohibited Conduct; Penalty: It is unlawful for any person to engage in an act or in any behavior prohibited by this chapter. Violation of any provision of this chapter is

a misdemeanor and may be punished as provided in title 1, chapter 4 of this Code. Individuals who fail to comply with the rules and regulations in this chapter may be excluded from the use of the park where the violation occurred. The provisions of this chapter may be enforced by City authorized peace officers, officers of the Dakota County Sheriff's Office, community service officers, police cadets, and other authorized licensed peace officers.

Section Three. 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 of the City of Inver Grove Heights on the ____ day of _____, 2023.

CITY OF INVER GROVE HEIGHTS

By: _____

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

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

**A RESOLUTION APPROVING THE PUBLICATION OF A SUMMARY ORDINANCE
AMENDING INVER GROVE HEIGHTS CITY CODE, TITLE 1, CHAPTER 4, SECTION 4,
AND CITY CODE TITLE 7, CHAPTER 5, SECTION 1
TO ALLOW POLICE CADETS TO ISSUE CITATIONS FOR CERTAIN VIOLATIONS OF
STATE STATUTES AND THE CITY CODE**

WHEREAS, on May 22, 2023, the City Council of the City of Inver Grove Heights, Dakota County, Minnesota ("City") adopted Ordinance No. 1446, an Ordinance Amending City Code, Title 1, Chapter 4, Section 4, and City Code Title 7, Chapter 5, Section 1 to Allow Police Cadets to Issue Citations for Certain Violations of State Statute and the City Code; and

WHEREAS, pursuant to Minn. Stat. Sec. 412.191, subd. 4, the Council may, by a 4/5 vote, direct that only the title and a summary be published; and

WHEREAS, the City Council for the City of Inver Grove Heights has reviewed the summary of Ordinance No. 1446 which is attached hereto as **Exhibit A**; and

WHEREAS, the City Council for the City of Inver Grove Heights has determined that publication of the title and a summary of Ordinance No. 1446 would clearly inform the public of the intent of the ordinance; and

WHEREAS, due to the length of Ordinance No. 1446 the City Council desires to publish a summary of the Ordinance.

NOW THEREFORE BE IT RESOLVED, by a vote of at least four-fifths of its members, that the City Council of the City of Inver Grove Heights hereby:

1. Approves the text of the summary of Ordinance No. 1446 attached as **Exhibit A** and authorizes the publication of the summary shown in **Exhibit A** in lieu of publication of the entirety of Ordinance No. 1446 in the City's official newspaper.
2. Directs the City Clerk to ensure that a full and complete printed copy of Ordinance No. 1446 is available for inspection during regular business hours at the office of the Inver Grove Heights City Clerk, by standard mail, or by electronic mail.
3. Directs the City Clerk to file the executed Ordinance No. 1446 upon the books and records of the City along with proof of publication.

This resolution is passed and adopted by the City Council of the City of Inver Grove Heights, Dakota County, Minnesota this 22nd day of May, 2023.

CITY OF INVER GROVE HEIGHTS

By: _____
Brenda Dietrich
Its: Mayor

Attested:

By: _____
Rebecca Kiernan
Its: City Clerk

(Published in the *Pioneer Press* on _____, 2023.)

EXHIBIT A

SUMMARY PUBLICATION CITY OF INVER GROVE HEIGHTS, DAKOTA COUNTY, MINNESOTA ORDINANCE NO. 1446

On May 22 2023, the City Council of the City of Inver Grove Heights, Dakota County, Minnesota ("City") adopted Ordinance No. 1446, ("Ordinance") an Ordinance Amending City Code, Title 1, Chapter 4, Section 4, and City Code Title 7, Chapter 5, Section1 to Allow Police Cadets to Issue Citations for Certain Violations of State Statute and the City Code.

The ordinance amends the City Code to allow police cadets to issue citations for violations of state statutes and the City Code related to parking restrictions, expired vehicle registration, animal control regulations, and park regulations.

It is hereby determined that publication of this title and summary will clearly inform the public of the intent and effect of Ordinance No. 1446 and it is directed that only the above title and summary of Ordinance No. 1446 conforming to Minn. Stat. Sec. 331A.01 be published, with the following:

NOTICE

A printed copy of the full text of Ordinance No. 1446 is available for public inspection by any person during regular office hours at the office of the Inver Grove Heights City Clerk, 8150 Barbara Avenue, Inver Grove Heights, MN 55077, by standard mail, or by electronic mail, and at any other public location which the Council designates.

**SUBJECT: First Reading of Ordinance Amending City Code
Related to Alcoholic Beverages in City Parks**

MEETING DATE: May 22, 2023
ITEM TYPE: Regular Business
CONTACT: Adam Lares, Parks & Recreation Director, 651.450.2587

PURPOSE/ACTION REQUESTED

The Council is asked to consider a first reading of the attached ordinance, amending the City Code related to alcoholic beverages in city parks.

BACKGROUND

The City Code generally prohibits the consumption of alcoholic beverages in city parks, with the exception of 3.2 percent malt liquor, which may be consumed in Rich Valley Park (Rich Valley Athletic Complex) and within 150 feet of the group picnic shelter at South Valley Park, in connection with an event held in the park shelter.

The City has been approached by several permit applicants to host small and large events/gatherings at South Valley Park Shelter, Rock Island Swing Bridge Park Shelter, and Rich Valley Athletic Complex, who would like their participants and spectators to be able to consume alcoholic beverages containing more than 3.2 percent alcohol during events or tournaments. City staff have met and reviewed the existing City Code language and prepared an ordinance that would amend the Code to allow single-serving alcoholic beverages containing less than 10% alcohol by volume (ABV) at the following parks:

- South Valley Park and Swing Bridge Park, but only by attendees at a permitted event and only within the group picnic shelter area.
- Rich Valley Athletic Complex, but only by attendees of a permitted event.

Sales of alcoholic beverages would also be allowed at Rich Valley Athletic Complex, but only with a temporary liquor license. Sales and consumption of alcoholic beverages at Rich Valley Athletic Complex would not be allowed at youth-focused events and tournaments.

Alcohol would only be allowed at these three locations through permits. All other parks throughout the city would remain alcohol free per current ordinance.

The City's Parks and Recreation Advisory Commission reviewed the proposed ordinance at its May 10 meeting, and unanimously voted to recommend approval of the ordinance to the Council.

FISCAL IMPACT

n/a

RECOMMENDATION

Staff recommends approval of the first reading of the attached ordinance.

ATTACHMENTS

1. Ordinance Amending City Code Related to Alcoholic Beverages in City Parks

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

ORDINANCE NO. _____

**AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE, TITLE 4,
CHAPTER 1, SECTION 16(B) RELATED TO THE POSSESSION AND
CONSUMPTION OF ALCOHOLIC BEVERAGES IN CITY PARKS**

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

Section One. Amendment. Section 4-1-16(B) of the Inver Grove Heights City Code is hereby amended as follows. The ~~struck-out text~~ shows the deleted wording and the underlined text shows the language added to the code:

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

4. Persons of lawful age may possess and consume ~~3.2 percent malt liquor~~ alcoholic beverages containing not more than ten percent (10%) alcohol by volume (ABV) in original, single-serve, non-glass containers of no more than 16 ounces in size in South Valley Park and Rock Island Swing Bridge Park but only in or within one hundred fifty feet (150') of the group picnic shelter at the park located in the park, and only in conjunction with an event for which the sponsor has obtained a permit from the city to use the group picnic shelter, and only if the person possessing or consuming the 3.2 percent malt liquor alcoholic beverage is an invited guest of the event sponsor. Event sponsors will be required to verify the age of guests eligible to consume alcoholic beverages.

5. Persons of lawful age may possess and consume alcoholic beverages containing not more than ten percent (10%) alcohol by volume (ABV) in original, single-serve, non-glass containers of no more than 16 ounces in size 3.2 percent malt liquor in the Rich Valley Park Athletic Complex, but only in conjunction with an event for which the sponsor has obtained a permit from the City to use the athletic complex for a permitted event, and only if the person possessing or consuming the alcoholic beverage is an invitee of the event sponsor. Sponsors will be required to verify the age of guests eligible to consume alcoholic beverages. subject to such rules and regulations as the city council, by resolution, may from time to time impose. Alcoholic beverages shall not be allowed at any youth-focused events or tournaments.

6. Alcoholic beverages may be sold and consumed at the Rich Valley Athletic Complex pursuant to a temporary on-sale intoxicating liquor license, temporary on-sale 3.2 percent malt liquor license, or one-day consumption and display permit issued under this Chapter. Alcoholic beverages sold pursuant to a temporary license or one-day consumption and display permit may be sold in non-glass containers or plastic or other non-glass cups, and are not required to be sold in original containers. Alcoholic beverages may not be sold at any youth-focused events or tournaments

Section Two. 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 of the City of Inver Grove Heights on the ____ day of _____, 2023.

CITY OF INVER GROVE HEIGHTS

By: _____

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk



Request for Council Action

SUBJECT: **Variance to Exceed the Maximum Allowed Square Footage for an Accessory Building at 11880 Albavar Path**

MEETING DATE: May 22, 2023

ITEM TYPE: Regular Business

CONTACT: Heather Botten, Associate Planner, 651.450.2569

ACTION REQUESTED

The Council is asked to consider a Variance to allow a 2,598 square foot accessory building, whereas 2,400 square feet is the maximum size allowed for the property located at 11880 Albavar Path (Case No. 23-16V).

- Requires a 3/5th's vote
- 60-day deadline: May 28, 2023

BACKGROUND

The property at 11880 Albavar Path is 5.39 acres in size. The owner is currently building a house with a three-car attached garage. The applicant is requesting a variance to also construct a detached accessory building 2,598 square feet in size, whereas 2,400 gross square feet is the maximum size allowed by City Code. The proposed accessory building would comply with impervious surface requirements and would be located about 100 feet from the closest property line, exceeding setback requirements.

Regulations on gross square footage and the number of accessory structures were created to regulate the massing of structures on larger lots. The City recognizes that larger structures may be appropriate on rural residential lots. The City Council reviewed and modified the size requirements for accessory structures in 2021, when the maximum size allowance was increased for lots 3.4 to 5 acres in size. Staff considers the direction for the City to limit the size of accessory structures to prevent over-developing of lots with accessory buildings. The properties surrounding the lot are generally around five acres in size. Due to the size of the lots, existing vegetation, and location and size of neighboring structures, the proposed structure does not necessarily appear to alter the character of the neighborhood.

FISCAL IMPACT

Not applicable

RECOMMENDATION

Planning staff: Staff recommends denial of the Variance request as the facts presented do not satisfy the criteria needed to show a practical difficulty in complying with the size limitation established in City Code, which is required in order to grant a Variance. Approval could set a precedent for other requests

to exceed the maximum size of accessory buildings allowed on rural residential property.

Planning Commission: At the May 2, 2023, public hearing, the applicant was present. No neighbors testified at the hearing. On a 6-0 vote, the Planning Commission recommended denial of the request based on the current code language and the lack of practical difficulty on the lot to support granting a Variance.

The Commission also recommended that the Council consider a future change to City Code that would apply a similar ratio method used for lots 3.4 - 5 acres in size to lots 5 acres and larger.

ATTACHMENTS

1. Resolution of Denial
2. Resolution of Approval
3. Planning Commission Recommendation
4. Planning Report

Denial variance

CITY OF INVER GROVE HEIGHTS DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

RESOLUTION DENYING A VARIANCE TO EXCEED THE 2,400 MAXIMUM GROSS SQUARE FEET ALLOWED FOR ACCESSORY STRUCTURES ON LOTS GREATER THAN FIVE ACRES

CASE NO. 23-16V
Bruce Lenzen Design

Property located at 11880 Albavar Path and legally described as follows:

LOT 5, BLOCK 1, WHISTLEWOOD FARMS, DAKOTA COUNTY, MN

WHEREAS, the applicant is requesting a variance to construct an accessory building 2,598 square feet in size whereas 2,400 is the maximum size allowed;

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

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

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the request on May 2, 2023 in accordance with City Code Section City Code 10-3-3:C;

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

1. Denying the variance request does not preclude the applicant from reasonable use of the residential property as the site will have an attached garage and allowed a 2,400 gross square foot detached structure.
2. The City limits the size of structures to control the massing, bulk and over developing of lots with accessory buildings. Approval of the variance could

- set a precedent for the size of accessory buildings on lots larger than five (5) acres.
3. The facts presented do not satisfy the criteria needed to show a practical difficulty on the lot to support granting a size variance. Allowing additional gross square footage of accessory structure space appears to be a convenience to the landowner and not dictated by unique circumstances of the property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the variance to allow a 2,598 square foot detached accessory structure is hereby denied.

Adopted by the City Council of Inver Grove Heights this 22nd day of May, 2023.

Brenda Dietrich, Mayor

Ayes:

Nays:

ATTEST:

Rebecca Kiernan, City Clerk

Approval variance

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

RESOLUTION NO. _____

**RESOLUTION APPROVING A VARIANCE TO EXCEED THE 2,400 GROSS SQUARE FEET
MAXIMUM ALLOWED FOR ACCESSORY STRUCTURES ON LOTS GREATER THAN FIVE
ACRES**

**CASE NO. 23-16V
Bruce Lenzen Design**

Property located at 11880 Albavar Path and legally described as follows:

LOT 5, BLOCK 1, WHISTLEWOOD FARMS, DAKOTA COUNTY, MN

WHEREAS, the applicant is requesting a variance to construct an accessory building 2,598 square feet in size whereas 2,400 is the maximum size allowed;

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

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

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the request on May 2, 2023 in accordance with City Code Section City Code 10-3-3:C;

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

a.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the variance to allow a 2,598 square foot detached accessory structure is hereby approved subject to the following conditions:

1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.
2. The accessory structure shall not be used for commercial uses, storage related to a commercial use, or home occupations.
3. A grading/erosion control plan shall be required at the time of the building permit application.
4. A variance shall become void two (2) years after it was granted unless made use of within two (2) years. The city council may grant a single one-year extension, the request for which must be submitted to the city planning division at least sixty (60) days prior to the date upon which the variance would become void.

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

Adopted by the City Council of Inver Grove Heights this 22nd day of May, 2023.

Brenda Dietrich, Mayor

Ayes:

Nays:

ATTEST:

Rebecca Kiernan, City Clerk

**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights

FROM: Planning Commission

DATE: May 2, 2023

SUBJECT: B. Consider a Request by Bruce Lenzen Design Build for a Variance to allow an accessory building greater than the maximum of 2,400 square feet on the property at 11880 Albavar Path. (Case No. 23-16V)

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice to consider the request for Bruce Lenzen Design Build/Gornick, Case No. 23-16V. The request involves property located at 11880 Albavar Path and consists of a variance to allow an accessory building 2,598 square feet in size, whereas 2,400 is the maximum size allowed. Notices were mailed to 7 property owners on April 13, 2023.

Presentation of Request

Associate Planner Heather Botten discussed the request for property located on the north side of Albavar Path. The property is zoned agricultural and is 5.39 acres in size. The property owners are building a single-family home on the lot with a three-car attached garage. The request is for a variance to allow a detached accessory building, 2,598 gross square feet in size, whereas 2,400 square feet is the maximum size allowed. The structure is for the applicants own personal use. The accessory building would be in compliance with other zoning code requirements such as setbacks, exterior building materials, and impervious surface. The city recognizes within large lot residential areas, that larger accessory structures may be appropriate. Lots surrounding this property are all around 5 acres. Due to existing vegetation and topography, staff does not believe the variance would alter the character of the neighborhood.

The City Council has reviewed the number and size of accessory structures over the years; most recently in 2021. The ordinance was amended to allow an increase on lots 3.4 to 5 acres in size. Based on that information, staff does not believe that the variance to allow the additional square footage to be consistent with the zoning ordinance. Staff does not believe that a practical difficulty has been identified and that approval could set a precedent for other large lot larger accessory structures. Staff recommends denial of the request. She said one resident stopped in with questions about what was going on with the property and what the request was for.

Chair Niemioja mentioned that the Planning Commission is a statutorily appointed Commission that must review certain land use decisions. The Planning Commission cannot create new City Codes.

Ms. Botten replied that was correct.

Commissioner Robertson mentioned there has been discussion about applying a ratio to determine a potential accessory structure size and asked if the City Council has approved the concept.

Ms. Botten replied that the City Council has applied the ratio for lot 3.4 – 5 acres in size. The ratio has not been applied to lots greater than 5 acres.

Opening of the Public Hearing

Bruce Lenzen, Contractor and Designer on the project, representing the Gornicks, 106 Buckeye Street, Hudson, Wisconsin, 54016, stated that he has read the report and noted the potential differential on the square footage. He said after a meeting with staff and using the ratio to the 5.39 gross square footage, the actual proposed plan is within 2 square feet of the ratio. There was originally a higher square footage. A supplemental letter was sent. He said there was a misunderstanding on his part, with the way the ordinance is written. He felt it was vague and should probably be addressed. It appears to state there are two buildings allowed at 2,400 square feet. He said his client stated they wanted additional square footage instead of adding it onto the home. The reason for this request is to store equipment that they do not want to keep outside. The client wanted adequate space that he feels is appropriate for the home and lot. While he could have put additional square footage onto the home, it was believed based on the way the ordinance is read, that it would be possible to do so with the building.

Commissioner Robertson asked what led them to think about the ratio. The city definition doesn't speak of a ratio. She asked if it was something he computed himself based on the fact that it was bigger than 5 acres.

Mr. Lenzen replied the ordinance states on lots larger than 5 acres, two buildings are allowed. He suggested it be addressed for those just reading the ordinance. He mentioned he has not done business in this city before, he does not like going for variances. The request is for 2,598.

Commissioner Robertson asked if working with staff prior to coming before the Commission, if it was made clear.

Mr. Lenzen said his original request was based off the two structures of the 4,800 square feet. After meeting with staff and learning the maximum of 2,400 square feet, staff mentioned a computation of 480 square feet for lots less than 5 acres. He rewrote his request based on that.

Commissioner Weber requested the actual square footage of the bump outs.

Mr. Lenzen responded that he reduced the structure to get it as close to the total stated.

Commissioner Challeen asked where things stood with the process of the structure.

Mr. Lenzen replied that the home is watertight, they are in mechanicals. The structure under discussion has not been started. Grading and site work is complete.

Chair Niemioja closed the Public Hearing.

Planning Commission Discussion

Commissioner Weber stated that he would deny the request based on the rules. He said he would make a strong recommendation to the City Council to look at amending the 5 acres+ code to include the ratio that was done for 3.5-to-5-acre parcels. He said he feels people with larger lots can accommodate larger buildings and should be able to based on the ratio.

Planning Commission Recommendation

Motion by Commissioner Weber, Second by Commissioner Robertson, to Deny the request for a Variance to allow an accessory building greater than the maximum of 2,400 square feet on the property at 11880 Albavar Path. (Case No. 23-16V).

A recommendation was made to the City Council to look at adjusting the City Code for the ratio for larger lot sizes.

Commissioner Wippermann stated he was not in favor of using the ratio above 5 acres. For example, if having a 10-acre lot and using the ratio, they could have a 4,800 square foot accessory building. There could also be the potential of separating the lot into two. That would result in a 4,800 square foot building on a 5-acre lot and another separate lot. He believes there has to be limits.

Commissioner Weber stated the motion a second time.

Motion by Commissioner Weber, Second by Commissioner Robertson, to Deny the request for a Variance for an accessory building greater than the maximum allowed of 2,400 square feet on property located at 11880 Albavar Path. (Case No. 23-16V).

Motion carried (6/0). This item goes before the City Council on May 22, 2023.

Commissioner Weber recommended that the City Council take a look at the ratio. It should state if lots were split and that structures would have to be removed in order to keep the ratio aesthetically pleasing for each lot size.



Planning Commission Report

MEETING DATE:	May 2, 2023
CASE NO:	23-16V
APPLICANT:	Bruce Lenzen Design Build
PROPERTY OWNER:	John Gornick
REQUEST:	Variance to exceed the maximum size of an accessory building on a residential property.
LOCATION:	11880 Albavar Path
COMPREHENSIVE PLAN:	RDR, Rural Density Residential
ZONING:	A, Agricultural
STAFF CONTACT:	Heather Botten, 651.450.2569

ACTION REQUESTED

The applicant is requesting the following:

- A **Variance** from City Code sections 10-7-2.B and 10-15-18 to allow an accessory structure of 2,598 gross square feet in size, whereas 2,400 square feet is the maximum size allowed.

BACKGROUND

The property is 5.39 acres in size. The owner is currently building a single-family home with an attached three-car garage.

The applicant is requesting a Variance to construct a detached accessory structure 2,598 gross square feet in size. Rural residential property, greater than five acres in size, is allowed a maximum of two detached accessory buildings up to 2,400 gross square feet total.

The owner has stated that the proposed structure is needed to store his own personal items. The accessory building would be in compliance with other Zoning Code requirements such as setbacks and impervious surface standards.

EVALUATION OF REQUEST

The following Land Uses, Zoning Districts, and Comprehensive Plan designations surround the property:

Single family residential; Zoned A, Agricultural; Guided RDR, Rural Density Residential

Engineering. Engineering has reviewed the request and takes no exception to the Variance.

VARIANCE REVIEW

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 variance, 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 City recognizes that within large lot rural residential portions of the City, larger accessory structures can be appropriate. The regulations on gross square footage and total number of accessory buildings were designed to limit the massing of structures in the rural areas of the City. The City Council has reviewed and modified the allowed size and number of accessory structures over the years, most recently in 2021, increasing the size allowance on lots 3.4 acres – 5 acres in size. Staff does not believe the Variance to allow additional square footage to be consistent with, or in harmony with the Zoning Ordinance.

2. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.

The proposed structure would be located about 100 feet from the closest property line to the north, exceeding setback requirements. There will be a three-car, attached garage to the house. Staff believes the proposed size of the accessory structure to be contrary to the intent of the Zoning Ordinance and may set a precedent for other large accessory buildings on lots greater than five acres.

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

The property is 5.39 acres in size. Based on lot size and zoning the property is allowed two detached accessory buildings up to 2,400 gross square feet in size. The request for additional square footage may be considered a convenience to the applicant, not a practical difficulty.

In 2021, when the accessory structure size was amended for lots less than five acres, the ratio used was determined by the maximum accessory structure size allowed in the city, 2,400 gross square feet. The maximum 2,400 square feet size was divided by 5 acres which equaled 480 square feet of accessory structure space per acre ($2,400 / 5 = 480$). Utilizing this ratio for an accessory structure size on the proposed lot, the property would be allowed 2,587 square feet for an accessory structure.

4. The Variance will not alter the essential character of the locality.

The properties surrounding the lot are generally around five acres in size. Due to the size of the lots, existing vegetation, and location and size of neighboring structures, the proposed structure does not necessarily appear to alter the character of the neighborhood.

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

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

ALTERNATIVES

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

- Approval of a **Variance** to allow an accessory structure 2,598 square feet in size, whereas 2,400 gross square feet is the maximum size allowed on the property subject to the following conditions:
 1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.
 2. The accessory structure shall not be used for commercial uses, storage related to a commercial use, or home occupations.
 3. A grading/erosion control plan shall be required at the time of the building permit application.
 4. A Variance shall become void two (2) years after it was granted unless made use of within two (2) years. The City Council may grant a single one (1) year extension, the request for which must be submitted to the city planning division at least sixty (60) days prior to the date upon which the Variance would become void.

Practical difficulty: To be stated

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

1. Denying the variance request does not preclude the applicant from reasonable use of the property.
2. Approval of the variance could set a precedent for other accessory building size variances on large lot residential property.
3. The facts presented did not satisfy the criteria needed to show a practical difficulty on the lot to support granting a variance. The lot is over 5 acres in size, there will be an attached garage, and the lot allows for a 2,400 square foot detached accessory structure.

RECOMMENDATION

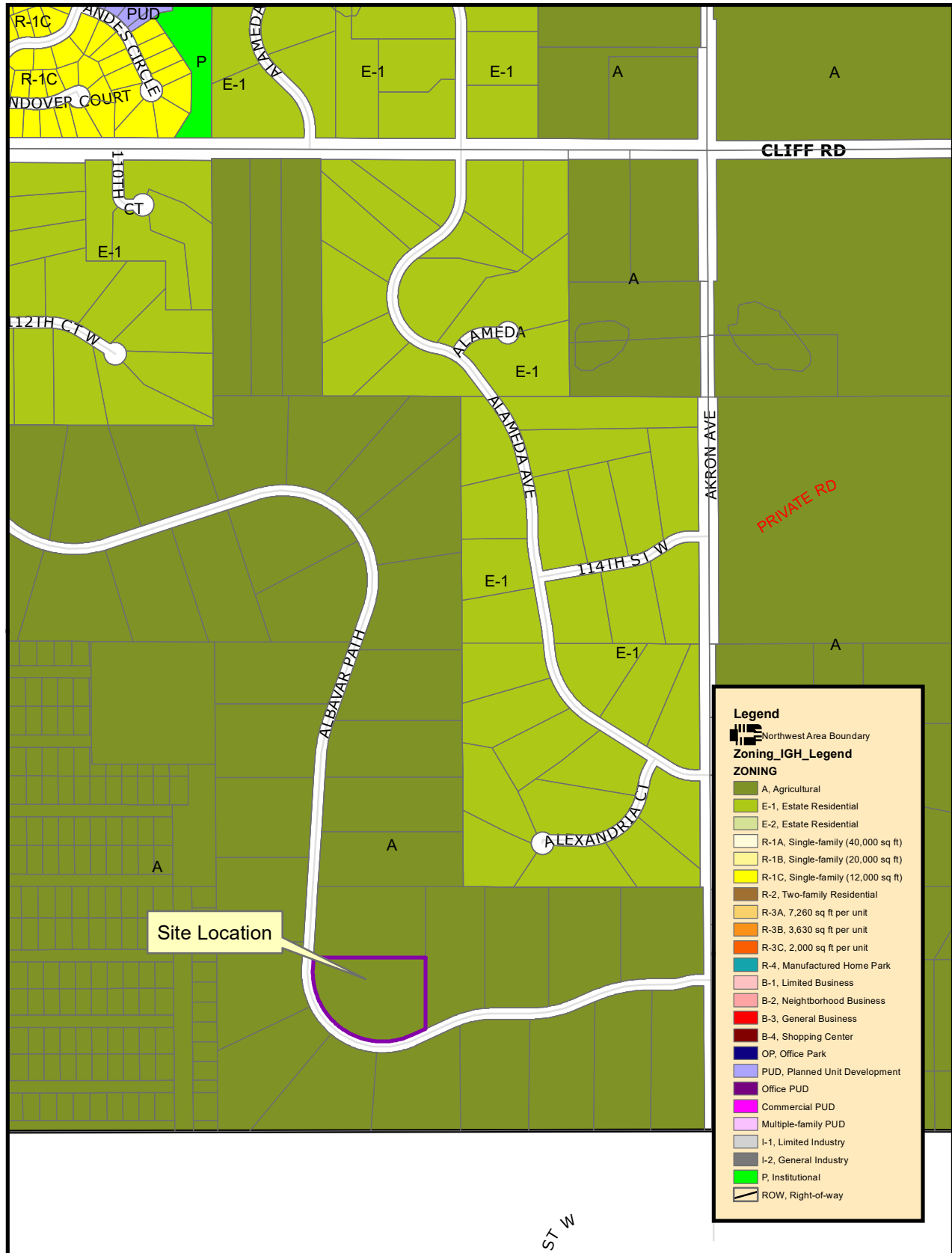
Based on the information in the preceding report and the reasons listed in Alternative B, staff does not believe there is sufficient rationale to support the Variance criteria and therefore recommends denial of the Variance request as proposed.

ATTACHMENTS

1. Zoning and Location Map
2. Narrative
3. Survey
4. Floor Plan
5. Elevation



11880 Albavar Path Case No. 23-16V



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 RECORDS, INFORMATION AND DATA LOCATED IN VARIOUS CITY, COUNTY AND STATE OFFICES AND OTHER SOURCES AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE CITY OF INVER GROVE HEIGHTS IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED

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

Map not to scale

Bruce Lenzen Design Build LLC
106 Buckeye ST. # 202
Hudson, WI 54016

4-19-2023

City of Inver Grove Heights

Variance Request: John and Linda Gornick
11880 Albavar Path, Inver Grove Heights, Minnesota

RE: 10-7-2: BULK STANDARDS: REF: 10-7-2: B Accessory Standards:
Lot size 3.4 Acres- 5 acres. Lot size (in acres) multiplied (X) by 480= maximum square feet.

Dear Planning & Zoning Members,

We are requesting a variance for the above address to seek relief of the maximum square footage for an accessory building.

Per the above referenced accessory building standards, the owners desire to have a structure that increases the allowable 2400 Sq/ft of an accessory structure, to a structure that is 2589 sq/ft in size. The additional square footage is an increase of 189 square feet in total.

The square foot formula being used is the above referenced standard.

Lot size: 5.39 acres X 480 = 2587 maximum gross square feet. The additional 2 square feet additional is to allow for standard building dimensions of 2' increments to be used.

The building will be used by the owner as a shop for development of personal projects. The requested increased size of the building appears to be within the size of other existing accessory buildings in the neighborhood.

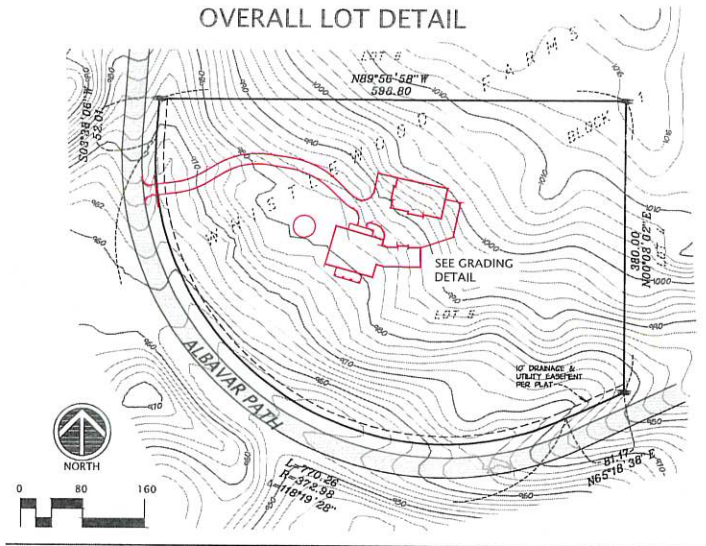
1. Due to the size of the lot (5.39 acres), the request for an additional 189 sq/ft will not overpower the lot and the building is designed to match the character of the house currently being constructed.
2. Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.
3. The granting of the variance would have no effect on any adjoining properties. This zoning relief requested will not cause any detriment to the common good, as the literal interpretation and strict application of the applicable zoning requirements of this chapter would cause substantial undue and unnecessary hardship to the current property owner not just a casual/discretionary inconvenience to the property owner.

Thank you for your consideration,
Sincerely,

Bruce Lenzen

Bruce Lenzen Design Build LLC.

OVERALL LOT DETAIL



SEPTIC

SEPTIC AREA BY OTHERS

PROPOSED BUILDING ELEVATIONS:

UNDATED PLANS
BRUCE LENZEN
ARCHITECTURE

FIRST FLOOR - 989.5
TOP OF FOUNDATION HOUSE - 988.7 (1'0\"/>

PROPOSED IMPROVEMENT AREAS:

HOUSE - 4730 (IN SQUARE FEET)
FRONT ENT. - 261
DECK - 411
DRIVEWAY - 10,127
FIRE PIT - 660
WALLS - 200
ACCESSORY BLDG. - 2726
TOTAL IMPROVEMENTS - 19,115 SQ.FT.
8.2 % (X OF LOT AREA)
AREA OF DISTURBANCE - 48,154 SQ.FT. / 1.11 ACRES

GORNICK RESIDENCE

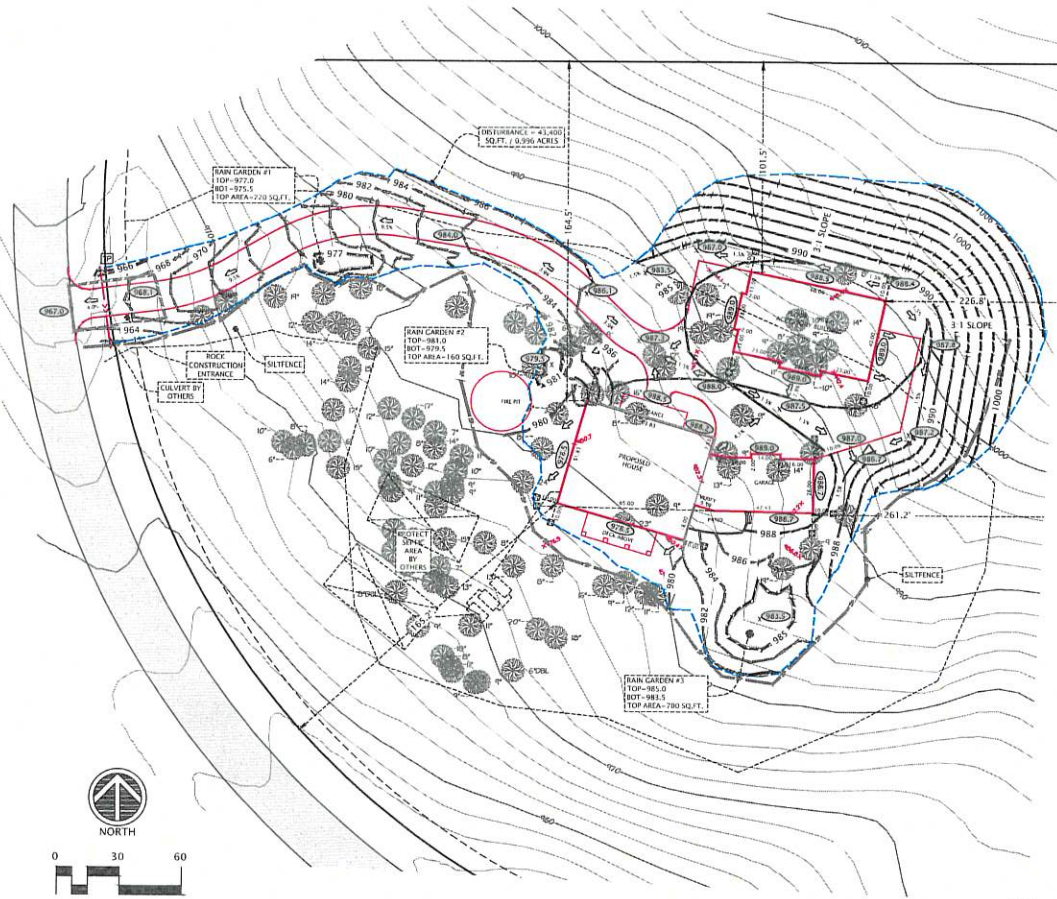
CONTACT:

BRUCE LENZEN
Bruce Lenzen Design / Build
651-329-4060

COUNTY/CITY:

DAKOTA COUNTY
CITY OF
INVER GROVE HEIGHTS

GRADING DETAIL



REVISIONS:

DATE	REVISION
6-15-22	PRELIMINARY ISSUE
9-20-22	PRELIMINARY ISSUE
9-26-22	ISSUED
10-12-22	ADD RAIN GARDENS
11-15-22	CONSTRUCTION LIMITS
12-13-22	3:1 SLOPES

CERTIFICATION:

I hereby certify that this plan 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.

Dr. M. L. Lenzen, Registration # 25378
Date: 8-15-22

PROJECT LOCATION:

11880
ALBAVAR PATH
PID#20-8400-01-050

Suite #200
1970 Northwestern Ave.
Stillwater, MN 55082
Phone 651.275.8969
dam@csurvey.net

CORNERSTONE LAND SURVEYING, INC.

FILE NAME: SURVEY09
PROJECT NO.: LENZ209

CERTIFICATE OF SURVEY

LEGAL DESCRIPTION:

(AS SHOWN ON AVAILABLE TAX RECORDS)

Lot 5, Block 1, WHISTLEWOOD FARMS, Dakota County, Minnesota.

EASEMENTS/ENCUMBRANCES:

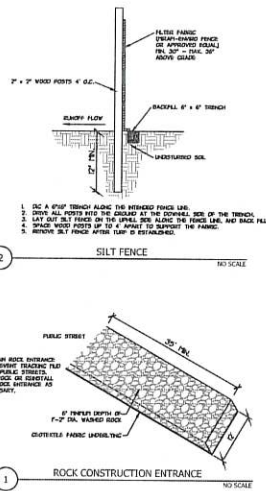
NO TITLE COMMITMENT OR TITLE OPINION WAS PROVIDED TO US THAT WOULD SHOW EASEMENTS OF RECORD. EASEMENTS MAY EXIST THAT ARE NOT SHOWN.

AREA:

TOTAL AREA AS SHOWN - 234,669 SQ.FT. / 5.39 ACRES

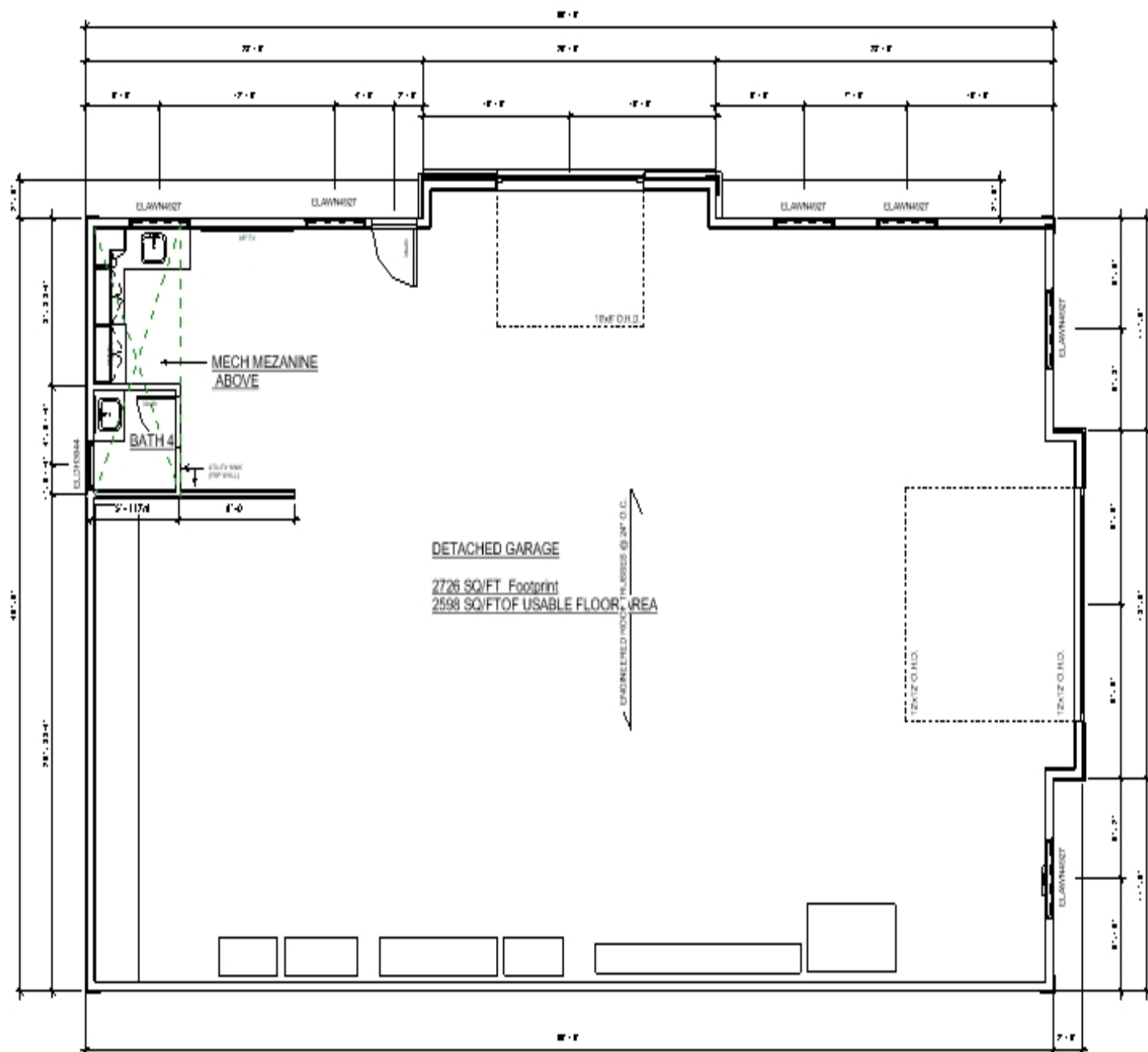
SURVEY NOTES:

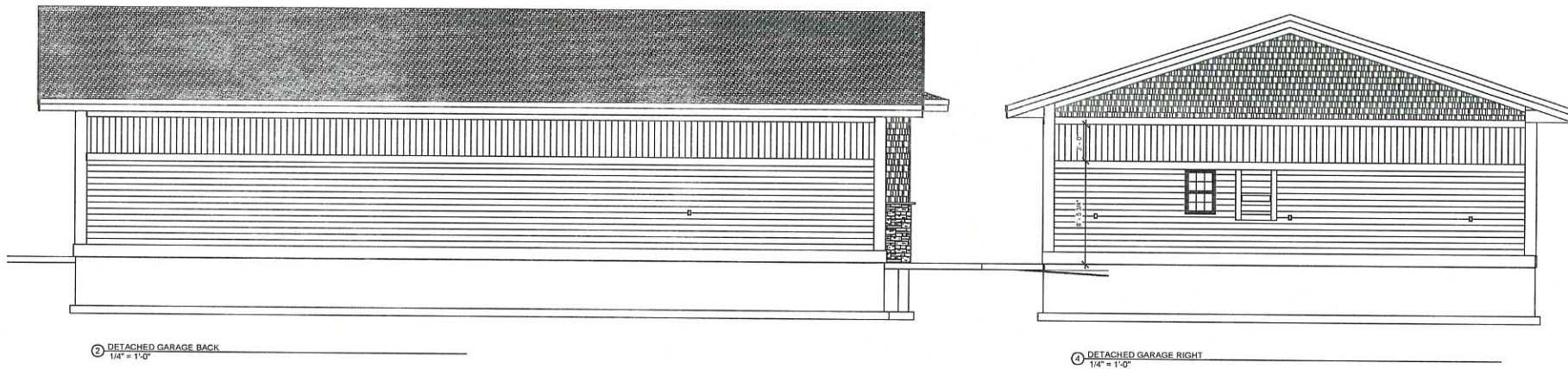
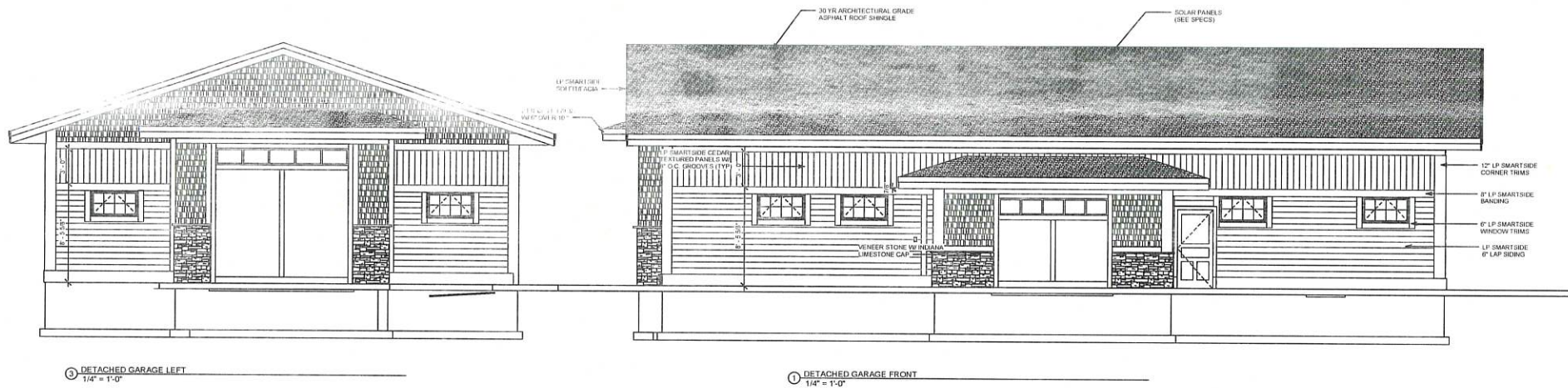
1. BEARINGS ARE BASED ON THE DAKOTA COUNTY COORDINATE SYSTEM NAD 1983. BEARINGS ARE DIFFERENT THAN SHOWN ON THE RECORDED PLAT. ALL INTERIOR ANGLES MATCH THE RECORDED PLAT ANGLES.
2. UNDERGROUND UTILITIES NOT SHOWN.
3. CONTOURS SHOWN PER LIDAR DATA OBTAINED FROM THE DNR MINTOPO WEBSITE. NOT FIELD VERIFIED.
4. ELEVATION ARE BASED ON GPS DERIVED VALUES FOR NAVD 88.



LEGEND

- FOUND CAST IRON MONUMENT
- FOUND MONUMENT (AS NOTED)
- SET IRON PIPE MARKED WITH MIN LICENSE NO. 25378
- CABLE TV PEDESTAL
- ELECTRIC METER
- ELECTRIC TRANSFORMER
- GUY WIRE
- POWER POLE
- GAS METER
- TELEPHONE PEDESTAL
- SANITARY CLEANOUT
- WATER WELL
- MAIL BOX
- TREES
- BUILDING LINE
- BITUMINOUS SURFACE
- CONCRETE SURFACE
- UNDERGROUND TELEPHONE
- OVERHEAD UTILITY
- UNDERGROUND GAS
- TRACT





BRUCE LENZEN DESIGN BUILD, LLC.
106 BUCKEYE ST. # 202
HUDSON WI 54016
651 329 4060

No.	Description	Date

No.	Description	Date

GORNICK RESIDENCE
11880 ALBAVAR PATH
INVER GROVE HEIGHTS, MN

BUILD SET

DETACHED GARAGE ELEVATIONS
Date: 8-8-22
A203



Request for Council Action

SUBJECT: **Ordinance and Resolution Authorizing a 5-year Mining Extension and Conditional Use Permit for Bituminous Roadways, 11201 Rich Valley Boulevard**

MEETING DATE: May 22, 2023

ITEM TYPE: Regular Business

CONTACT: Allan Hunting, City Planner, 651.450.2554

ACTION REQUESTED

The Council is asked to consider the following actions:

- a) An Ordinance to extend the Temporary Sand and Gravel Overlay Zoning an additional five (5) years. (Requires 3/5ths vote)
- b) A Conditional Use Permit Amendment to modify the conditions of the current CUP to be consistent with the renewed Sand and Gravel Overlay conditions. (Requires 4/5ths vote.)

BACKGROUND

Bituminous Roadways currently operates an asphalt plant and sand mining operation on Rich Valley Boulevard. The City granted the first Sand and Gravel Zoning Overlay in 1974 and approved a conditional use permit for the asphalt plant in 1979.

The current approvals allow Bituminouse Roadways to mine sand down to an elevation of 840 feet above Mean Sea Level. They are requesting a change to allow mining of sand down to an elevation of 800 feet. Bituminous Roadways would like to utilize all the available sand material that exists in the remaining portions of the mining area.

The Planning Commission first reviewed the request on November 2, when some questions were raised concerning possible impacts to the groundwater and the well sampling data. Bituminous Roadways monitors three wells, one on their property and two on adjacent properties, to determine any impacts from the mining operation on the three wells.

The City hired Barr Engineering to conduct an environmental review of the new application. Barr also conducted a significant amount of additional review to determine if the extended mining depth to 800 feet would have an impact on groundwater and wells in the area. Barr Engineering and Bituminous Roadways have each prepared responses to the questions raised at the Planning Commission meeting. These reports are attached to the Planning Report which is an exhibit to this memo. Based on their analysis, Barr did not find any issues that would lead to non-support of the additional mining death and did not find any concerns regarding the well tests as they relate to the chemicals required to be tested for the wells.

The Planning Commission reviewed the request again on May 2, In order to provide better

background well testing, a new protocol was recommended that includes installation of a new monitoring well network that will provide early detection of potential groundwater impacts from site operations. The groundwater monitoring plan would be submitted to the City for review and monitoring wells would have to be installed prior to any excavation below the current 840 foot elevation. Monitoring would have to be conducted annually with results submitted to the City for review. This new system will continue to monitor specific chemicals in the wells and will also be able to monitor the groundwater elevation at the wells.

FISCAL IMPACT

n/a

RECOMMENDATION

On a 5-0-1 vote, the Planning Commission recommended approval of the Sand and Gravel five year extension and the Conditional Use Permit Amendment with the new monitoring well conditions that are listed in the attached Resolution and Ordinance.

The Environmental Advisory Commission also reviewed the request at their April 27 meeting and recommended approval with the conditions listed at that time.

Staff, along with Barr Engineering also recommend approval of the Sand and Gravel five year extension and CUP amendment.

ATTACHMENTS

1. Sand & Gravel Ordinance
2. CUP Amendment Resolution
3. Planning Commission Meeting Minutes May 2 2023
4. Planning Report

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

ORDINANCE NO. _____

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

CASE NO. 22-37ZC

The City Council of Inver Grove Heights ordains as follows:

SECTION I. Ordinance No. 1037 adopted July 8, 2002, entitled, "AN ORDINANCE AMENDING, RESTATING, AND RECODIFYING SECTIONS 405, 425, 515, 505, 516, 517, 518, 519, 520, 525, 535, 540, 545, 546, AND 550 OF THE INVER GROVE HEIGHTS CITY CODE" being also known as the City Zoning Ordinance is hereby amended to rezone to Temporary Sand and Gravel (S & G) for a period of five (5) years to following described property located within the City of Inver Grove Heights, Minnesota, to wit:

That part of the S ½ of the NE ¼ of Section 32, Township 27, Range 22, lying westerly of Rich Valley Boulevard; except that part described as follows: Commencing at the SE corner of said S ½ NE ¼; thence west along the south line thereof, a distance of 592.43 feet; thence north 344.9 feet; thence east 570 feet to the centerline of Rich Valley Boulevard; thence southeasterly along said centerline, a distance of 67 feet to the east line of said S ½ NE ¼; thence south 281.85 feet to the point of beginning. PID No. 20-03200-050-11, and

The Northeast Quarter of the Southwest Quarter and the North One-Half of the Southeast Quarter, Section 32, Township 27, Range 22, and all of that tract of land lying West of Highway 5 in the Northwest Quarter of the Southwest Quarter, Section 33, Township 27, Range 22; subject to an easement to Minnesota Northern Natural Gas Company, as described in Deed recorded in Book 193 of Deeds, page 374. PID No. 20-03200-75-

010, 20-03300-50-020 and 20-03200-51-010.

SECTION II. The Zoning Map of the City of Inver Grove Heights referred to and described in said Ordinance No. 1037 as that certain map entitled "Inver Grove Heights Zoning Map, June 24, 2002," shall not be republished to show the aforesaid rezoning, but the Clerk shall appropriately mark the said zoning map on file in the Clerk's Office for the purpose of indicating the rezoning hereinabove provided for in this ordinance and all of the notations, references and other information shown thereon are hereby incorporated by reference and made a part of this ordinance.

SECTION III. This Ordinance shall be in full force and effect from and after its publication according to law, and shall be subject to the following conditions:

1. The Temporary Sand and Gravel (S&G) Zoning shall remain in place on the property for a period of five (5) years to expire on May 23, 2028.
2. The operation of the sand and gravel operation approved herein shall comply with all provisions of Inver Grove Heights City Code, Title 10-13G, Sand and Gravel Overlay District, except as specifically modified herein.
3. The following plans, on file with the Planning Division, shall constitute the "approved plans" referenced therein:
 - Existing conditions dated 8/5/22
 - Phasing Plan dated 8/5/22
 - Cross Sections of Mining Area dated 8/5/22
 - Final Land Use Plan dated 4/25/02
 - Reclamation Plan dated 8/5/22
 - Landscaping Plan - east property line dated 2012
 - Landscape Plan - south property line dated 2012All aspects of the operation of the site shall comply with the approved plans.
4. The location of the asphalt plant shall remain in its existing position and shall not be relocated unless this sand and gravel ordinance is amended.
5. "Operation" as it relates to hours of operation, shall include, but is not limited to, all mining and grading operations, washing, the operation of the asphalt plant on the site, and movement of vehicles and equipment in and out of the site. Hours of operation on the site shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday, except hours of operation may begin at 6:00 a.m. Monday - Saturday for internal operations only, including start up of the asphalt plant and allowing BRI owned vehicles that were parked overnight to exit the site. The crushing of concrete shall be regulated by Condition #6. The asphalt plant shall

be allowed to operate a maximum of 30-night shifts (7:00 p.m. to 7:00 a.m.) during the construction season each year. Bituminous Roadways shall provide the city with written notice prior to each event, including confirmation of contact with the nearest neighbor so a record can be kept monitoring total hours used each season.

6. Crushing of concrete on site shall be permitted provided the following conditions are met:
 - a) All crushing operations shall be conducted in the current location in the existing site.
 - b) The stockpile of concrete to be crushed and the stockpile of already crushed concrete shall not in the aggregate exceed a total of 50,000 cubic yards.
 - c) The height of the stockpiles shall not exceed 25 feet.
 - d) Crushing shall occur on not more than 12 weeks during the calendar year. No crushing shall occur on Sunday; crushing shall only occur between the hours of 7:00 a.m. and 7:00 p.m. Monday – Friday and 9:00 a.m. to 6:00 p.m., Saturday.
7. The final disposal of MOSS on the site shall be prohibited.
8. As part of the approval granted herein, the applicant may use used concrete and asphalt products as a part of the operation. Stockpiling area for these materials shall be as noted on the approved plans.
9. Bituminous Roadways shall prohibit all drivers of trucks from using Rich Valley Boulevard north of Cliff Road except in those instances where materials are being taken to a project located within the City's regulatory authority. Bituminous Roadways shall post an advisory to all drivers to the same effect at exits from the site.
10. The site shall be kept clear, at all times, of windblown debris.
11. The foundry sand in the east central berm shall be left undisturbed.
12. Bituminous Roadways shall bring no additional foundry sand onto the site.
13. The berms which cover the foundry sand shall be maintained in vegetative cover to control erosion of the foundry sand.
14. The stockpiled MOSS, shingle scrap, recycled asphalt, and concrete pavement will not be disposed at the site.

15. Stock piles of recycled asphalt, and concrete shall be limited in size to amount that will be used that year.
16. Backfill material shall be either clean fill material that was stripped off the site or other clean fill material which is brought in from offsite.
17. Spent bag house bags will be disposed of in a lined landfill permitted or approved to accept such materials.
18. A restoration bond shall be in an amount to cover the costs of restoration of the site, as determined by the City Engineer, prior to City Council approval.
19. Bituminous Roadways shall obtain and maintain the necessary licenses and approvals from Dakota County and Minnesota Department of Natural Resources. Terms and conditions of the license and approval shall be hereby incorporated into this City approval.
20. Bituminous Roadways shall obtain and maintain the necessary Minnesota Pollution Control Agency permits including two air quality permits and one industrial storm water permit. The terms and conditions of those permits shall be hereby incorporated into this City approval.
21. All reports which are required to be submitted to the Minnesota Pollution Control Agency shall also be submitted to the City, including annual emissions inventory report, semi-annual deviations report, annual compliance certification report, and annual report.
22. All buildings shall be removed from the site within three (3) months of the closure of the facility.
23. Bituminous Roadways shall enter into a Host Community Agreement with the City of Inver Grove Heights including the payment of Host Community Fees, within three (3) months of the State Legislature providing the City with the Authority to enter into such an agreement.
24. Restoration shall be conducted in phases at the site. As portions of the mining area are completed, the areas will be backfilled, graded, topsoil applied and vegetation established.
25. The operator is responsible for obtaining all required permits for the wash water well from the appropriate state and/or county agencies and must meet all DNR requirements, obligations and protocols for a well appropriations permit, including responsibilities and protocols for any

remedial actions and those responsibilities and protocols for any compensation or damages from the loss of well use affected neighboring properties. Any change or any application for an appropriation permit for an aquifer different than the one that has been identified would require an amendment to the conditional use permit.

26. Bituminous Roadways shall provide a voluntary Well Interference Protocol Agreement for neighboring properties within ½ mile of the well requesting to be a party thereto. The agreement shall be prepared by Bituminous Roadways and shall stipulate procedures to follow should well problems occur. The agreement between the parties is strictly voluntary and not required for the well to be operational.
27. The southern access to the site shall be allowed as a secondary driveway for the operation provided it is used by no more than 10% of the truck traffic for the site.
28. For soil backfill material, only non-organic compactable soil material be used that is free of contamination, recycled or salvaged aggregate, asphaltic pavement, crushed concrete, scraps of shingles, debris, rubbish, frozen soil, boulders over 1-inch in diameter, logs, wood chips or other objectionable material. Backfill soil should be free of stumps, roots, and branches over 1.5- inches in diameter. Backfill soils should not be placed over frozen subgrade.
29. Contaminated soil shall not be used as fill or brought to the site. If the source of imported fill will be from a location where soil contamination is known, suspected, or can be expected (e.g., soils from gas stations, certain industrial sites, etc.), that soil should not be used for backfilling. Any offsite backfill soil used must come from only BRI projects and include a manifest from each site indicating that no contaminants are suspected to be in the soil material. A copy of the manifest should be submitted to the City.
30. BRI shall prepare a Sampling and Analysis Plan using Minnesota Pollution Control Agency guidance that would include sample parameters, sample schedule and requirements for purging wells to stabilize prior to sampling, and field filtering of samples if appropriate.
31. Bituminous Roadways shall provide a Groundwater Monitoring Plan that includes the installation of a new monitoring well network to provide early detection of potential groundwater impacts from the site operations. The new monitoring wells shall be installed with the screens intersecting the water table. One well is to be located upgradient of the

mining operation in order to obtain baseline samples and establish pre-mine background concentrations to use to compare to downgradient samples. Two new downgradient wells are also to be installed. The Groundwater Monitoring Plan shall include the sample parameters, the sample schedule and proper EPA/MPCA sampling procedures and protocol. Sample collection and analysis shall be performed by a third-party, independent Minnesota Department of Health (MDH) certified and accredited laboratory. Monitoring, sampling and testing shall take place annually at the new on-site monitoring wells. Monitoring well testing is to include water level data measurements. Samples are to be tested for arsenic, barium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, zinc, BETX*, phenol, pH, electric conductivity, alkalinity, redox potential, sodium (Na), potassium (K), calcium (Ca), magnesium (Mg), chloride (Cl), sulfate (SO₄), and carbonate-bicarbonate (CO₃-HCO₃). The plan shall include the actions Bituminous Roadways is to take if the monitoring well testing shows a verified exceedance of concentrations above an action level concentration (the action level shall be lower than current drinking water standards). Actions to be taken to address concentrations above action levels shall be documented in the Groundwater Monitoring Plan.

*BETX (benzene, ethylbenzene, toluene and xylenes) are primary groundwater contaminants associated with spills of gasoline and diesel fuel because of their high water solubility and associated health risks. Concentrations of any of the BETX analytes above drinking water standards in the groundwater is indicative of a diesel fuel spill or release.

32. The Groundwater Monitoring Plan shall be provided to the City for review, comment and approval by City staff and the City's environmental consultant, prior to any excavation below elevation 840 feet MSL. The monitoring wells shall be installed and one round of samples collected prior to excavating below elevation 840 feet MSL.
33. Bituminous Roadways shall submit an annual report to the City that includes water-quality, water level and water-use data (including pumping records) for the reporting year, as well as previously collected data. A QA/QC review of water-quality data (quantitative detection limits must be well-below any applicable standards) and a summary of operations shall be included. The report shall also include time-series

graphs of monitored parameters (referenced to applicable drinking water standards).

34. Bituminous Roadways shall measure water levels in the on-site monitoring wells on a quarterly basis, excluding winter quarter. Results of the water level readings shall be included in the annual report. If the water table is ever detected above 800 ft MSL, excavation shall not be allowed to go below the water table.

Enacted and ordained into an Ordinance this 22nd day of May, 2023.

Ayes:

Nays:

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

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

RESOLUTION NO. 23-

RESOLUTION APPROVING A CONDITIONAL USE PERMIT AMENDMENT FOR THE PROCESSING OF SAND AND GRAVEL, AN ASPHALT PLANT AND CONTRACTOR'S YARD

CASE NO. 22-37CZ
(Bituminous Roadways)

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

That part of the S ½ of the NE ¼ of Section 32, Township 27, Range 22, lying westerly of Rich Valley Boulevard; except that part described as follows: Commencing at the SE corner of said S ½ NE ¼; thence west along the south line thereof, a distance of 592.43 feet; thence north 344.9 feet; thence east 570 feet to the centerline of Rich Valley Boulevard; thence southeasterly along said centerline, a distance of 67 feet to the east line of said S ½ NE ¼; thence south 281.85 feet to the point of beginning. PID No. 20-03200-050-11, and

The Northeast Quarter of the Southwest Quarter and the North One-Half of the Southeast Quarter, Section 32, Township 27, Range 22, and all of that tract of land lying West of Highway 5 in the Northwest Quarter of the Southwest Quarter, Section 33, Township 27, Range 22; subject to an easement to Minnesota Northern Natural Gas Company, as described in Deed recorded in Book 193 of Deeds, page 374. PID No. 20-03200-75-010, 20-03300-50-020 and 20-03200-51-010.

WHEREAS, the aforescribed property is currently zoned A, Agricultural and S&G, Sand and Gravel Overlay;

WHEREAS, all conditional use permits are subject to the criteria listed in City Code Title 10, Chapter 3, Article A, Section 10-3A-5, regarding consistency with the Comprehensive Plan, conformity with the Zoning Ordinance and compatibility with adjacent properties, among other criteria;

WHEREAS, a public hearing concerning the Conditional Use Permit was held before the Inver Grove Heights Planning Commission in accordance with Minnesota Statutes, Section 462.357, Subdivision 3 on May, 2, 2023;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that a Conditional Use Permit Amendment for the processing of sand and gravel, an asphalt plant and a contractor's yard with open storage is hereby granted for the aforescribed property, subject to the following conditions:

1. Resolutions No. 12-175 and the conditions therein shall become null and void.
2. All terms and conditions of the approval of the temporary Sand and Gravel Zoning District for the property shall apply to all the operations on the site specifically stated herein, except where said terms and conditions may be modified by the conditions below, then the conditions of this permit shall prevail.
3. Approval of this conditional use permit shall be valid for the duration of the Temporary Sand and Gravel Zoning or until such time that the sand and gravel operation on site shall cease to continue if such time frame is shorter. The sand and gravel operation and the approval granted herein shall terminate concurrently.
4. Where violations of the conditions of this permit are noted, the City is authorized to immediately terminate all operations on the site and resumption of operation will not be permitted until such violation is rectified.
5. The processing of the sand and gravel shall include, but not limited to; mining, crushing, screening, washing, sorting and blending into and stockpiling a variety of aggregates, and the recycling and stockpiling of concrete and rock products.
6. The contractor's yard shall be used in substantial conformance with the plan entitled "Existing Conditions" dated 1/8/07, on file with the Planning Division.
7. The location of the asphalt plant shall remain in its existing position and shall not be relocated.

8. All buildings shall be removed from the site within three (3) months of the closure of the facility.
9. Storage of equipment and vehicles for Rainbow Painting shall be limited to the building designated "garage" on the approved site plan and the adjacent area located south of the metal building.
10. All plans submitted by the applicant shall be subject to the review and recommendations made by the City Engineer and Director of Public Works.
11. The owner shall provide the City Engineering Division full access to the property for an annual storm water maintenance, erosion control, and sediment control inspections.

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

Adopted by the City Council of Inver Grove Heights this 22nd day of May, 2023.

Brenda Dietrich, Mayor

Ayes:

Nays:

ATTEST:

Rebecca Kiernan, City Clerk

D. Consider a Request by Bituminous Roadways, Inc. for a Sand and Gravel Zoning District Designation Five (5) Year Renewal. (Case No. 22-37ZC)

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice for Bituminous Roadways, Inc., Case No. 22-37ZC. This request involves property located at 10201 Rich Valley Boulevard, Inver Grove Heights Minnesota. The request consists of an ordinance amendment for the renewal of a 5-year sand and gravel overlay permit including expanding depth mining and a conditional use permit amendment for the mining and processing of sand and gravel at an asphalt plant and contractors' yard with open storage. Notices were mailed to 29 property owners on April 13, 2023.

Presentation of Request

City Planner Allan Hunting stated that a representative from Barr Engineering, the city's environmental consultant, would be giving a presentation for more background. He discussed the request stating that Bituminous Roadways is requesting their 5-year renewal for sand and gravel mining. The property is located on Rich Valley Boulevard and 117th Street. The request includes a modification to mine the sand an additional 40 feet in depth, from 840 mean sea level down to 800 mean sea level. The Planning Commission began review of this item on November 2nd. Several questions were raised regarding access to the groundwater and analyzing the well test data. Staff corrected the public hearing notice as there was one parcel missing. There are four parcels. This was re-noticed in the paper and mailed out to a broader list than previously done. He stated that Barr conducted a review for the city. Bituminous Roadways also provided data/analysis. This Commission requested the Environmental Commission review this item. The Environmental Commission did review at their meeting on Thursday, April 27th and recommended approval. There was some discussion about the monitoring of the well timing and installation.

City Planner Hunting displayed a photo depicting the operation stating that the material is mined out. There is an asphalt plant on site. Over the years there have been approvals for expansion for some of the land area, which they would eventually mine. They had a deep well put in and added larger bituminous tanks.

Commissioner Heidenreich said the Commission was given an addendum to the conditions that were included in the staff report before going live with tonight's meeting; it is not something the Commission has seen. He said there is a lot of good information, but changes everything they have studied for prior to the meeting with no time for the notice. He asked if the Commission was accepting the changes.

Chair Niemioja mentioned what he was referencing were conditions.

Commissioner Heidenreich replied the conditions were modified from what was previously provided.

Chair Niemioja suggested the applicant address this.

Ray Wuolo, Senior Hydrogeologist, Barr Engineering, stated that Barr was retained by the City.

Barr has done a lot of environmental review on behalf of the city. A limited review was done to evaluate the potential environmental effects.

- To note what, if any, proposed changes may result in new or increased environmental effects.
- If any, what are the proposed mitigation measures and were they adequate.
- Has anything changed since the 2017 CUP renewal process.
- Making recommendations to the city on changes to conditions in the CUP.

Who regulates aggregate and non-metallic mining in the State of Minnesota:

- MPCA has a Non-Metallic Mine General Permit addressing stormwater and wastewater.
 - Can issue air permits, but are typically not required for aggregate mining.
- MDNR has a role in a Water Appropriations Permit if there is a high capacity well on site or pit dewatering.
- Unless there are specific issues, groundwater monitoring may not be required by either agency.
- Some types of expansion or changes to operations may trigger an Environmental Assessment Worksheet (EAW) (this does not meet that requirement).

In the location of where BRI (Bituminous Roadways Inc.) sits, there are a lot of other things happening in the neighborhood:

- Southeast is Flint Hills Refinery
- East is the SKB Landfill and the Pine Bend Landfill
- Northeast is the former Crosby American Demolition Landfill

What BRI is asking for in the Conditional Use Permit (CUP) request:

- Increase current depth from elevation 840 feet to 800 feet. Deepen the mine by 40 feet.
- Vertical expansion will increase the life of the mine by approximately 10 years.

Lowering down to 800 feet will not happen at one time because you cannot keep the slopes stable. After mining it would be reclaimed, move material around, import material, and use topsoil that has been stockpiled on top.

Backfill and reclamation:

- Backfill consists of excess sand from mining operations and clean soil brought in from other BRI construction projects.
- Regrading would occur, required stormwater ditching, and stockpile.

There are no proposed changes to:

- Type and number of equipment being used
- Rate of mining
- Number of trucks and truck traffic
- Hours of operation
- Location and quantity of fuel, chemicals, asphalt cement
- Water use or pumping

Findings: Air quality and noise:

- Air quality impacts will not change from current conditions
- No change in the type of equipment
- No change in truck traffic/truck trips
- Noise impacts will not change
 - In 2018, the city retained Barr Engineering to do a noise study on the western side of the BRI facility. Results found the mine to be fully compliant with the residential standard, which is the most stringent standard for noise in the State of Minnesota.

November 2022 Planning Commission meeting questions:

- Charged with four (4) questions relating to groundwater:

1. Wet sand in the mine. Concern the wet sand was caused by contact with the Prairie du Chien-Jordan aquifer or that BRI was already mining below the water table.
 - a. Depth of the water table, sloping from west to east, groundwater is discharged to the Mississippi River.
 - b. Below the existing mine by several tens of feet.
 - c. Unlikely/impossible to impact the water table.
 - d. The top of Prairie du Chien bedrock is the major aquifer for the city. It is close to 70 to 80 feet if not deeper, than the current bottom of the mine.
 - e. Concluded the wet spot was not related to groundwater.
2. High Volume Well was agreed to be placed at a depth of approximately 600 feet below grade.
3. No mention of the High Volume Well installed in 2012 that pumps 450 GPM. The above mentioned #2 and #3 would be answered together:
 - a. Both questions involve the High Capacity Well. At that time, BRI requested having the well installed in the Prairie du Chien-Jordan aquifer. The compromise was to have it at a deeper aquifer.
 - b. This was appropriated by the DNR at a depth of 600 feet and appropriated for 450 gallons per minute. (On average it pumps less than this).

Aquifer versus Aquitard:

- Aquifer: Soil or rock that yields usable quantities of groundwater to a well.
 - Higher permeability (sand, limestone, sandstone) and saturated thickness
 - Groundwater flows horizontally
- Aquitard: Lower permeability units (clay, silt, tight formations of rock) that do not transmit usable quantities of water.
 - Lower permeability and saturated thickness
 - Groundwater flow is mostly vertical
 - There are two very low permeable units

A pumped well results in “drawdown” of the water table.

- This lowers the water level around the well and lessens as it gets further away.
- Well pumping at a low rate doesn't have very much draw down.
- Well pumping at a high rate has more draw down.
- Having a 450-gallon permanent well is of concern; not an issue to be taken lightly.
 - In this case the aquitards are a very important factor.
 - Pumping in a confined aquifer that is separated by an aquitard allows for pressure drop in the deeper aquifer with almost no effect on the water table/shallow aquifers.

Effects of pumping BRI plant wash-water well:

- Since 2012 a new tool has been developed by the Metropolitan Council.
 - A groundwater computer model of the entire metro area in high detail.
 - Built with USGS, MPCA, DNR, University of Minnesota; heavily benchmarked and continually updated.
 - Model is used to evaluate this particular well to determine:
 - What kind of draw down is occurring
 - Where the water is going that infiltrates at the BRI facility
 - Within the deep aquifer, most draw down is about ½ foot and extends out about ½ mile from the BRI facility.
 - There are only four wells in the area tapped into the aquifer. None are used for water supply.

- Domestic and municipal are in the much shallower aquifer.
- Model shows there would be no draw down in the water table aquifer, Prairie du Chien.

One concern people have is groundwater that infiltrates at the BRI facility; where it goes, how fast it flows. He stated that it goes toward the river. The model allows them to say how fast it flows. Time of travel marks show:

- At one year it shows the groundwater under the BRI facility would barely move off site.
- In five years, it would probably reach the Pine Bend Landfill.
- In ten years, it would almost be to Highway 52.
- In 20 years, it would be discharging as it would naturally into the Mississippi River.
- Water infiltrating down at the BRI facility would only be a few feet below the water table. It does not get very deep. It stays shallow and discharges into the Mississippi River.

At the facility, there are two other wells:

- The Rainbow Well, could have been a residential
- The Wicker Well, a residential well
 - Both Wells have been sampled on a routine basis.
 - The Wicker Well was replaced in 2020 with a deeper well.
 - These wells are not likely the right wells to monitor. Should put in a dedicated well for monitoring. This would make the most sense going forward, for sampling.
- 4. Water Well testing reports. There was a concern there had been indication of mishandling of problems with the water collection protocols used. Also asked the question of who was involved in making sure this is the right data. To note: State Agencies are not required to review this. The City of Inver Grove Heights is the oversight.
 - a. Reviewed analytical reports from 2012 to 2022 provided by BRI.
 - b. Evaluated the data for holding times (how long they can stay unopened before they are sampled).
 - c. Did not look at the lab reports in their original form. This is highly expensive, only done by litigation.
 - d. Used the EPA's National Functional Guidelines.
 - e. Plotted time series data to evaluate if there were any trends with time.

Stormwater ponds were also a part of the analysis.

- Major metals were analyzed. This is naturally occurring and can be detected in groundwater at very low concentrations. Looking for increases beyond what can be expected in background conditions. Analyzed for:
 - Barium
 - Gasoline-range organics (GRO), diesel range organics (DRO)
 - Phenolics
 - Standard parameters such as pH, specific conductance

Findings of the analytical data review:

- Analytical data was generally acceptable and reliable. Some errors were found:
 - Some air gap was found with GRO and DRO samples. It is not supposed to be this way, it can volatilize.
 - Quantifiable detection limits were pretty high, could be lower.
 - No evidence suggested any exceedances of water quality standards.
 - Need to see detection limits go down a bit more.
 - Different laboratory methods can result in different levels of quantitation.
 - RL's (reporting limit) are different than a concentration that is measured.
- Sodium was detected in the Wicker Well that was sampled before it was replaced.
 - Sodium is a naturally occurring "ion" in groundwater.

- Reporting value on June 18, 2019 - 169,000 ug/L
 - Same as 168 mg/L. Typical ranges: 10-200 mg/L
- There are no federal regulations for sodium.

The city may want to require, as a part of the CUP, a monitoring well that intersects the water table to get reporting levels down.

Recommendations and Suggestions:

- Prepare a sampling and analysis plan using the MPCA's guidance.
- Report pumping records, water level measurements.
- Give a yearly brief report to the city explaining what is noticed.
- Should not have to hire Barr Engineering to do this. Should have a narrative going forward.
- Limit soil backfill to non-organic compactable soil free of contamination.
- Soil be tested before bringing on site.
- Provide the city with Spill Prevention Control and Countermeasures Plan (SPCC)

Concern regarding foundry sand:

- USEPA and the USDA did a study of approximately 40 different types of foundry sands.
 - None of the metals were above any concern.
 - None of the phenolic materials were above any concern.
- This foundry sand could be used for road metal, base for road grading, and potting soil. It is safe soil to be able to use.
- Not using foundry sand any longer. Did not bring any in, was just a small amount of no concern. Have and will continue to keep monitoring.

Commissioner Heidenreich questioned whether Mr. Wuolo was hired to give this report by the City or Bituminous Roadways.

Mr. Wuolo stated that Barr Engineering was hired by the City to give this report, Bituminous Roadways compensates the City for their time.

Commissioner Heidenreich referenced the high impact 450 gallon well. He mentioned there was a small number of people that were notified of this meeting. He referenced the cone of depression stating there are a lot of people impacted by this project. It spreads further than the 1,000 feet surrounding the plant, it goes several miles. He said there are four wells nearby, but have only shown one active. If overlaying the other four wells it would increase the cone of depression in the entire area.

Mr. Wuolo replied it would not. The model referenced has all of the wells pumping. All of the wells affects are accounted for. It's a deep aquifer, it's not affecting the wells at all.

Commissioner Heidenreich said there was a lot of water being pumped out, he asked how they were getting rid of it.

Mr. Wuolo replied it was wash plant water. With sand, they wash the material before they use it, then it would infiltrate back in.

Commissioner Heidenreich shared that the city has radium in the water. It has been said it's from pumping water from the lower aquifer. To reduce radium in the city drinking water, they try to use higher level wells. He asked if the water is being tested for radium from the low-level aquifer before dumping it out of the Prairie du Chien aquifer.

Mr. Wuolo replied the aquifer that causes radium in the Twin Cities is the Mt. Simon Hinckley, which is much deeper and older water than the Tunnel City Wonewoc. Tunnel City Wonewoc water does not have a history of high concentrations of radium.

Commissioner Heidenreich asked Mr. Wuolo if he was familiar with the report Hydraulic Impacts of Quarry's and Gravel Pits that was prepared in 2005 by the DNR and paid for by funds from the Legislative Commission on the Minnesota Environment of Natural Resources/Minnesota Lottery. They did well water/groundwater testing on how mines affect the ground. This included two mines in the Prairie du Chien aquifer. He read the following paragraph aloud "This report was intended to help local officials, the public, and the mining industry to understand the main issues surrounding mine establishments and to provide suggestions for monitoring and mitigation strategies to prevent significant impacts on water resources. The research at these sites, the first comprehensive report of its kind, to assess aggregate mining impacts on the groundwater system in Minnesota. This information can be used for citing of new aggregate mines and more accurately assessing the impacts on local groundwater. It can also be used for planning purposes for state and local". He said the cone of depression on the Jordan aquifer on the west end of Cliff Road has a fluctuation of over 70 feet from their dewatering plants. It discussed how the direction of groundwater flow surrounding the mine can be changed. He said he read every word of the reports provided and he still has concerns. He mentioned in November he took photographs of wells on the Bituminous property. He questioned whether the wells were sealed or not, which Minnesota laws require. He asked if those wells were identified as wells and if they have been sealed.

Mr. Wuolo replied he was unsure. He suggested contacting BRI for the answer.

Commissioner Heidenreich said he read the report, those wells have been sealed. He wanted to make it public knowledge. The wells were not sealed at the time, but were sealed a month after. He said the laws surrounding sealing and boring of wells are very specific. He mentioned that he has two photos of the wells and asked that they be shown on the screen.

Commissioner Heidenreich referenced the picture on the left stating it was a well from November that was previously sealed. The one pictured on the right was the unsealed well. He said it was sealed and sent an email out today asking what the elevation of the mine was. The reply was that it was as deep as it could go, 840 feet. He shared that he has the well sealing report and handed it to Mr. Wuolo. He questioned what the report says in relation to groundwater. It states at the top of the well they detected groundwater at 33 feet. If the soil is at 840 feet and the top of the well sticks up 3 feet, he asked where that puts the static water level on the east side of the mine. He said it was different than the slides presented.

Mr. Wuolo replied that the depth of the open hole is 230-272 feet. If the well was 70 feet open, it would be a water table well. The static water measured would be the depth to the water table. Deeper wells would have pressure. Opening a deeper well causes a rise. The pressure rises up to a level above the aquifer. It is the pressure of a deep bedrock aquifer, not the pressure of the water table. The reason water levels are higher here is because it is getting closer to the river. It forces water up through aquitards.

Commissioner Heidenreich said the article states the aquitards are leaky. He asked what that meant.

Mr. Wuolo replied that all aquitards are leaky. The flow is vertical. If perfectly sealed there would not be water flowing to the Mississippi River or ponding in Eagan.

Commissioner Heidenreich said the sand mining out is the filterite that takes out the chemicals pumped up from the lower aquifers. This creates an additional hazard for the neighbors to the west and northwest if diverting the water, according to the hydraulic impact report. His concern is if they cannot use these documents at face value, none of the documents can be trusted.

Mr. Wuolo replied he is frustrated because Commissioner Heidenreich is trying to explain concepts he has a moderate understanding of. He stated there is no groundwater flowing to the northwest, it doesn't flow that direction, it flows to the river. He referred to the Metro Model stating there are 11,000 wells and water levels used to calibrate the model including the points shown on the map. He said it was a reliable model.

Commissioner Heidenreich said he felt lines shown on the map appeared to flow northwest.

Mr. Wuolo referenced the map in question and said they go due east under Pine Bend Landfill.

Commissioner Heidenreich said if changing the groundwater flow by mining too close to the surface of the aquifer according to the report, it could change the direction more to the north.

Mr. Wuolo replied it would not. Changing the groundwater flow direction would have to have a change in the water balance, water extraction. Infiltration and water balance is not changing from the condition it is today. The only thing changing is the depth from the bottom of the mine to the water table. The material that exists from the bottom of the mine and the water table is a very coarse sand that water goes right through. Thinning it out wouldn't affect water quality.

Commissioner Heidenreich handed Mr. Wuolo two pictures from today. He referenced one of the mines with a bend at the top. He mentioned the term Lidar and asked what it was.

Mr. Wuolo replied Lidar is when airplanes shoot a light beam down and it bounces off the ground. It is quite accurate.

Commissioner Heidenreich asked if anyone has measured the heights of these wells. He referenced a photo and said it shows the same pipe sticking two feet out of the ground. He mentioned that new iPhones use Lidar, a light emitting radar. There is a 12-foot difference from the 840 feet from November. If accurate, the mine is at 828.

Mr. Wuolo replied he was unsure if anyone has measured the wells and was unsure of the difference mentioned. It could be surveyed if Commissioner Heidenreich did not believe it. All data noted does not indicate the well to be any deeper than 840. He said he was unsure why anyone would say that the numbers were not as presented.

Commissioner Heidenreich replied he has the static well levels, the GPS on his car, Lidar from his iPhone, and the photo indicating that they are already at the water level. He referenced a photo with a mound of dirt, next to that is standing water on the surface. He said the water is not going into the ground like expected, it's just sitting there.

Mr. Wuolo replied he may want to ask the representative from BRI about that item. He said it wasn't the water table or the groundwater.

Commissioner Heidenreich said he has mistrust. With the Wicker Well, readings were provided, and then it turned out that it was a different well entirely. The same well wasn't tested. He said he is seeing red flags. He said he is prepared to make a motion to approve this with some

changes. He noticed that a notice was received just a few minutes before the meeting. Those were addressed in what he was going to comment on.

Chair Niemioja requested a short recess at 8:24 p.m.

Chair Niemioja called the meeting back to order at 8:29 p.m.

Commissioner Heidenreich mentioned that Mr. Wuolo has done a great job and explained everything well. He said Mr. Wuolo asked why he was so concerned and what gave him reason to believe the static water level was higher than currently indicated. He said in a report dated September 10, 1999, by Barr Engineering, the city said the water level was at 850 feet at the west edge. He asked how that happens.

Mr. Wuolo questioned if he did the report and replied he would have to look at it to see. He said in hydrogeology, that would be 24 years ago. He was not using computer modeling then. The amount of information and effort going in to understanding ground water in Dakota County since 1999 is mind boggling. This had to do with the county's efforts and State Agencies.

Commissioner Robertson asked a question relating to the document received today. She asked if Barr would be doing the testing or if it should be an independent testing facility.

Mr. Wuolo replied that he would let Bituminous Roadways answer that question. With facilities like this, a third-party engineer/environmental company is hired.

Commissioner Heidenreich asked who historically collected the samples for testing.

Mr. Wuolo responded he was unsure; BRI may know the answer to that question.

Commissioner Challeen said she noted the word remediation several times in the report but does not see details about the process or what would trigger remediation. She asked for a primer about what a remediation effort would look like.

Mr. Wuolo responded that the well is sampled, an analysis comes back, go back and resample to make sure the data is correct. If it is, depending on the conditions, it would need to be reported to the MPCA. The MPCA would determine if there is any further investigations/corrective action needed. It is out of the owners and city's hands. A typical remediation consists of a pump and treat system.

Commissioner Robertson asked who does the testing if contaminants come back at a higher level in excess of standards, and if it is independent of BRI.

Kent Peterson, President, Bituminous Roadways, 6130 150th Street Southeast, Prior Lake, MN, read a prepared statement stating that Bituminous Roadways purchased the gravel pit in 1978, in 1980 an asphalt plant was installed. Since then, they have been mining gravel and producing asphalt used for various things within about a 20 miles radius of this location. All product stays local. In 2001 they purchased the adjacent property to the south. Current gravel mining takes place on this property. He stated that their conditional use permit with the city must be renewed every five years, tonight is the application for renewal.

One change they are requesting is to extend their mining depth to an 800-foot elevation. With the current permit, the limit is to an 840-foot elevation. They are requesting to mine 40 feet deeper than they currently are. This only applies to the remaining phases of mining on the south property purchased in 2001. Mining 40 feet deeper adds 10 years to the life of the gravel pit and provides for much needed aggregates. Soils used would only be non-organic compactable soil, free from contamination and only from Bituminous Roadways projects. Bituminous Roadways will maintain a manifest from each offsite source indicating where soils are imported from. There will be a statement included with the manifest.

He stated that their current application came before the Planning Commission on November 1, 2022. At that time there were questions raised that required additional information. One question was in regards to the emergency response. Their response to measurable spill. He said the question came from Commissioner Challeen.

Commissioner Challeen replied the question had to do with how quickly and effectively they have responded in the past and plan to respond if there is detection of something above a permissible limit.

Mr. Peterson said he assumed it had to do with a response to a spill. Section 2.5 of the plan sent to the Commission outlines procedures and onsite/outside emergency contacts.

In the event of a spill:

- A trained responder takes immediate action to prevent further spillage and confines the spill to its smallest practical area.
- Depending on the size/nature of the spill, outside response contractors may be called in.
- Records are kept for all measurable spills.
- Onsite storage tanks have secondary containment. Large tanks are surrounded by earth and berm.
- In case of fire, there is an extensive fire protection system installed. City water is used, there are 12 fire hydrants around the site.

He said there were questions about the foundry and storage sand found and stored on site. In the 80's and 90's, they brought in sand from two Minneapolis foundries. It was spent sand intended to be used on construction projects. They did not use the sand as fast as it came in, and it accumulated. It is stored in the northwest corner of the property. No further foundry sand has been brought on site since 1998. In the 2001 permit renewal there was a condition in regards to foundry sand stating the sand shall remain in its current location and used in its entirety within the next four years. The amount of foundry sand was approximately 30,000 cubic yards.

Another condition about foundry sand in the southeast berm would be left undisturbed with the amount of approximately 24 cubic yards. In the 2007 city planning report, Barr Engineering conducted a site visit in May of that year and determined the 30,000 cubic yards of foundry sand in the northwest berm was gone and vegetation was established. The southeast foundry sand had been undisturbed and contained a vegetative cover. The permit condition was satisfied. Current CUP requires they test the water from three wells; one onsite and two on neighboring properties. They are identified as the Rainbow Well, Wicker Well, and Plan Well. It is always sampled at current active wells. Unique well numbers have never been used, but are open to that option if requested. He stated they are in agreement with Barr's recommendations. He said they would like to propose a new groundwater monitoring program.

Chair Niemioja asked if it would take approximately 30 years to complete the site, depending on market demand. She asked if the request is premature.

Mr. Peterson replied mining is done in phases. Their intention is to mine each phase to its limits and then move onto the next phase and then reclaim the phase they moved on from.

Commissioner Weber questioned the use of city water during fire protection. He asked if it was from Rosemount.

Mr. Peterson responded that city water had to be run to their site in order to get to the capacity of water required. It's from Inver Grove Heights, down 117th Street from the new electric generating plant by the landfill. They ran it from there over to their site.

Commissioner Robertson asked who does the testing.

Mr. Peterson replied historically they take the samples and submit them to an independent testing lab. Pace Analytics is the lab they have been using. The report they receive from Pace is submitted to the city.

Commissioner Robertson asked if there was a reason why Pace doesn't do the sampling.

Mr. Peterson replied they would like to propose outsourcing all of that. Going forward it would likely be best.

Commissioner Robertson asked if the proposal was included in the report.

City Planner Hunting replied that information was the sheet that was handed to the Commission. It was permit condition revisions; A, B, and C, that they have not had a chance to explain yet.

Commissioner Robertson said it was mentioned that the wells tested were not identified. She said if not identified, how they knew which well it was coming from.

Mr. Peterson replied it was a current active well at that location. When sampling from wells on neighboring properties, it's taken from the spigot. It was known which well it comes from.

Commissioner Heidenreich stated the Wicker Well isn't the same as it was in 2018, it changed. That was one well, the new Wicker Well is the one that is tested now.

Michaela Whelan, Sunde Engineering, 10830 Nesbitt Avenue, Bloomington, MN, discussed the proposed groundwater monitoring plan and stated that the actual plan has not been developed yet.

- The plan includes putting in three new monitoring wells.
- They would be screened at the water table as Barr recommended.
- Sampled annually, water levels would be tested, samples taken as requested.

They would like a third party to come and do the sampling. When sampling in the past, they would get a sampling kit from Pace with samples delivered directly to the lab. The plan takes into account sampling parameters and procedures.

With the monitoring well, they propose to put one upgradient of the mine limits. This provides a background and base to compare the downstream well. Two would be placed downgradient of the plant area and active mining areas.

She stated Conditions 23, 24, 34, 35, and 36 would be redundant and condensed. It is what they are trying to accomplish in the three conditions.

City Planner Hunting referenced the numbers provided by Ms. Whelan stating the conditions to

be replaced were from a previous report from the Environmental Commission. Subsequent to that, he removed a condition that talked about the foundry sand. The numbers are different. The conditions Ms. Whelan will discuss are included in the Commission packets and are: 22, 23, 33, 34, and 35.

Ms. Whelan stated the new groundwater monitoring plan would provide sampling and analysis procedures for the site along with:

- Installation of new monitoring wells on site at locations upgradient and downgradient of the mining limits.
- New wells would be sampled and tested annually.
- New wells will replace BRI's annual sampling and testing of onsite ponds, wells, and offsite neighboring wells.
- Actions to take if the monitoring well testing shows exceedances of concentrations above an action level of concentration.
- Level will be set lower than current drinking water standards (level yet to be determined).
- If samples show verified levels of concentration above action levels, on site BRI wells unique number 608018 and 174673 (Rainbow and Plant Wells) and off-site Wicker Well will be tested in addition to the new monitoring wells until determined the concentrations are below actions wells.
- Actions to be taken to address elevated concentrations will be documented in the plan.

Bituminous Roadways Proposed Permit Condition Revisions:

- To add clarity and reduce redundancy, propose to add the following groundwater monitoring conditions. Would like to eliminate the conditions that are related to water sampling testing: No: 22, 23, 33, 34 and 35.

Condition A:

- Bituminous Roadways shall provide a groundwater monitoring plan that includes installation of a new monitoring well network to provide early detection of potential groundwater impacts from site operations.
- New monitoring wells shall be installed with the screens intersecting the water table.
- One well is to be located upgradient of the mining operation in order to obtain baseline samples of established pre-mine background concentrations to use in comparison to downgradient samples.
- Two new downgradient wells are to be installed, sampled, and tested annually.
- Groundwater monitoring plan shall include the sample parameters, sample schedule, and proper EPA/MPCA sampling procedures and protocol.
- Monitoring well testing is to include water level data.
- Samples are to be tested for arsenic, barium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, zinc, BETX, pH, electric conductivity, and alkalinity.
- Plan includes actions Bituminous Roadways is to take if the monitoring well testing shows a verified exceedance of concentrations above an action level concentration.
- Action level should be lower than the drinking water standards.
- Actions to be taken to address concentrations above action levels will be documented in the groundwater monitoring plan.

Side note: BETX, is Benzene, Ethylbenzene, Toluene, and Xylenes are primary groundwater contaminants associated with spills of gasoline and diesel fuel because of their high-water solubility and their associated health risks.

- Detection of any BETX analysts in the groundwater is indicative of a diesel fuel spill or release.

Chair Niemioja asked if BETX would be a part of the condition.

Ms. Whelan replied it would be. She proposes instead of testing for DRO and GRO, BETX testing to be a much more indicative test for a diesel spill and more reliable.

Chair Niemioja mentioned the only word missing would be “independently” testing.

Ms. Whelan replied the word “independently” could be added. It would be included in the plan itself, but can add that sampling and testing be performed by an independent testing.

Commissioner Challeen asked how the interval of annually is chosen.

Ms. Whelan replied currently some wells are tested every other year and testing ponds every other year. Every year testing was done. With the new proposed monitoring well network, they would still follow annual testing, it would be out the new network.

Commissioner Challeen said she wished it was more often; she wanted to understand the logic.

Ms. Whelan discussed Condition B:

- The groundwater monitoring plan shall be provided to the city for review, comment, and approval by city staff and the city environmental consultant Barr Engineering, prior to any excavation below 840 feet sea level.
- Monitoring wells shall be installed and one round of samples be collected prior to excavating below elevation 840 feet.

This is in response to the Environmental Commissions request on a timeline.

Commissioner Heidenreich said this seems too good to be true. He had four pages of documents suggesting to combine all these items into one condition. The reports are great. He said he thinks they should be reported in a specific month each year, maybe October. To have copies of the analytics be displayed in graph form and presented to the EAC. He said it shouldn't just be given to the city, but done as a presentation, perhaps in October, and firstly presented at the Planning Commission level to be able to see/follow.

Chair Niemioja said she did not think it would fall within Commission purview, but would with the Environmental Commission.

Commissioner Heidenreich mentioned that BETX seemed like a better alternative. He would like to see radium and sodium added back in to the list instead of taken out.

Ms. Whelan replied radium and sodium were never on the list of constituents to test. There was one lab report that contained many constituents, those were not supposed/let to be tested.

Commissioner Heidenreich asked if would be allowed to add those two to testing.

Mr. Wuolo replied he was unsure about radium. Macroions: sodium, potassium, calcium, carbonate, bicarbonate, chloride, and sulfate are major things that make up any kind of water, a cheap analysis. He recommends every time an analysis is done, this is used. Those ions need to balance, if they don't, something is wrong with the analysis.

Commissioner Heidenreich asked if adding those ions were agreed upon.

A response was heard in the affirmative.

Chair Niemioja made note of this to be added to Condition A., the testing of ions.

Ms. Whelan discussed Condition C:

- Bituminous Roadways shall submit an annual report to the city that includes water quality, water level, and water use data, including pumping records for the reporting year as well as previously collected data.
- A QAQC review of the water quality data, quantitative detection limits must be well below any applicable standards, and a summary of operations shall be included.
- Report shall include time series graphs of monitored parameters referenced to applicable drinking water standards.

Commissioner Robertson said she is hearing some words that do not sound definitive at times. For example: when she asked about the independent lab. Originally, she heard Pace or someone else. To her that raises a red flag. She doesn't feel confident that the notion of using an independent lab is on top of the conditions. She doesn't know who Pace is. She said it would be very helpful to have credentials, if naming independent labs.

Ms. Whelan replied that Pace is a well-known testing lab. The Department of Health has a list of accredited labs. The plan will say Bituminous Roadways must hire an independent MDH accredited lab to perform the sampling and provide the testing of the samples.

Commissioner Robertson requested that exact information be included.

Commissioner Weber asked if the reports would be posted on the city website for people to view.

City Planner Hunting replied they could be, they would work with the Environmental Planner to post.

Paul Saver, 7845 Boyd Court, stated for nearly 20 years he owned a piece of property directly across the street from Bituminous Roadways at 11278 Rich Valley. Every year that he owned the property, he had the well tested along with the city water at his house on Boyd Court. Every test had the well water at Rich Valley testing purer than the city water at his house. He said Bituminous Roadways is a very environmentally conscious company, he has no problems with them. He said he has offered them to test the water any time they want.

Joe Maltese, 11618 Akron Ave, closest residential well to the west side of Bituminous. He said he had a lot of notes and questions, but the Commission covered it. He thanked them for how thorough they have been on everything. He was happy to hear about the test well. He said he has been told that it is absolutely impossible for any pollutants that were to happen from the deeper well would affect his well about 1,500 feet away. He was looking for reassurance for him and his neighbors on the west side. He said Barr Engineering seemed adamant that it cannot go that direction. He wanted information to assure himself and his neighbors that it really is impossible for something to affect their wells. He said there have been issues over the years with noise but they have been mitigated.

Mr. Wuolo replied there is no such thing as a 100% guarantee. If things don't change and stay as they are now, and nobody puts a high capacity well in the area, he can say with extremely, extremely, high level confidence that they would not have groundwater flowing to the west.

Jeff Brown, 11636 Akron Avenue, referenced an area at the lower left where it is wooded and asked if that would be mined.

Chair Niemioja stated that the response heard off screen was no, it was a buffer.

Commissioner Robertson asked if the conditions would be revised before this goes to the City Council. She questioned if this Commission would see what was said in the conditions before it goes to the City Council.

Chair Niemioja replied if adopting the condition with terminology the Commission wants included.

Commissioner Robertson wanted confirmation on the Minnesota Department of Health certified labs.

Ms. Whelan clarified what was asked for in the wording was that “all sampling and testing of the monitoring wells to be performed by a Minnesota Department of Health accredited testing lab”

Chair Niemioja closed the Public Hearing.

Planning Commission Discussion

Chair Niemioja addressed Commissioner Heidenreich stating he brought up great questions that he also brought up in November. It was really helpful. She mentioned that the report received from staff, Barr, and Sunde, was thorough along and explanations of what the Commission was looking for, was covered. She liked the idea of an independent testing process, she felt reassured.

Commissioner Heidenreich stated he spent hundreds of hours researching this. He received everything he asked for in all the reports and information he requested.

He mentioned Condition #8, The final disposal of moss on the site should be prohibited. He said he did not think they stored moss any longer, it's organic shingles. He suggested modifying it to say “the storage and disposal of moss on site should be prohibited”. All other notes he had were covered in the addendum received prior to the meeting.

A last condition he wanted to add, he calls #37, stating there is so much discrepancy on the level of the static water under the well. He would like to see that be a conditional use for the deeper mining be broken into a second part, put a limit on how deep the mine can go, or not allow it at this time until there is better information. He said they have the technology to use Lidar to receive better readings, they are not being provided the depths of the well heads. Depths of the neighboring wells are shown on a report, but skipped the new sealed wells. They cannot tell how deep that is. He would be more convinced to have information from a certified laboratory where the static ground water is. He said Barr has said it was at 850, they have heard it's at 790. He said he knows what it is to the west, he suspects what it is on the well that is sealed even though it could be an artisan affect. He was still unclear and unhappy with that part.

Chair Niemioja questioned if the information provided by Barr regarding technology changes over the past years did not satisfy.

Commissioner Heidenreich replied it was contradictory to other information known. His iPhone

gives different numbers. He shared that unless there is a certified surveyor or the city goes in there, he would like to not have that in the conditions and say they cannot go below the 840. He thought they were below it already. Without survey results, there are discrepancies and misinformation, he would like to see it left out at this time.

Chair Niemioja said she was hesitant to say misinformation. She said there was a lot of information, testing has varied a lot over the years. She would not personally use that term.

Commissioner Robertson said her concern with what is being proposed is leaving out the statement about going below 840. She said it's important. She is not comfortable leaving out the 840, it needs to stay in to have a clear understanding of where the cutoff point is. If there are concerns, she said she would feel comfortable making a recommendation to City Council that they evaluate from a source they see appropriate. She mentioned there were numerous places they could ask someone independent to come in and check. She believes there is a need to move forward, they have addressed the conditions. She shared she doesn't want to hamstring this due to her expertise; she would rather see the Commission move forward, get things going, and have a recommendation made to the City Council about whether or not there are concerns about the 840 level and if it has been breached.

Commissioner Heidenreich stated they are going to be putting in monitoring wells the Commission didn't know about prior to today. One is going to be placed on Wicker Well, of which he was unsure they could do on private property. Once putting in the monitoring wells, the static elevation would be known. His suggestion would be to say they can be allowed to mine down to 840 but not within 20 feet of the surface of the water table. This gets them to 800 if the other data is correct. The water table, according to the chart, is well below the 800 point. If staying above 800 or 20 feet away from the norm water table, would be satisfactory and could base the information on the monitoring wells they are proposing.

Commissioner Robertson said the suggestion was made to not go below 20 feet above the water table. She said assuming the elevation of the water table is permanent and doesn't change, when putting in a condition that specific, does the top of the water table changes with how much it is being impacted environmentally. She is concerned about getting so specific.

Chair Niemioja opened the Public Hearing.

Mr. Wuolo replied the water table typically fluctuates 1-2 feet. With the monitoring wells being proposed and placed where stated, that is the measurement they would have for the slope of the water table and depth. He referenced the 20-foot buffer stating that it was somewhat arbitrary, but the Commission can put whatever protection they wanted on it.

Commissioner Robertson said she was concerned with stating 20 feet exactly. If the water table changes, they could find themselves with wells that didn't meet that criteria.

Mr. Wuolo suggested a seasonal average with a 1–2-foot mean around the average.

Chair Niemioja asked Mr. Wuolo if the recommendation the Commission would make goes beyond their scope as Planning Commissioners.

Commissioner Robertson liked the language presented by Mr. Wuolo better than giving a

specific number.

Chair Niemioja was worried the Commission is taking on the role of the experts. She is trying to analyze reports, this is getting beyond her scope and is worried they are trying to over design what would happen here. She understands that oversight and review are important, water is important. She is concerned because she doesn't have a point of reference of understanding why those 20 feet matters. She doesn't feel comfortable, beyond the suggestions and the independent testing. She would not vote to change much more with some of the conditions.

Commissioner Heidenreich stated the City of Inver Grove Heights is the regulating government authority. The report he referenced from 2005 from the DNR gives very specific model ideas in what to look for. That is where he got a lot of information from. He said they are at 840 with a request to go to 800 feet. He said he thinks they will find that interferes with the water table. His suggestion is that they can allow them to go to 800 feet, unless they encounter the water table, then they have to stay away from it. Monitoring wells will give that information. He said they don't want to get to the point of getting so close to the aquifer that it infiltrates anything that gets spilled because there is almost no time to respond to it before it becomes a pollutant. They have to leave a buffer on top. The information he has shows the water table level to be closer to 810 feet. He doesn't want to allow them to go to 800 feet and find out they are at the water table; he feels they have to stay away from it.

Chair Niemioja said she respects the concern; she doesn't know if she feels comfortable changing it.

Commissioner Weber said he sees both sides. He can see where this may be over stipulating what professionals are saying. Living in the area he questions if he may vote on something where he may have made a mistake. He does not have city water. He suggested it be a recommendation not a condition, for the City Council to further look. The condition can be approved but would like to see a more stringent wording on the condition, then the City Council can take it into their hands. He said this Commission/body looks at it from a land use perspective only, he was hopeful that making a recommendation to the City Council will be taken strongly, the condition would be looked at and further scrutinized.

Planning Commission Recommendation

Motion by Commissioner Weber, Second by Commissioner Robertson, to Approve the Temporary Sand and Gravel Zoning Renewal for a period of five years subject to 37 Conditions, revamping Conditions, 22, 23, 33, 34, and 35 with the wording provided. To include that the sampling and testing of the monitoring wells should be performed by a Minnesota Department of Health accredited lab for the request by Bituminous Roadways, Inc. for a Sand and Gravel Zoning District Designation Five (5) Year Renewal. (Case No. 22-37ZC), along with a recommendation on Letter B for the City Council to look further into manipulating the 800-foot mark to be more stringent with what happens with the wells put into place for monitoring.

Motion carried (5/0. 1 abstain-Heidenreich).

This item will go before the City Council on May 22, 2023.



Planning Commission Report

MEETING DATE:	May 2, 2023
CASE NO:	22-37ZC
APPLICANT:	Bituminous Roadways, Inc.
PROPERTY OWNER:	Same as Applican
REQUEST:	Sand and Gravel Zoning District Designation Five (5) Year Renewal.
LOCATION:	112th Street and Rich Valley Boulevard
COMPREHENSIVE PLAN:	RDR, Rural Density Residential
ZONING:	A, Agricultural and Sand & Gravel Overlay District
STAFF CONTACT:	Allan Hunting, 651.450.2554

ACTION REQUESTED

The applicant has submitted a narrative describing the operation and has provided maps showing existing conditions and a final development plan for the gravel pit. The applicant is proposing one change to the current approvals which is to allow mining below the current lowest elevation. Bituminous Roadways are currently permitted to mine to an elevation of 840 feet above sea level. This is a mining depth of 60-90 feet based on the site based on ground elevation. The applicant is proposing to mine to a depth of 800 feet, which would allow Bituminous Roadways to increase the maximum mining depth by 40 feet and extract up to an additional 3.4 million cubic yards of sand and gravel material. The increase in the mining depth is estimated to add approximately 10 years to the life of the mine. The expected duration of mining is 30 years total. Actual life will depend upon market demand.

- The water-table aquifer beneath the site flows generally from west to east at an elevation between 800 to 745-feet.
- The same equipment currently in use at the mine will continue to be used for the expansion with no increase in equipment number, size, or type.
- The mining rate will remain the same for the expansion, including the frequency of truck trips to and from the operation.
- The proposed mine operating aerial footprint will not increase for the proposed expansion.
- The location and quantity of fuel, asphalt cement, and other chemical storage will not change from the current operation.
- Backfilling of the mine is expected to consist of excess sand from the operation and clean soil from off-site BRI construction projects.
- Per Minnesota Rules 4410.4300, subpart 12, the proposed expansion does not trigger a mandatory Environmental Assessment Worksheet (EAW).

History

The City granted the original Sand and Gravel zoning of the property on May 13, 1974, for a period of 15 years. On December, 26, 1979, the City approved a Conditional Use Permit for the asphalt plant. This permit was initially granted for a period of five-years but was extended by the City, at the owners request in 1984. On April 24, 1989, the City approved the next five-year extension and a CUP for the asphalt plant and for a contractors yard for the painting contractor that also operates out of the site. The City Council again approved an extension on March 28, 1994 for both the Sand and Gravel Overlay and for the CUP extension.

The City Council approved a five-year extension for the Sand and Gravel Overlay and CUP for sand and gravel processing, asphalt plant and contractor's yard in April 2001 at the existing 70 acre site.

In 2002, the City Council approved a 130 acre expansion of the sand and gravel operation. That expansion required that an EAW be prepared for the site. This was done and was reviewed by the Environmental Commission and was approved by the City Council with a negative declaration that an environmental impact statement was not needed.

In 2012, the City Council approved a modification to the approval to allow a well to be drilled to use for wash water. The DNR approved a water appropriation permit and the site has been using the well for wash water at times during the summer.

In 2017, the City approved a five-year extension along with a modification allowing larger capacity bulk storage tanks. This request runs through October, 2022.

The Planning Commission reviewed the initial request in November, 2022, and through discussion, there were a number of issues raised by some of the Planning Commissioners. Further information was needed to address the questions raised. Staff had Barr Engineer conduct a review of questions raised which focused on; results of well testing, impacts to aquifers relating to the request to excavate deeper, and groundwater quality. Bituminous Roadways also conducted further research regarding the raised concerns. The reports generated by Bituminous and Barr are attached to this report.

BACKGROUND

Bituminous Roadways, Inc. has submitted an application for an extension of their five-year Sand and Gravel Overlay Zoning District designation for their approximately 200 acre site. The operations at the existing site include the mining and removal, crushing, screening, washing, and stockpiling of aggregate for the asphalt plant, and the recycling and stockpiling of concrete and rock products. The main processing activities will include crushing, screening, and washing. Over the life of the facility, mining is proposed to occur on approximately 141 acres of the site and the remaining 60 acres is designated as a buffer area.

Approval of any Sand and Gravel Overlay Districts requires renewal every five-years. The current Sand and Gravel approval was granted on October 9, 2017, and expired on October 9, 2022. The site also operates under a Conditional Use Permit to allow for the asphalt plant, processing of sand and gravel and a contractor's yard with open storage. The Conditional Use Permit does not require renewal.

The applicant submitted a request for an extension before the current permit expired. Additional time was needed to review the request before it could be processed.

EVALUATION OF REQUEST

The site is surrounded by the following uses:

North – Vacant land; Zoned A, Agricultural; Guided Industrial Office Park

East – Open space, west 100 acres/agricultural; Zoned A, Agricultural and I-1, Limited Industry; Guided Limited Industrial

West – Open space/agricultural; Zoned A, Agricultural; Guided Rural Density Residential

South – Residential, Open space/agricultural; Zoned A, Agricultural; Guided Industrial Office Park

ANALYSIS

The analysis of this report consists of a review of each condition of the existing Sand and Gravel Temporary Zoning District approval as well as addressing the three proposed changes. The existing condition will be listed, followed by a response on the status of that condition and/or modification.

A. Sand and Gravel Temporary Zoning District

1. The Temporary Sand and Gravel (S&G) Zoning shall remain in place on the property for a period of five (5) years to expire on October 9, 2022.

The original schedule for approval would have occurred before October 9, 2022, but additional review time was needed as the City had its environmental consultant, Barr Engineering review the request to determine if there were any negative effects of allowing additional mining depth.

The application will be reviewed by the Environmental Commission on April 27, 2023, and City Council on May 22, 2023.

2. The operation of the sand and gravel operation approved herein shall comply with all provisions of Inver Grove Heights City Code, Title 10-13G, Sand and Gravel Zoning District, except as specifically modified herein.

No issues were found with this condition. Staff is not aware of any non-compliance with this condition.

3. The following plans, on file with the Planning Division, shall constitute the “approved plans” referenced therein:

Existing conditions dated 8/5/22

Phasing Plan dated 8/5/22

Cross Sections of Mining Area dated 8/5/22

Final Land Use Plan dated 4/25/02

Reclamation Plan dated 8/5/22

Landscaping Plan – east property line dated 2012

Landscape Plan – south property line dated 2012

All aspects of the operation of the site shall comply with the approved plans.

The site has been operating in accordance with the approved plans since the expansion was approved in 2002. The current Comprehensive Plan guides the area as IOP, Industrial Open Space. This category was created to serve as a buffer between heavier industrial uses (land fill, gravel pit and refinery) and residential uses. Industrial uses that are currently operating within this area would be allowed to continue operating under existing permits without further restrictions. The final land use plan shows large lot residential with a public street extending from Rich Valley

Boulevard. No sewer is expected on the west side of Rich Valley and, therefore, the lots would be served by their own well and septic system. No other issues existing with this condition.

4. The location of the asphalt plant shall remain in its existing position and shall not be relocated unless this sand and gravel ordinance is amended.

No changes proposed. No issues with this condition.

5. "Operation" as it relates to hours of operation, shall include, but is not limited to, all mining and grading operations, washing, the operation of the asphalt plant on the site, and movement of vehicles and equipment in and out of the site. Hours of operation on the site shall be limited to 7:00 a.m. to 7:00 p.m., Monday - Saturday, except hours of operation may begin at 6:00 a.m. Monday – Saturday for internal operations only, including start up of the asphalt plant and allowing BRI owned vehicles that were parked overnight to exit the site. The crushing of concrete and asphalt shall be regulated by condition #6.

No changes proposed.

6. Crushing of concrete on site shall be permitted provided the following conditions are met:

- a) All crushing operations shall be conducted in the current location in the existing site.
- b) The stockpile of concrete to be crushed and the stockpile of already crushed concrete shall not in the aggregate exceed a total of 50,000 cubic yards.
- c) The height of the stockpiles shall not exceed 25 feet.
- d) Crushing shall occur on not more than 12 weeks during the calendar year. No crushing shall occur on Sunday; crushing shall only occur between the hours of 7:00 a.m. and 7:00 p.m. Monday – Friday and 9:00 a.m. to 6:00 p.m., Saturday.

No issues with this condition. To our knowledge, the site operates under these conditions. Staff has not received any complaints that the operator is working outside of the approved hours.

7. Bituminous Roadways may temporarily store Manufactured Organic Shingle Scrap (MOSS) in open storage areas provided the areas in the aggregate do not exceed one (1) acre in size and provided the location and storage configuration is approved by the Fire Marshal and Director of Community Development. MOSS storage areas may be relocated as operations on the site change subject to the approval of the Fire Marshal and the Director of Community Development. The City may impose reasonable conditions relating to dust control, fire prevention and size, height and configuration of the storage piles.

Bituminous Roadways has not stored any shingle scrap on site for a number of years and don't plan to in the future. This condition should be removed.

8. The final disposal of MOSS on the site shall be prohibited.

Operational condition.

9. As part of the approval granted herein, the applicant may use used concrete and asphalt products as a part of the operation. Stockpiling area for these materials shall be as noted on the approved plans.

The proposed plans show the location of the product stockpiles. The stockpiles are generally located in the same location as previous approvals. No issues with this condition.

10. Bituminous Roadways shall prohibit all drivers of trucks from using Rich Valley Boulevard north of Cliff Road except in those instances where materials are being taken to a project located within the City's regulatory authority. Bituminous Roadways shall post an advisory to all drivers to the same effect at exits from the site.

No issues with this condition. To our knowledge, the site operates under these conditions.

11. The site shall be kept clear, at all times, of windblown debris.

No issues with this condition. To our knowledge, the site operates under these conditions.

12. The foundry sand in the southeast berm shall be left undisturbed.

The southeast foundry sand berm had been undisturbed and contained a vegetative cover. This condition has been satisfied.

13. Bituminous Roadways shall bring no additional foundry sand onto the site.

Operational condition. No additional foundry sand has been found on the site.

14. The berms which cover the foundry sand shall be maintained in vegetative cover to control erosion of the foundry sand.

This condition has been satisfied.

15. The stockpiled MOSS, shingle scrap, recycled asphalt, and concrete pavement will not be disposed of at the site.

No issues with this condition. To our knowledge, the site operates under these conditions.

16. Stockpiles of recycled asphalt, MOSS, shingles, and concrete shall be limited in size to amount that will be used that year.

No issues with this condition. To our knowledge, the site operates under these conditions.

17. Backfill material shall be either clean fill material that was stripped off the site or other clean fill material which is brought in from offsite.

Operational condition.

18. Spent bag house bags will be disposed of in a lined landfill permitted or approved to accept such materials.

Bituminous Roadways indicates the spent bags are disposed of at a landfill.

19. A restoration bond shall be in an amount to cover the costs of restoration of the site, as determined by the City Engineer, prior to City Council approval.

The City does have a restoration bond from Bituminous Roadways to cover the costs of restoration. The City Engineer indicates no changes are needed.

20. Bituminous Roadways shall obtain and maintain the necessary licenses and approvals from Dakota County and Minnesota Department of Natural Resources. Terms and conditions of the license and approval shall be hereby incorporated into this City approval.

Bituminous Roadways has provided the City with copies of all necessary permits from other agencies. The site is in compliance with this condition.

21. Bituminous Roadways shall obtain and maintain the necessary Minnesota Pollution Control Agency permits, including two air quality permits and one industrial storm water permit. The terms and conditions of those permits shall be hereby incorporated into this City approval.

Bituminous Roadways has provided the City with copies of all of the required permits. No notices of violation have ever been issued by the MPCA. The site is in compliance with this condition.

22. All reports which are required to be submitted to Dakota County under the single Hazardous Waste Generators License and one Processing License shall also be submitted to the City, including the required annual and quarterly reports.

During the 2012 renewal, it was discovered by Dakota County that as of 2003, the facility was no longer a hazardous waste generator and no reports were required. Condition should be eliminated with this renewal.

23. All reports which are required to be submitted to the Minnesota Pollution Control Agency shall also be submitted to the City, including annual emissions inventory report, semi-annual deviations report, annual compliance certification report, and annual report.

Bituminous Roadways has provided to the City copies of their reports submitted to the MPCA. The site is in compliance with this condition.

24. Monitoring shall be conducted at the single ground water well that consists of arsenic, barium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, zinc, DRO, GRO, phenol, pH, electric conductivity and alkalinity. The monitoring should occur with half the wells every other year. Parameters and protocols shall be as agreed to by Dakota County, the City and Bituminous Roadways.

Staff has received copies of the well tests. According to the project narrative, the sample concentrations show the levels below limits.

25. Monitoring of the east and west storm water ponds both wash water ponds and three wells shall be conducted every other year and shall be tested for the same elements as listed in condition #24 per the proposed testing schedule identified on the Water Testing Map.

No changes.

26. All buildings shall be removed from the site within three (3) months of the closure of the facility.

Operational Condition.

27. Bituminous Roadways shall enter into a Host Community Agreement with the City of Inver Grove Heights including the payment of host community fees, within three (3) months of the State Legislature providing the City with the Authority to enter into such an agreement.

The Legislature has not approved any regulations providing cities the authority to collect host community fees for sand and gravel extraction. This condition should remain for future action.

28. Restoration shall be conducted in phases at the site. As portions of the mining area are completed, the areas will be backfilled, graded, topsoil applied and vegetation established.

Operational condition. Engineering would review the backfilling operation to make sure the work is in compliance with the approved plans.

29. The operator is responsible for obtaining all required permits for the wash water well from the appropriate state and or county agencies and must meet all DNR requirements, obligations and protocols for a well appropriations permit, including responsibilities and protocols for any remedial actions and those responsibilities and protocols for any compensation or damages from the loss of well use affected neighboring properties. Any change or any application for an appropriation permit for an aquifer different than the one that has been identified would require an amendment to the conditional use permit.

The City approved the use of a new well to be utilized for washing the aggregate as part of the 2012 approval. The DNR approved a water appropriation permit for the site. The applicant has provided information from the DNR indicating the amount of water used each year.

30. Bituminous Roadways shall provide a voluntary well interference protocol agreement for neighboring properties within ½ mile of the well requesting to be a party thereto. The agreement shall be prepared by Bituminous Roadways and shall stipulate procedures to follow should well problems occur. The agreement between the parties is strictly voluntary and not required for the well to be operational.

Bituminous Roadways prepared an agreement that was part of the package approved by City Council in 2012. BRI has an agreement with 18 neighbors.

31. The southern access to the site shall be allowed as a secondary driveway for the operation provided it is used by no more than 10% of the truck traffic for the site.

Expansion of mining depth. Barr Engineering was retained to conduct an environmental review of the project to determine if there would be any negative effects of allowing deeper excavation. Barr reviewed the request against the following environmental impacts; air quality, groundwater quality, groundwater quantity, surface water quality, and noise. Barr's memo dated 9/29/2022 is attached to this memo. In conclusion, Barr does not see any negative impacts with the request, but does recommend some additional conditions related to back filling soil material since the material would be close to the water table. Essentially, non-contaminated and clean soils should only be used as back fill material. There are two new conditions (31 and 32) added to the ordinance that address Barr's recommendation.

Conditional Use Permit. The site operates under a conditional use permit for the asphalt plant and contractor's yard. No changes to the CUP are proposed. The majority of the conditions are part of the Sand and Gravel Overlay Ordinance and have been covered above.

ALTERNATIVES

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

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

- Approval of the **Temporary Sand and Gravel Zoning** Renewal for a period of five (5) years subject to the following conditions:

1. The Temporary Sand and Gravel (S&G) Zoning shall remain in place on the property for a period of five (5) years to expire on (council approval date), 2028.
2. The operation of the sand and gravel operation approved herein shall comply with all provisions of Inver Grove Heights City Code, Title 10-13G, Sand and Gravel Overlay District, except as specifically modified herein.
3. The following plans, on file with the Planning Division, shall constitute the “approved plans” referenced therein:
 - Existing conditions dated 8/5/22
 - Phasing Plan dated 8/5/22
 - Cross Sections of Mining Area dated 8/5/22
 - Final Land Use Plan dated 4/25/02
 - Reclamation Plan dated 8/5/22
 - Landscaping Plan – east property line dated 2012
 - Landscape Plan – south property line dated 2012

All aspects of the operation of the site shall comply with the approved plans.

4. The location of the asphalt plant shall remain in its existing position and shall not be relocated unless this sand and gravel ordinance is amended.
5. “Operation” as it relates to hours of operation, shall include, but is not limited to, all mining and grading operations, washing, the operation of the asphalt plant on the site, and movement of vehicles and equipment in and out of the site. Hours of operation on the site shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday, except hours of operation may begin at 6:00 a.m. Monday – Saturday for internal operations only, including start up of the asphalt plant and allowing BRI owned vehicles that were parked overnight to exit the site. The crushing of concrete which shall be regulated by Condition #6. The asphalt plant shall be allowed to operate a maximum of 30 night shifts (7:00 p.m. to 7:00 a.m.) during the construction season each year. Bituminous Roadways shall provide the city with written notice prior to each event, including confirmation of contact with the nearest neighbor so a record can be kept to monitor total hours used each season.
6. Crushing of concrete on site shall be permitted provided the following conditions are met:
 - a) All crushing operations shall be conducted in the current location in the existing site.
 - b) The stockpile of concrete to be crushed and the stockpile of already crushed concrete shall not in the aggregate exceed a total of 50,000 cubic yards.
 - c) The height of the stockpiles shall not exceed 25 feet.
 - d) Crushing shall occur on not more than 12 weeks during the calendar year. No crushing shall occur on Sunday; crushing shall only occur between the hours of 7:00 a.m. and 7:00 p.m. Monday – Friday and 9:00 a.m. to 6:00 p.m., Saturday.

7. The final disposal of MOSS on the site shall be prohibited.
8. As part of the approval granted herein, the applicant may use used concrete and asphalt products as a part of the operation. Stockpiling area for these materials shall be as noted on the approved plans.
9. Bituminous Roadways shall prohibit all drivers of trucks from using Rich Valley Boulevard north of Cliff Road except in those instances where materials are being taken to a project located within the City's regulatory authority. Bituminous Roadways shall post an advisory to all drivers to the same effect at exits from the site.
10. The site shall be kept clear, at all times, of windblown debris.
11. The foundry sand in the southeast berm shall be left undisturbed.
12. Bituminous Roadways shall bring no additional foundry sand onto the site.
13. The berms which cover the foundry sand shall be maintained in vegetative cover to control erosion of the foundry sand.
14. The stockpiled MOSS, shingle scrap, recycled asphalt, and concrete pavement will not be disposed at the site.
15. Stock piles of recycled asphalt, and concrete shall be limited in size to amount that will be used that year.
16. Backfill material shall be either clean fill material that was stripped off the site or other clean fill material which is brought in from offsite.
17. Spent bag house bags will be disposed of in a lined landfill permitted or approved to accept such materials.
18. A restoration bond shall be in an amount to cover the costs of restoration of the site, as determined by the City Engineer, prior to City Council approval.
19. Bituminous Roadways shall obtain and maintain the necessary licenses and approvals from Dakota County and the Minnesota Department of Natural Resources. Terms and conditions of the license and approval shall be hereby incorporated into this City approval.
20. Bituminous Roadways shall obtain and maintain the necessary Minnesota Pollution Control Agency permits including two air quality permits and one industrial storm water permit. The terms and conditions of those permits shall be hereby incorporated into this City approval.
21. All reports which are required to be submitted to the Minnesota Pollution Control Agency shall also be submitted to the City, including annual emissions inventory report, semi-annual deviations report, annual compliance certification report, and annual report.
22. Monitoring shall be conducted at the single water well that consists of arsenic, barium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, zinc, DRO, GRO, phenol, pH, electric conductivity, and alkalinity. The monitoring shall occur with half the wells every other year.

Parameters and protocols shall be as agreed to by Dakota County, the City and Bituminous Roadways.

23. Monitoring of the storm water ponds and wells shall be conducted every other year and shall be tested for the same elements as listed in condition #24 per the proposed testing schedule identified on the Water Testing Map.

24. All buildings shall be removed from the site within three (3) months of the closure of the facility.

25. Bituminous Roadways shall enter into a Host Community Agreement with the City of Inver Grove Heights including the payment of host community fees, within three (3) months of the State Legislature providing the City with the Authority to enter into such an agreement.

26. Restoration shall be conducted in phases at the site. As portions of the mining area are completed, the areas will be backfilled, graded, topsoil applied and vegetation established.

27. The operator is responsible for obtaining all required permits for the wash water well from the appropriate state or county agencies and must meet all DNR requirements, obligations and protocols for a well appropriations permit, including responsibilities and protocols for any remedial actions and those responsibilities and protocols for any compensation or damages from the loss of well use affected neighboring properties. Any change or any application for an appropriation permit for an aquifer different than the one that has been identified would require an amendment to the conditional use permit.

28. Bituminous Roadways shall provide a voluntary well interference protocol agreement for neighboring properties within ½ mile of the well requesting to be a party thereto. The agreement shall be prepared by Bituminous Roadways and shall stipulate procedures to follow should well problems occur. The agreement between the parties is strictly voluntary and not required for the well to be operational.

29. The southern access to the site shall be allowed as a secondary driveway for the operation provided it is used by no more than 10% of the truck traffic for the site.

30. For soil backfill material, only non-organic compactable soil material be used that is free of contamination, recycled or salvaged aggregate, asphaltic pavement, crushed concrete, scraps of shingles, debris, rubbish, frozen soil, boulders over 1-inch in diameter, logs, wood chips or other objectionable material. Backfill soil should be free of stumps, roots, and branches over 1.5- inches in diameter. Backfill soils should not be placed over frozen subgrade.

31. Contaminated soil shall not be used as fill or brought to the site. If the source of imported fill will be from a location where soil contamination is known, suspected, or can be expected (e.g., soils from gas stations, certain industrial sites, etc.), that soil should not be used for backfilling. Any offsite backfill soil used must come from only BRI projects and include a manifest from each site indicating that no contaminants are suspected to be in the soil material. A copy of the manifest should be submitted to the City.

32. Bituminous Roadways shall review and amend the SPCC Plan as appropriate and submit a copy to the City. The SPCC Plan shall document practices, personnel, equipment, and resources available to prevent a spill and what actions to take if a spill were to occur.

33. A well on the Wicker property has been part of the monitoring process. A new deeper well was constructed on the Wicker property in 2020 and should no longer be used as an indicator of downgradient water quality from the BRI facility because the new well is too deep to intersect groundwater flow paths from BRI. To provide property well monitoring, BRI shall be required to install a monitoring well with a well screen intersecting the water table on the Wicker property to provide early detection of groundwater impacts from the operation at this location.

34. All the BRI wells should be periodically sampled for metals commonly associated with foundry sand including arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, copper, nickel and zinc.

35. BRI shall prepare a Sampling and Analysis Plan using Minnesota Pollution Control Agency guidance that would include sample parameters, sample schedule and requirements for purging wells to stabilize prior to sampling, and field filtering of samples if appropriate.

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

RECOMMENDATION

Bituminous Roadways has provided additional information to address the questions and concerns raised by the Planning Commission. Barr Engineering has also responded to the questions in the attached report. Based on the report, Barr did not find any issues that would lead to a non-support of the additional mining depth and did not find any concerns regarding the well tests as they relate to chemicals found.

Based on this information, Staff recommends **Alternative A**, approval of the request with the conditions listed.

ATTACHMENTS

1. Summary of EAC Meeting
2. Site Location
3. Barr Technical Review Memorandum dated 02-28-2023
4. Sunde Engineering Memorandum dated 03-27-2023
5. Sunde Engineering Memorandum dated 12-21-2022
6. Sunde Engineering Memorandum dated 11-18-2022
7. Barr Technical Review Memorandum dated 09-29-2022
8. Application Packet including Plans
9. Existing Conditions Map
10. Current Sand and Gravel Ordinance



M E M O

CASE NO: 22-37ZC

APPLICANT: Bituminous Roadways

Summary of April 27, 2023 Environmental Advisory Commission meeting

At the request of the Planning Commission, The EAC reviewed the request at their meeting Thursday night.

Last November, the Planning Commission reviewed the request and there was considerable discussion regarding possible impacts to the aquifers on allowing deeper excavation and if there were any impacts to wells as a result of the operation as a whole. Both Barr Engineering and Bituminous Roadways conducted further research on these topics and their reports are attached to the staff report

Staff made a brief presentation and then Barr Engineering provided a slideshow to help illustrate and answer the groundwater and well impact questions. Bituminous Roadways made a brief presentation before the EAC began their discussion.

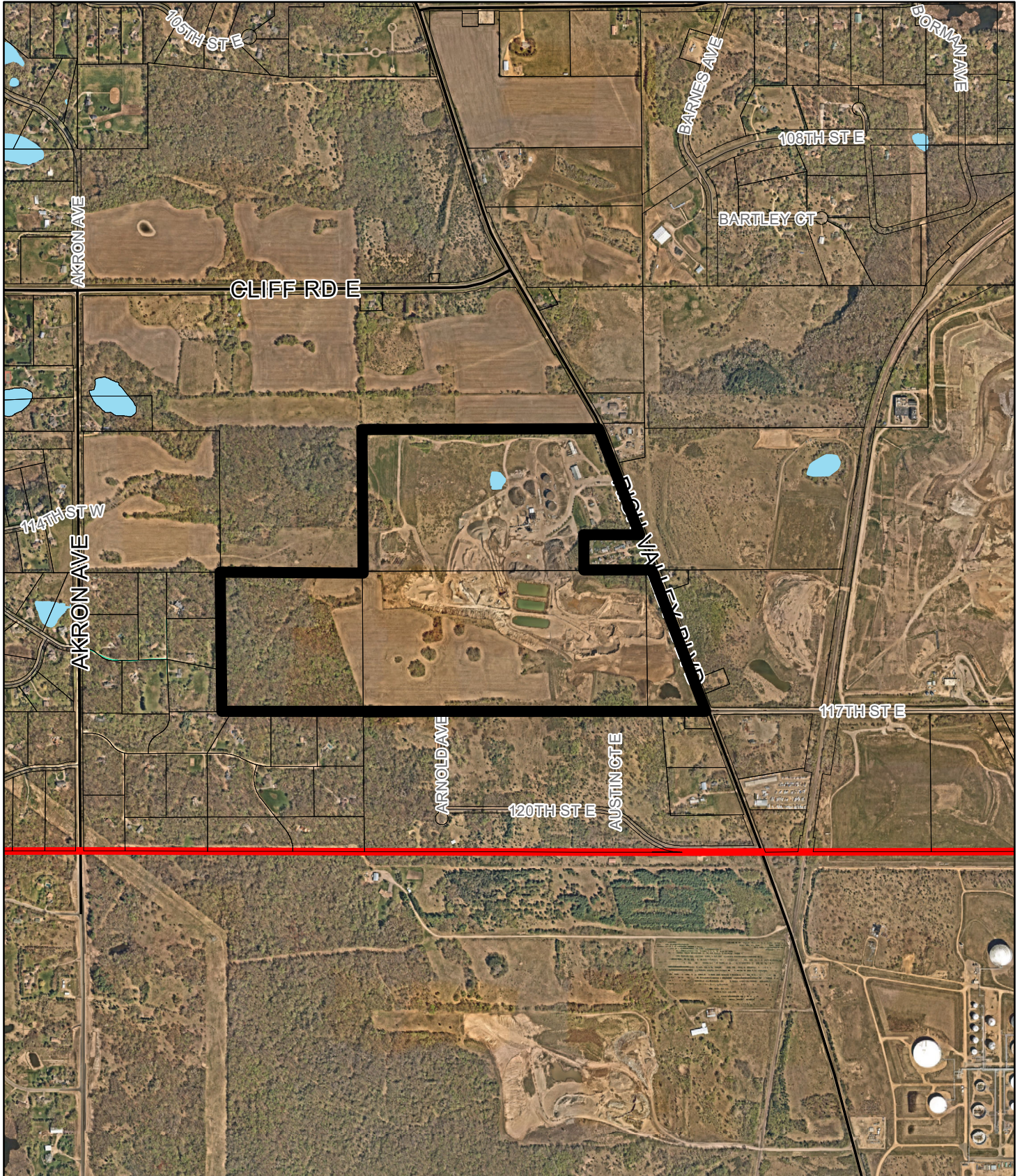
The EAC recommended to approve the five year Sand & Gravel Ordinance extension with the modification to allow mining to a depth of 800 feet below mean sea level (7-0-1). Their discussion included:

1. A timeline should be established to add the new monitoring well on the Wicker property per the recommendation of Barr.
2. Edit the report to remove references to scrap shingles.
3. Well testing to every year was brought up but unclear what the EAC concluded.



Location Map

Case No. 22-37SC



Technical Memorandum

To: Ally Sutherland and Allan Hunting
From: Ray Wuolo, P.E., P.G., Samantha Schirmer, and Jeff Ubl, P.E.
Subject: Bituminous Roadways, Inc. (BRI) – Environmental Review of Proposed Expansion
Date: February 28, 2023
Project: 2319-0218

This memorandum provides Barr Engineering Co.'s (Barr) second review of potential environmental-related impacts from BRI's proposed expansion of their sand-and-gravel mining operation located on Rich Valley Boulevard and includes replies to four questions posed by the Inver Grove Heights Planning Commission.

Background

Barr's September 29, 2022 memorandum provided an initial review of potential environmental-related impacts from BRI's proposed mine expansion. The review focused on potential impacts related to air quality, groundwater quality and quantity, surface-water quality, and noise. In that memorandum, Barr recommended that the City's Conditional Use Permit require that soil used to backfill the mine be clean, non-organic soil and that a Spill Prevention, Control, and Countermeasure (SPCC) Plan be developed and submitted to the City.

Subsequently, the Inver Grove Heights Planning Commission met on November 1, 2022 to review and consider the BRI proposed mine expansion. Following that meeting, the Planning Commission had several questions and the City assigned four of those questions to Barr for evaluation and response.

Barr's understanding of the proposed BRI expansion, a response to each of the four Planning Commission questions assigned to Barr, and our conclusions and recommendations are provided below.

Proposed Expansion

Barr's understanding of the proposed BRI sand-and-gravel expansion is based on:

- The Conditional Use Permit (CUP) application and seven-sheet plan set, both dated August 5, 2022, and prepared by Sunde Engineering, PLLC (Sunde)
- The September 22, 2022, virtual meeting with BRI, Sunde, and City staff

From this information, we understand the following:

- The proposed maximum mining depth will increase by 40 feet from elevation 840 feet to elevation 800 feet
- The water-table aquifer beneath the site flows generally from west to east
- The proposed expansion will increase the life of the mine by approximately 10 years
- The same equipment currently in use at the mine will continue to be used for the expansion with no increase in equipment number, size, or type
- The mining rate will remain the same for the expansion, including the frequency of truck trips to and from the operations
- The proposed operating aerial footprint of the mine will not increase for the proposed expansion
- The location and quantity of fuel, asphalt cement, and other chemical storage will not change from the current operation
- Backfilling of the mine is expected to consist of (1) excess sand from the operation and (2) clean soil from off-site BRI construction projects
- Per Minnesota Rules 4410.4300, subpart 12, the proposed expansion does not trigger a mandatory Environmental Assessment Worksheet (EAW)
- After mining operations are completed, topsoil will be placed over the site, the area will be re-vegetated, and the end use will include agriculture and potentially residential lots

Evaluation of Planning Commission Questions

As indicated above, several questions were posed by the Inver Grove Heights Planning Commission following the Commission's November 1, 2022 meeting. The City requested that Barr review and evaluate four of the Planning Commission questions. For reference, each of the four unedited questions are re-stated in italic text below and are followed by Barr's evaluation and response.

Question #1:

A third image from the same location West from the East Access looking north shows what appears to be wet sand caused by contact with the Prairie Duchenne aquifer. This is concerning as there is foundry sand being stored near this location. It appears that the Barr report incorrectly has identified the water level or BR has excavated below the approved depth at this time. Barr report PDF page 54.

Barr's Evaluation and Response to Question #1:

The location of the foundry sand stockpile is located on the east-central portion of the BRI site. The image referenced in the Question #1 is provided as Figure 1 of this memorandum. A cross-sectional view of the current and proposed expanded mine depth in relation to the water table, and the top of the Prairie du Chien-Jordan aquifer and top of the Tunnel City-Wonewoc aquifer is shown on Figure 2.

As indicated in Barr's September 2022 memorandum, the elevation of the water table at the site is approximately 800 feet above mean sea level (msl). Static water levels measured in wells close to the BRI site, as reported in the Minnesota Well Index (MWI), range in elevation from 785 feet msl (Well No. 159480) to 792 feet msl (Well No. 821155). The current lowest depth of mining is approximately

840 feet and the proposed depth of mining is approximately 800 feet. The darker soils shown on Figure 1 may be due to higher moisture in the soil but darker soils could also be due to other factors. However, the darker soil in the photograph provided by the Planning Commission is at least 40 feet above the water table. Dark and/or moist soil conditions can be caused by many different activities and conditions that have nothing to do with the water table. Given that there is 40-plus feet of separation between the water table and the elevation of the soil shown in the photograph, we can say with certainty that the darker soils are not due to intersection or close proximity to the top of the water table.

Question #2:

Page 2 of the Sept 29th Barr, PDF page 55 mentions the "Groundwater Quality" Barr states dewatering isn't required and Nearby wells wont be negatively impacted, there is no mention of the High Volume Well installed in 2012 that removes 450 GPM. A scientist from the DNR present at the public meeting in 2012 describes this well as the perfect storm. Well tests have been required on these and several other wells in the area and the City has been provided copies of the report as IGH is the RGA

Barr's Evaluation and Response to Question #2:

The "High Volume Well" (i.e., wash-plant well) was actually installed in May 2013 (Well No. 780331). The wash-plant well was drilled to a depth of 645 feet below ground surface and cased from ground surface to a depth of 465 feet. The open-hole section of the wash-plant well (depth of 465 to 645 feet) is in the Tunnel City-Wonewoc aquifer, as shown in the cross section (Figure 2). The wash-plant well is used for sand-and-gravel washing at BRI's wash plant. The wash-plant well was designed to achieve a maximum instantaneous pumping capacity of 450 gallons per minute (gpm) and was tested during a pumping test in May 2013 at a sustained rate of 700 gpm for 4 hours with a drawdown in the wash-plant well of 130 feet.

The DNR scientist referenced was hydrogeologist Scott Pearson. Mr. Pearson used the term "perfect storm" in the context of overall high water usage in Dakota County following a period in the 2000s when below-average rainfall, combined with higher use of groundwater for lawn irrigation in Dakota County, was resulting in a general trend of lowering of the potentiometric surface for the Prairie du Chien-Jordan aquifer. The wash-plant well proposed by BRI was originally planned to be completed in the Prairie du Chien-Jordan aquifer. Mr. Pearson expressed concern that the proposed wash-plant well would further stress the Prairie du Chien-Jordan aquifer because it is the most used aquifer in northern Dakota County and the source of water for the City of Inver Grove Heights' wells. Nearby Flint Hills Refinery was also producing water from Prairie du Chien-Jordan wells. The DNR was encouraging the new wash-plant well to be completed deeper, in the lightly used Tunnel City-Wonewoc aquifer (formerly called the Franconia-Ironton-Galesville aquifer). The City and BRI agreed to complete the proposed wash-plant well in the Tunnel City-Wonewoc aquifer. To be clear, the reason for completing the wash-plant well in the Tunnel City-Wonewoc aquifer was to not add to the overall water demand in the Prairie du Chien-Jordan aquifer in this portion of Dakota County. There

were no concerns or issue expressed that a wash-plant well in the Tunnel City-Wonewoc aquifer would have any effect on groundwater quality.

We have performed a groundwater modeling analysis of the effects of pumping BRI's wash-plant well. The results of the modeling are present in the response to Question #4.

Question #3:

*The well water testing reports provided indicate a series of mishandling problems with the water collection protocols used. Several time samples were not collected properly, seals were not intact, Time span from collection did not meet requirements for proper testing. Additionally the amounts of toxic chemicals seem to be increasing over time. The required discrepancy reports have not been made available **Attached is a PDF** indicating the rules that were agreed to in the overlay agreement. I think the city should address who is responsible for monitoring the reports received from BW in the past and what actions, if any, were taken to assure compliance with ordinances and to mediate, protect the groundwater and nearby wells.*

Can an explanation of what is the responsibility of the RGA and who holds this duty in regard to the BR Mine

Barr's Evaluation and Response to Question #3:

As part of this review, BRI provided analytical reports associated with sampling events conducted from 2012 through 2022 for the purposes of evaluating the data quality and comparing against hazard index criteria. The documentation provided was scanned PDFs of laboratory reports and field notes from the timeframe noted, not the analytical reports in their original form. Review of the documentation was limited to what was provided to Barr for these purposes and may not be inclusive of all the available data for this time span.

All data was reviewed using Barr standard operating procedures (SOPs) for data review which are based, in part, on elements found in the EPA's National Functional Guidelines and/or the guidance provided within the accepted analytical methods. Modifications were made as necessary to accommodate for the types of data quality measures provided for review.

Table 1 presents the groundwater and surface water analytical results from 2012 through 2022.

Hold Times and Sample Handling

The pH analysis conducted at the laboratory and submitted with each sampling event was analyzed past the recommended method holding time (within 15 minutes). As a practical consideration, pH analysis completed at the laboratory (not in the field) will always be outside of recommended hold times. Following standard practices, affected samples were qualified accordingly.

Diesel Range Organics (DRO) and Gasoline Range Organics (GRO) results associated with the 2022 report were analyzed past the recommended method holding times. Affected 2022 samples were

qualified accordingly. The remaining DRO and GRO analyses from 2012-2022 were performed within recommended hold times.

In several cases, samples were received at the laboratory above 6°C; however, the samples arrived within 6 hours of sampling and most arrived on ice. Thus, no qualification was required.

Certain sample containers submitted for GRO analysis contained headspace. GRO sample results associated with headspace were qualified accordingly as estimated values, potentially being biased low (J-).

In a single instance, a sample submitted for Specific Conductance analysis was not filtered within the 24 hours, as specified by the method. The sample result was qualified accordingly as analyzed outside of hold and should be considered an estimated value.

Blanks

Laboratory blanks are a measure of potential contamination introduced in the laboratory, either during the analysis, the preparation work leading to analysis, or storage conditions at the laboratory. All method blanks associated with the data provided were below method detection limits for all target analytes.

Trip blanks were submitted and reviewed as part of each sampling event. Trip blanks represent the potential sample contamination as a part of sample transport conditions and typically used to monitor volatile organic compounds (VOCs). All trip blanks were below method detection limits for all target VOCs (including GRO).

General Precision and Accuracy Observations

Laboratory control sample (LCS) and Laboratory Control Sample Duplicate (LCSD) are samples of analyte-free media spiked with known concentrations of target analytes that are carried through the same sample preparation and analytical procedures. LCS recoveries are used to estimate overall analytical method accuracy independent of sample matrix effects. The calculated Relative Percent Difference (RPD) between the LCS and LCSD is used to assess overall analytical method precision. All LCS/LCSD recoveries and RPD values met acceptance criteria unless otherwise specified.

Matrix Spike (MS) and Matrix Spike Duplicate (MSD) samples are two aliquots of a sample to which known quantities of analytes are added (spiked) in the laboratory. The MS and MSD are prepared and analyzed exactly like their original/source sample aliquot. The purpose of the MS and MSD is to quantify the bias and precision caused by the sample matrix. All MS/MSD recoveries and RPD values met acceptance criteria unless otherwise specified.

A laboratory duplicate is a second aliquot of a sample that is treated the same as the original sample to determine the precision of the method. All calculated laboratory duplicate RPD values met acceptance criteria unless otherwise specified.

Surrogate standards are added to each sample for organic analyses (method blanks, spiked samples, project samples, and quality control samples) prior to sample extraction (DRO and GRO). Surrogates are similar to analytes of interest in chemical composition, extraction, and chromatography but are not typically found in environmental samples. Surrogate recoveries are used to evaluate the analytical method efficiency. All surrogate recoveries met acceptance criteria unless otherwise specified.

Analytical reports from 2016 through 2020 had missing quality control results and criteria for the parameters reported. Furthermore, in a single instance, trip blank results were not included in the 2018 report as documented with the sample receipt information. For reports for which neither quality results nor criteria were available, the available data was reviewed.

Analytical reports from 2021 and 2022 had the following quality control criteria missing from the analytical reports: (1) laboratory duplicate criteria for Specific Conductance, Total Alkalinity, and pH analyses, and (2) MS/MSD criteria for EPA 200.7, EPA 200.8, Total Recoverable Phenolics, and EPA 7470A analyses. The quality control results associated with this missing criterion were compared to method requirements and were determined to be acceptable; thus, no qualification was required. Where laboratory control limits were available for review, all met laboratory acceptance criteria except as noted above with respect to recommended hold times associated with various target parameters.

The associated method blank, LCS/LCSD, MS/MSD, sample surrogate, and laboratory duplicate results for the report parameters were reviewed for accuracy and precision. Specific field quality control samples were neither included nor evaluated in the reports.

No exceptions were noted concerning data quality and integrity, except for those mentioned above. All sample results submitted for review are acceptable as reported and qualified, based on the available quality control information provided for review.

Summary of Data Quality Review

It is our opinion that the water-quality analyses are generally acceptable and reliable. Greater care should be exercise in collecting volatile organic samples such as DRO and GRO to ensure that there is no head space in the sample vials. We also recommend that the City require BRI to submit an annual report of sampling and analyses results for review. The report should include a discussion of QA/QC review and time-series plots of analytes in order to determine if there are increasing concentration trends.

Water Quality Trends

Time-series of plots of barium, copper, lead, and zinc concentrations in pond water and monitored wells are presented in Figure 3 through Figure 6. These are naturally occurring metals but are also often associated with spent foundry sand. Barium, copper, and lead have US EPA primary drinking water standards (Maximum Contaminant Limits or "MCLs") based on toxicity profiles. Zinc has only a secondary drinking water standard, based on taste and odor. There have not been any exceedances of MCLs. However, in 2016 and 2017, the laboratory's maximum quantifiable detection limit for lead for

the stormwater pond was 20 µg/L, which is greater than the MCL of 15 µg/L. Similarly, the laboratory's maximum quantifiable detection limit for lead in 2017 was 20 µg/L. It is important to note that lead was not detected in these instances but the laboratory maximum quantitation detection limit was greater than the MCL. Therefore, in the time-series plots, the maximum quantifiable detection limit is plotted although lead was not detected. In the future, laboratory quantification limits should be lower than the MCLs. To date, the data do not show any temporal trends that would suggest increasing concentrations over time.

Question #4:

*The High Volume industrial well that was installed after much public discussion, was agreed that this well would be placed at a depth of approx 600' below grade drawing water from the tunnel city confined aquifer rather than the proposed 183' that would have put this well in the Prairie du Chien-Jordan unconfined aquifer. **PDF Side View elevation of water levels attached, also attached as a PDF is a description of 3 aquifers most impacted***

Barr's Evaluation and Response to Question #4:

The "PDF Side View" referenced appears to be a three-dimensional potentiometric surface map of the Prairie du Chien-Jordan aquifer in Hennepin County, generated using the geostatistical program Surfer®. Without knowing the source (who created it), when it was created, what data were used, etc., it is difficult to say much more about this, except to note that it does not appear to include the Inver Grove Heights area. While it has a scale, it has no north arrow or geographic features to orient oneself.

The pdf "description of 3 aquifers most impacted" is an excerpt from the Metropolitan Council's report on Metro Model 3. Metro Model 3 (initially completed in 2014) is the most up-to-date and comprehensive groundwater flow model of the 11-County metro area. It was developed by Barr for the Metropolitan Council and has undergone extensive peer review by hydrogeologists from state and federal agencies, Dakota County, University of Minnesota, and private consultants. It continues to undergo regular updating and recalibration and is used by or for MPCA, MDNR, Metropolitan Council, USGS, local governments, and consultants to address groundwater and water appropriations issues. The report excerpted was prepared by Barr for the Metropolitan Council.

The question implies that there are three aquifers impacted (presumably by the wash-plant well completed in 2013 and described in our response to Question #2). Barr interprets this question to be a concern that the operation of the wash-plant well is adversely impacting groundwater levels and groundwater flow directions. We used Metro Model 3 to address this concern.

Confined aquifers are under pressure, which means that when a well is drilled into a confined aquifer (but not pumped), the water level in the well rises to an elevation that is above the top of the aquifer. This water level is referred to as "potentiometric head" or "piezometric head." A water-table aquifer is under only atmospheric pressure. When a well is drilled into a water-table aquifer, the water level in the unpumped well is the same as the water level in the aquifer adjacent to the well (i.e., the static

water level elevation measured in the well is the same as the water table). When we refer to a “water-table aquifer,” we are referring to an aquifer in which there is no confining layer. In the metro area, the uppermost aquifer is almost always a water-table aquifer and all aquifers below it are confined aquifers. The Tunnel City-Wonewoc aquifer is confined in the vicinity of the BRI site. All of these aquifers are represented in Metro Model 3.

We assigned a steady-state pumping rate to the wash-plant well in the model simulation. The pumping rate used in the model is the average of the annualized pumping rates reported to the MDNR (2013 through 2021); 29.2 million gallons per year (55 gpm).¹ The model calculates the change in “groundwater levels” (potentiometric heads for all the confined aquifers and aquitards and the water-table elevation for the unconfined aquifer). The change in groundwater levels due to pumping is termed “drawdown.” Drawdown is greatest in the aquifer being pumped (Tunnel City-Wonewoc aquifer) immediately adjacent to the pumping well and decreases logarithmically moving away from the well. Drawdown in a confined aquifer can also induce drawdown in overlying and underlying aquifers by inducing leakage through confining units. When a well ceases pumping, water levels recover (i.e., “rebound”) to pre-pumping conditions. In a confined aquifer (such as the Tunnel City-Wonewoc aquifer), recovery is very rapid—typically measured in hours or days. We used the model to examine these conditions.

Contours of the predicted drawdown in the Tunnel City-Wonewoc aquifer that result from pumping the BRI wash-plant well are shown on Figure 7. The drawdown (i.e., the lowering of the potentiometric surface) in the Tunnel City-Wonewoc aquifer is predicted to be less than about 2 to 4 feet beyond the boundaries of the BRI facility. The nearest water-supply well completed in the Tunnel City-Wonewoc aquifer is located within the Flint Hills Refinery and is predicted to experience a drawdown of less than 0.5 feet due to pumping of the BRI wash-plant well and would not experience any measurable reduction in well yield, given the several hundred feet of available drawdown in the Flint Hills Tunnel City-Wonewoc well.

The model also predicted drawdowns in the overlying Jordan Sandstone, Prairie du Chien Group, and the Quaternary sand-and-gravel aquifer. We do not present contour maps of these drawdowns because there is virtually no predicted drawdown in these aquifers in response to pumping of the BRI wash-plant well (i.e., the drawdowns are so small that there is nothing to contour). This is because the St. Lawrence Formation (which separates the Tunnel City Formation from the Jordan Sandstone, Prairie du Chien Group, and Quaternary sand-and-gravel aquifer) is a regional confining layer with very low permeability. The St. Lawrence Formation essentially prevents the effects of pumping of the BRI wash-plant well from propagating to these shallower aquifers. Nearly all of the wells in this part of Inver Grove Heights are completed in either the Quaternary sand-and-gravel aquifer or in the Prairie

¹ Annual pumping rates range from 19.0 MGY (2015) to 39.3 MGY (2019).

du Chien-Jordan aquifer. The modeling predicts that none of these wells will be affected by pumping of the BRI wash-plant well.

BRI proposes to deepen their mining within the same mine footprint from approximately 840 feet msl to 800 feet msl (a deepening of 40 feet). The water table at the BRI site is about 8 to 15 feet below the proposed 800-foot elevation for the mine pit. The proposed change in mining depth will not change the rate of groundwater recharge to the water table, nor will it not result in pumping or leakage from the water-table aquifer. Therefore, groundwater flow direction in the water-table aquifer and the Prairie du Chien-Jordan aquifer will remain the same after the mine is deepened to 800 feet msl.

The direction of groundwater flow in the water-table aquifer and in most confined aquifers in this part of Dakota County is east, toward the Mississippi River. The Mississippi River is the regional discharge zone for all aquifers, with the exception of the very deep Mt. Simon-Hinckley aquifer. We used Metro Model 3 to simulate the direction and rate (velocity) of groundwater flow in the water-table aquifer originating from beneath the footprint of the BRI site. Groundwater flow directions are shown on Figure 8 for groundwater times-of-travel from the BRI site of 1, 5, 10, and 20 years. A cross-sectional depiction of groundwater flow is shown on Figure 9. Groundwater flows under the Pine Bend/SKB landfill and discharges into the Mississippi River in about 50 years. This flow rate and time-of-travel is for groundwater—not contaminants/solutes. Dissolved solutes, such as metals, flow in water at a much slower rate due to natural attenuation processes. Groundwater from the BRI facility flows eastward, beneath Pine Bend Landfill and discharges into the Mississippi River. Groundwater originating at the BRI facility does not move downward into bedrock aquifers. With the exception of the two Wicker wells (one sealed in 2020 and a new well installed in 2020), we have not identified any residential or water-supply wells along the groundwater flow paths from the BRI facility to the Mississippi River. The Wicker well that was sealed in 2020 had exceedances of the EPA secondary drinking water standard for aluminum and iron in 2019. Aluminum and iron were not analyzed at any other ponds or wells at BRI from 2012 through 2022. No other parameters in the wells or ponds exceeded standards (EPA Maximum Contaminant Level, EPA Secondary Drinking Water Standard, and Minnesota Department of Health, Health-Based Values). It should be noted that EPA Secondary Drinking Water Standards are guidelines for contaminants that may cause cosmetic or aesthetic effects in water such as taste, odor, and color. EPA does not require drinking water systems to comply with secondary standards.

Other parameters (arsenic, calcium, copper, lead, magnesium, manganese, nickel, sodium, and zinc) were detected (but at concentrations below standards) in one or both of the Wicker wells. Six parameters (aluminum, calcium, iron magnesium, manganese, and sodium) were analyzed at one or both of the Wicker wells but were not analyzed at other BRI ponds or wells. Out of all other parameters (arsenic, copper, lead, nickel, and zinc) detected in one or both of Wicker wells only copper was detected at a concentration greater than other BRI ponds or wells.

It is difficult to meaningfully compare water-quality data for the Wicker wells, before and after the April 2020 replacement of the original Wicker well. The replacement Wicker well is approximately 60 feet deeper than the original Wicker well, which means that the two wells likely sample different depths of the sand-and-gravel aquifer. The reasons for replacement of the well are not known. The deeper screen interval of the new Wicker well makes it much less likely to draw and sample water originating from the BRI facility than a shallower well and is therefore more likely to not be affected by water infiltrating to the water table at the BRI facility. The greater depth of the replacement Wicker well provides greater protection for the users of the well with respect to potential groundwater impacts from the BRI facility. However, the Wicker well as it is currently constructed does not provide a reliable monitoring point for water-quality impacts from the BRI facility because it almost certainly does not intersect the likely groundwater flow paths from BRI (the flow paths will be right at the top of the water table and not at the screen depth).

Conclusions and Recommendations

We have attempted to answer the City's questions as best we can, using the most up-to-date tools and data that are available to us. Based on the analyses described in this memorandum, the following conclusions and recommendations are provided.

Conclusions

1. Any moist or discolored soils at the BRI site that have been observed are not the result of intersecting or otherwise contacting the water table. Currently, the water table is about 50-65 feet below the floor of the mine pit. There will be less separation between the ultimate floor of the mine pit and the water table at full depth but at the proposed full depth there will still be 8-15 feet of separation between the pit floor and the water table.
2. None of the water-quality data that have been collected show that primary drinking water standards have been exceeded for constituents analyzed. Furthermore, there are no indications of increasing trends. Temporal variability in water-quality parameter data is typical for naturally occurring concentrations. Data quality standards for analytes have generally been met.
3. Based on the analytical data review, we believe there is a need for a more formal submittal of data to the City on an annual basis. Water-quality data review needs to be conducted annually that includes not only laboratory procedures but sampling procedures and sample handling.
4. In 2012, the City required that BRI's wash-plant well be completed in the Tunnel City-Wonewoc aquifer to ensure that existing groundwater users would not be adversely impacted. Our analyses shows that no well users are being affected by the operation of this well. The drawdown effects from the well are localized within the Tunnel City-Wonewoc aquifer and do not extend into the Prairie du Chien-Jordan aquifer nor the water-table aquifer.

5. Groundwater flow direction is naturally eastward toward the Mississippi River. Groundwater flow directions and rates in the water-table aquifer are unaffected by pumping of the BRI wash-plant well and water infiltrating within the footprint of the BRI facility is not moving downward into bedrock aquifers. Deepening mining from current depths to an elevation of 800 feet msl will not affect the rate or direction of groundwater flow. Groundwater originating at the BRI facility flows eastward underneath Pine Bend Landfill and discharges into the Mississippi River after approximately 20 years. With the exception of the Wicker well installed in 2020, we have not identified any groundwater users between the BRI facility and the Mississippi River.

Recommendations

1. Barr recommends that BRI submit an annual report to the City that includes water-quality and water-use data for the reporting year, as well as previously collected data. A QA/QC review of water-quality data should be included. We also recommend requiring the inclusion of time-series graphs of monitored parameters (referenced to applicable standards). Quantitative detection limits must be well-below any applicable standards. We also recommend that the City require BRI to perform an assessment of suitability and reliability of current groundwater monitoring wells and make recommendations for replacement or additions of wells.
2. We recommend that an annual report be submitted to the City that includes time-series trend analyses, QA/QC review, a summary of operations (including pumping records), and water-level data. This report should not simply be a “data dump” but include analyses and explanations of data trends.
3. The City’s CUP contains requirements for soil backfilling. For soil backfill material, Barr recommends only non-organic, compactable soil material be used that is free of contamination, recycled or salvaged aggregate, asphaltic pavement, crushed concrete, scraps of shingles, debris, rubbish, frozen soil, boulders over 1 inch in diameter, logs, wood chips or other objectionable material. Backfill soil should be free of stumps, roots, and branches over 1.5 inches in diameter. Backfill soils should not be placed over frozen subgrade.

Contaminated soil should not be used as fill or brought to the site. If the source of imported fill will be from a location where soil contamination is known, suspected, or can be expected (e.g., soils from gas stations, certain industrial sites, etc.), that soil should not be used for backfilling. Therefore, it is further recommended that offsite backfill soil come from only BRI projects and include a manifest from each site indicating that no contaminants are suspected to be in the soil material. A copy of the manifest could be submitted to the City.

4. Barr recommends that BRI review and amend the SPCC Plan as appropriate and submit a copy to the City. The SPCC Plan should document practices, personnel, equipment, and resources available to prevent a spill and what actions to take if a spill were to occur.

5. The Wicker well installed in April 2020 is a deeper well than the sealed Wicker well and is completed in the sand-and-gravel aquifer that likely provides added protection against the likelihood that the water quality of this well will be impacted by water originating as infiltration across the BRI facility. However, the new Wicker well should no longer be used as an indicator of downgradient water quality from the BRI facility because this well is now too deep to intersect groundwater flow paths from BRI. This well can continue to be sampled but the water-quality data from the well should not be used as an early indicator of groundwater impacts from the BRI facility. If the City wishes to have a well to provide early detection of groundwater impacts from BRI at this central location, a monitoring well with a well screen intersecting the water table should be installed.
6. Periodically sample all BRI wells and ponds for metals commonly associated with foundry sand including arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, copper, nickel, and zinc.
7. Prepare a Sampling and Analysis Plan using Minnesota Pollution Control Agency guidance that would include sample parameters, sample schedule and requirements for purging wells to stabilize prior to sampling, and field filtering of samples if appropriate.

To: Ally Sutherland and Allan Hunting
From: Ray Wuolo, P.E., P.G., Samantha Schirmer, and Jeff Ubl, P.E.
Subject: Bituminous Roadways, Inc. (BRI) – Environmental Review of Proposed Expansion
Date: February 28, 2023
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Table

Table 1
2012-2022 Water Analytical Results
Bituminous Roadways, Inc.
Inver Grove Heights, MN

Location Date						Epond 5/14/2012	Plan Well 5/16/2013	Plan Well 10/16/2015	Plan Well 6/18/2019	Plan Well 8/3/2021	Rainbow Well 5/21/2012
Parameter	Analytical Method	Units	EPA Maximum Contaminant Levels	EPA Secondary Drinking Water Standards	MDH Human Health- Based Water Guidance Table						
Last Updated			03/01/2018	03/01/2018	03/24/2022						
Exceedance Key			No Exceedances	Bold	No Exceedances						
Alkalinity, total, as CaCO3	SM 2320B	ug/l				56000	270000	275000	254000	249000	260000
pH	SM 4500-H+B	pH units		6.5 - 8.5		7.54 H	6.98 H	7.5 H	7.8 H	8.0 H	7.29 H
Solids, total suspended	USGS-I-3765-85	ug/l				--	--	--	--	--	--
Specific conductance @ 25 °C	SM 2510 B	umhos/cm				--	--	--	642	615	--
Specific conductance @ 25 °C	EPA 120.1	umhos/cm				140	670	665	--	--	690
Total Metals											
Aluminum	EPA 200.8	ug/l		50 (1)		--	--	--	--	--	--
Antimony	EPA 200.8	ug/l	6		6 HRL93	--	--	--	--	--	--
Arsenic	EPA 200.7	ug/l	10			--	--	< 20.0 U	--	--	--
Arsenic	EPA 200.8	ug/l	10			--	--	--	< 1.5 U	< 0.50 U	--
Arsenic	EPA 6010C	ug/l	10			< 20 U	< 20 U	--	--	--	< 20 U
Barium	EPA 200.7	ug/l	2000		2000 HRL93	--	--	75.3	77.9	68.3	--
Barium	EPA 6010C	ug/l	2000		2000 HRL93	73	80	--	--	--	71
Beryllium	EPA 200.8	ug/l	4		0.08 HRL93	--	--	--	--	--	--
Cadmium	EPA 200.7	ug/l	5		0.5 HRL15 (1)	--	--	< 3.0 U	--	--	--
Cadmium	EPA 200.8	ug/l	5		0.5 HRL15 (1)	--	--	--	< 0.30 U	< 0.080 U	--
Cadmium	EPA 6010C	ug/l	5		0.5 HRL15 (1)	< 2.0 U	< 2.0 U	--	--	--	< 2.0 U
Calcium	EPA 200.8	ug/l				--	--	--	--	--	--
Chromium	EPA 200.7	ug/l	100		100 CR HRL93	--	--	< 10.0 U	< 10.0 U	< 10.0 U	--
Chromium	EPA 200.8	ug/l	100		100 CR HRL93	--	--	--	--	--	--
Chromium	EPA 6010C	ug/l	100		100 CR HRL93	13	< 5.0 U	--	--	--	< 5.0 U
Cobalt	EPA 200.8	ug/l				--	--	--	--	--	--
Copper	EPA 200.7	ug/l	1300 TT(12)	1000		--	--	84.9	13.9	18.4	--
Copper	EPA 200.8	ug/l	1300 TT(12)	1000		--	--	--	--	--	--
Copper	EPA 6010C	ug/l	1300 TT(12)	1000		15	12	--	--	--	< 10 U
Iron	EPA 200.8	ug/l		300		--	--	--	--	--	--
Lead	EPA 200.7	ug/l	15 TT(12)			--	--	< 10.0 U	--	--	--
Lead	EPA 200.8	ug/l	15 TT(12)			--	--	--	< 0.50 U	0.3	--
Lead	EPA 6010C	ug/l	15 TT(12)			10	< 10 U	--	--	--	< 10 U
Magnesium	EPA 200.8	ug/l				--	--	--	--	--	--
Manganese	EPA 200.8	ug/l		50	100 HBV20	--	--	--	--	--	--
Mercury	EPA 245.1	ug/l	2			--	--	< 0.20 U	--	--	--
Mercury	EPA 7470A	ug/l	2			< 0.20 U	< 0.20 U	--	< 0.10 U	< 0.20 U	< 0.20 U
Nickel	EPA 200.7	ug/l			100 HRL93	--	--	< 20.0 U	13.6	< 20.0 U	--
Nickel	EPA 200.8	ug/l			100 HRL93	--	--	--	--	--	--
Nickel	EPA 6010C	ug/l			100 HRL93	9.5	< 5.0 U	--	--	--	< 5.0 U

Table 1
2012-2022 Water Analytical Results
Bituminous Roadways, Inc.
Inver Grove Heights, MN

						Location Date	Epond 5/14/2012	Plan Well 5/16/2013	Plan Well 10/16/2015	Plan Well 6/18/2019	Plan Well 8/3/2021	Rainbow Well 5/21/2012
Parameter	Analytical Method	Units	EPA Maximum Contaminant Levels	EPA Secondary Drinking Water Standards	MDH Human Health- Based Water Guidance Table							
Last Updated			03/01/2018	03/01/2018	03/24/2022							
Exceedance Key			No Exceedances	Bold	No Exceedances							
Phenol	EPA 420.4	ug/l			4000 HRL93	--	--	< 10.0 U	--	--	--	--
Phenolics	EPA 420.1	ug/l				--	--	--	< 60.0 U	< 60.0 U	--	--
Phenolics	EPA 420.4	ug/l				< 10 U	< 10 U	--	--	--	< 10 U	--
Selenium	EPA 200.7	ug/l	50		30 HRL93	--	--	--	--	--	--	--
Selenium	EPA 200.8	ug/l	50		30 HRL93	--	--	--	--	--	--	--
Selenium	EPA 6010C	ug/l	50		30 HRL93	< 20 U	< 20 U	--	--	--	< 20 U	--
Silver	EPA 200.7	ug/l		100	30 HRL93	--	--	< 10.0 U	--	--	--	--
Silver	EPA 200.8	ug/l		100	30 HRL93	--	--	--	< 0.20 U	< 0.50 U	--	--
Silver	EPA 6010C	ug/l		100	30 HRL93	< 5.0 U	< 5.0 U	--	--	--	< 5.0 U	--
Sodium	EPA 200.8	ug/l				--	--	--	--	--	--	--
Thallium	EPA 200.8	ug/l	2		0.6 HRL94	--	--	--	--	--	--	--
Zinc	EPA 200.7	ug/l		5000	2000 HRL94	--	--	399	178	275	--	--
Zinc	EPA 200.8	ug/l		5000	2000 HRL94	--	--	--	--	--	--	--
Zinc	EPA 6010C	ug/l		5000	2000 HRL94	30	120	--	--	--	75	--
Total Petroleum Hydrocarbons												
Diesel Range Organics, C10-C28	WI DRO/WI DRO Modified	ug/l				580	< 100 U	< 130 U	< 100 U	< 100 U	220	--
Gasoline Range Organics, C6-C10	WI GRO/WI GRO Modified	ug/l				< 100 U	< 100 U	< 100 U	< 100 UJ-	< 100 U	< 100 U	--

Table 1
2012-2022 Water Analytical Results
Bituminous Roadways, Inc.
Inver Grove Heights, MN

Parameter	Analytical Method	Units	EPA Maximum Contaminant Levels	EPA Secondary Drinking Water Standards	MDH Human Health-Based Water Guidance Table	Location	Rainbow Well	Rainbow Well	Rainbow Well	Rainbow Well	Rainbow Well	Stormwater Pond
						Date	6/20/2014	10/5/2016	7/16/2018	6/1/2020	5/17/2022	10/5/2016
Last Updated			03/01/2018	03/01/2018	03/24/2022							
Exceedance Key			No Exceedances	Bold	No Exceedances							
Alkalinity, total, as CaCO3	SM 2320B	ug/l					260000	251000	269000	258000	260000	66600
pH	SM 4500-H+B	pH units		6.5 - 8.5			7.09 H	7.7 H	7.9 H	7.8 H	7.8 H	8.0 H
Solids, total suspended	USGS-I-3765-85	ug/l					--	--	--	--	--	52000
Specific conductance @ 25 °C	SM 2510 B	umhos/cm					--	628	--	642	642	213
Specific conductance @ 25 °C	EPA 120.1	umhos/cm					620	--	632 H	--	--	--
Total Metals												
Aluminum	EPA 200.8	ug/l		50 (1)			--	--	--	--	--	--
Antimony	EPA 200.8	ug/l	6		6 HRL93		--	--	--	--	--	--
Arsenic	EPA 200.7	ug/l	10				< 20 U	< 25.0 U	--	--	--	< 25.0 U
Arsenic	EPA 200.8	ug/l	10				--	--	< 1.0 U	1.5	0.79	--
Arsenic	EPA 6010C	ug/l	10				--	--	--	--	--	--
Barium	EPA 200.7	ug/l	2000		2000 HRL93		64	61.5	68.6	69.2	65.8	52.8
Barium	EPA 6010C	ug/l	2000		2000 HRL93		--	--	--	--	--	--
Beryllium	EPA 200.8	ug/l	4		0.08 HRL93		--	--	--	--	--	--
Cadmium	EPA 200.7	ug/l	5		0.5 HRL15 (1)		< 2.0 U	< 20.0 U	--	--	--	< 20.0 U
Cadmium	EPA 200.8	ug/l	5		0.5 HRL15 (1)		--	--	< 0.20 U	< 0.20 U	< 0.080 U	--
Cadmium	EPA 6010C	ug/l	5		0.5 HRL15 (1)		--	--	--	--	--	--
Calcium	EPA 200.8	ug/l					--	--	--	--	--	--
Chromium	EPA 200.7	ug/l	100		100 CR HRL93		< 5.0 U	< 10.0 U	< 10.0 U	< 10.0 U	< 10.0 U	< 10.0 U
Chromium	EPA 200.8	ug/l	100		100 CR HRL93		--	--	--	--	--	--
Chromium	EPA 6010C	ug/l	100		100 CR HRL93		--	--	--	--	--	--
Cobalt	EPA 200.8	ug/l					--	--	--	--	--	--
Copper	EPA 200.7	ug/l	1300 TT(12)	1000			< 10 U	< 10.0 U	96.8	26.6	15.3	< 10.0 U
Copper	EPA 200.8	ug/l	1300 TT(12)	1000			--	--	--	--	--	--
Copper	EPA 6010C	ug/l	1300 TT(12)	1000			--	--	--	--	--	--
Iron	EPA 200.8	ug/l		300			--	--	--	--	--	--
Lead	EPA 200.7	ug/l	15 TT(12)				< 10 U	< 20.0 U	--	--	--	< 20.0 U
Lead	EPA 200.8	ug/l	15 TT(12)				--	--	13.8	1.5	< 0.50 U	--
Lead	EPA 6010C	ug/l	15 TT(12)				--	--	--	--	--	--
Magnesium	EPA 200.8	ug/l					--	--	--	--	--	--
Manganese	EPA 200.8	ug/l		50	100 HBV20		--	--	--	--	--	--
Mercury	EPA 245.1	ug/l	2				< 0.20 U	--	< 0.11 U	--	--	--
Mercury	EPA 7470A	ug/l	2				--	--	--	< 0.10 U	< 0.20 U	--
Nickel	EPA 200.7	ug/l			100 HRL93		< 5.0 U	< 10.0 U	< 10.0 U	< 10.0 U	< 20.0 U	< 10.0 U
Nickel	EPA 200.8	ug/l			100 HRL93		--	--	--	--	--	--
Nickel	EPA 6010C	ug/l			100 HRL93		--	--	--	--	--	--

Table 1
2012-2022 Water Analytical Results
Bituminous Roadways, Inc.
Inver Grove Heights, MN

Location Date						Rainbow Well 6/20/2014	Rainbow Well 10/5/2016	Rainbow Well 7/16/2018	Rainbow Well 6/1/2020	Rainbow Well 5/17/2022	Stormwater Pond 10/5/2016
Parameter	Analytical Method	Units	EPA Maximum Contaminant Levels	EPA Secondary Drinking Water Standards	MDH Human Health- Based Water Guidance Table						
Last Updated			03/01/2018	03/01/2018	03/24/2022						
Exceedance Key			No Exceedances	Bold	No Exceedances						
Phenol	EPA 420.4	ug/l			4000 HRL93	--	< 10.0 U	--	--	--	< 10.0 U
Phenolics	EPA 420.1	ug/l				--	--	< 60.0 U	< 60.0 U	< 60.0 U	--
Phenolics	EPA 420.4	ug/l				< 10 U	--	--	--	--	--
Selenium	EPA 200.7	ug/l	50		30 HRL93	< 20 U	--	--	--	--	--
Selenium	EPA 200.8	ug/l	50		30 HRL93	--	--	--	--	--	--
Selenium	EPA 6010C	ug/l	50		30 HRL93	--	--	--	--	--	--
Silver	EPA 200.7	ug/l		100	30 HRL93	< 5.0 U	< 10.0 U	--	--	--	< 10.0 U
Silver	EPA 200.8	ug/l		100	30 HRL93	--	--	< 0.20 U	< 0.20 U	< 0.50 U	--
Silver	EPA 6010C	ug/l		100	30 HRL93	--	--	--	--	--	--
Sodium	EPA 200.8	ug/l				--	--	--	--	--	--
Thallium	EPA 200.8	ug/l	2		0.6 HRL94	--	--	--	--	--	--
Zinc	EPA 200.7	ug/l		5000	2000 HRL94	180	132	730	994	336	< 20.0 U
Zinc	EPA 200.8	ug/l		5000	2000 HRL94	--	--	--	--	--	--
Zinc	EPA 6010C	ug/l		5000	2000 HRL94	--	--	--	--	--	--
Total Petroleum Hydrocarbons											
Diesel Range Organics, C10-C28	WI DRO/WI DRO Modified	ug/l				< 100 U	< 110 U	< 120 U	< 94 U	< 100 UH	330
Gasoline Range Organics, C6-C10	WI GRO/WI GRO Modified	ug/l				< 100 UJ-	< 100 UJ-	< 100 UJ-	< 100 U	< 100 UH	< 100 UJ-

Table 1
2012-2022 Water Analytical Results
Bituminous Roadways, Inc.
Inver Grove Heights, MN

Parameter	Analytical Method	Units	EPA Maximum Contaminant Levels	EPA Secondary Drinking Water Standards	MDH Human Health-Based Water Guidance Table	Location	Stormwater Pond	Stormwater Pond	Stormwater Pond	Wash Plant Pond	Wash Plant Pond	Wash Plant Pond
						Date	10/23/2017	6/18/2019	8/3/2021	6/20/2014	7/16/2018	6/1/2020
Last Updated			03/01/2018	03/01/2018	03/24/2022							
Exceedance Key			No Exceedances	Bold	No Exceedances							
Alkalinity, total, as CaCO3	SM 2320B	ug/l					92900	66000	56200	88000	105000	124000
pH	SM 4500-H+B	pH units		6.5 - 8.5			8.1 H	8.3 H	10.0 H	7.73 H	8.6 H	8.5 H
Solids, total suspended	USGS-I-3765-85	ug/l					--	--	--	--	--	--
Specific conductance @ 25 °C	SM 2510 B	umhos/cm					205	271	166	--	--	315
Specific conductance @ 25 °C	EPA 120.1	umhos/cm					--	--	--	190	273 H	--
Total Metals												
Aluminum	EPA 200.8	ug/l		50 (1)			--	--	--	--	--	--
Antimony	EPA 200.8	ug/l	6		6 HRL93		--	--	--	--	--	--
Arsenic	EPA 200.7	ug/l	10				< 50.0 U	--	--	< 20 U	--	--
Arsenic	EPA 200.8	ug/l	10				--	< 1.5 U	5.9	--	< 1.0 U	< 1.0 U
Arsenic	EPA 6010C	ug/l	10				--	--	--	--	--	--
Barium	EPA 200.7	ug/l	2000		2000 HRL93		49.2	27.2	25.2	33	30.4	35
Barium	EPA 6010C	ug/l	2000		2000 HRL93		--	--	--	--	--	--
Beryllium	EPA 200.8	ug/l	4		0.08 HRL93		--	--	--	--	--	--
Cadmium	EPA 200.7	ug/l	5		0.5 HRL15 (1)		< 20.0 U	--	--	< 2.0 U	--	--
Cadmium	EPA 200.8	ug/l	5		0.5 HRL15 (1)		--	< 0.30 U	< 0.080 U	--	< 0.20 U	< 0.20 U
Cadmium	EPA 6010C	ug/l	5		0.5 HRL15 (1)		--	--	--	--	--	--
Calcium	EPA 200.8	ug/l					--	--	--	--	--	--
Chromium	EPA 200.7	ug/l	100		100 CR HRL93		< 10.0 U	< 10.0 U	< 10.0 U	< 5.0 U	< 10.0 U	< 10.0 U
Chromium	EPA 200.8	ug/l	100		100 CR HRL93		--	--	--	--	--	--
Chromium	EPA 6010C	ug/l	100		100 CR HRL93		--	--	--	--	--	--
Cobalt	EPA 200.8	ug/l					--	--	--	--	--	--
Copper	EPA 200.7	ug/l	1300 TT(12)	1000			< 10.0 U	< 10.0 U	< 10.0 U	< 10 U	< 10.0 U	< 10.0 U
Copper	EPA 200.8	ug/l	1300 TT(12)	1000			--	--	--	--	--	--
Copper	EPA 6010C	ug/l	1300 TT(12)	1000			--	--	--	--	--	--
Iron	EPA 200.8	ug/l		300			--	--	--	--	--	--
Lead	EPA 200.7	ug/l	15 TT(12)				< 20.0 U	--	--	< 10 U	--	--
Lead	EPA 200.8	ug/l	15 TT(12)				--	< 0.50 U	0.25	--	0.67	< 0.50 U
Lead	EPA 6010C	ug/l	15 TT(12)				--	--	--	--	--	--
Magnesium	EPA 200.8	ug/l					--	--	--	--	--	--
Manganese	EPA 200.8	ug/l		50	100 HBV20		--	--	--	--	--	--
Mercury	EPA 245.1	ug/l	2				< 0.20 U	--	--	< 0.20 U	< 0.11 U	--
Mercury	EPA 7470A	ug/l	2				--	< 0.10 U	< 0.20 U	--	--	< 0.10 U
Nickel	EPA 200.7	ug/l			100 HRL93		< 10.0 U	< 10.0 U	< 20.0 U	< 5.0 U	< 10.0 U	< 10.0 U
Nickel	EPA 200.8	ug/l			100 HRL93		--	--	--	--	--	--
Nickel	EPA 6010C	ug/l			100 HRL93		--	--	--	--	--	--

Table 1
2012-2022 Water Analytical Results
Bituminous Roadways, Inc.
Inver Grove Heights, MN

						Stormwater Pond 10/23/2017	Stormwater Pond 6/18/2019	Stormwater Pond 8/3/2021	Wash Plant Pond 6/20/2014	Wash Plant Pond 7/16/2018	Wash Plant Pond 6/1/2020
Parameter	Analytical Method	Units	EPA Maximum Contaminant Levels	EPA Secondary Drinking Water Standards	MDH Human Health- Based Water Guidance Table						
Last Updated			03/01/2018	03/01/2018	03/24/2022						
Exceedance Key			No Exceedances	Bold	No Exceedances						
Phenol	EPA 420.4	ug/l			4000 HRL93	--	--	--	--	--	--
Phenolics	EPA 420.1	ug/l				< 60.0 U	< 60.0 U	< 60.0 U	--	< 60.0 U	< 60.0 U
Phenolics	EPA 420.4	ug/l				--	--	--	< 10 U	--	--
Selenium	EPA 200.7	ug/l	50		30 HRL93	--	--	--	< 20 U	--	--
Selenium	EPA 200.8	ug/l	50		30 HRL93	--	--	--	--	--	--
Selenium	EPA 6010C	ug/l	50		30 HRL93	--	--	--	--	--	--
Silver	EPA 200.7	ug/l		100	30 HRL93	< 10.0 U	--	--	< 5.0 U	--	--
Silver	EPA 200.8	ug/l		100	30 HRL93	--	< 0.20 U	< 0.50 U	--	< 0.20 U	< 0.20 U
Silver	EPA 6010C	ug/l		100	30 HRL93	--	--	--	--	--	--
Sodium	EPA 200.8	ug/l				--	--	--	--	--	--
Thallium	EPA 200.8	ug/l	2		0.6 HRL94	--	--	--	--	--	--
Zinc	EPA 200.7	ug/l		5000	2000 HRL94	< 20.0 U	< 20.0 U	< 20.0 U	< 20 U	< 20.0 U	< 20.0 U
Zinc	EPA 200.8	ug/l		5000	2000 HRL94	--	--	--	--	--	--
Zinc	EPA 6010C	ug/l		5000	2000 HRL94	--	--	--	--	--	--
Total Petroleum Hydrocarbons											
Diesel Range Organics, C10-C28	WI DRO/WI DRO Modified	ug/l				180	630	260	500	320	98
Gasoline Range Organics, C6-C10	WI GRO/WI GRO Modified	ug/l				< 50.0 UJ-	< 100 UJ-	< 100 U	< 100 U	< 100 UJ-	< 100 U

Table 1
2012-2022 Water Analytical Results
Bituminous Roadways, Inc.
Inver Grove Heights, MN

Parameter	Analytical Method	Units	EPA Maximum Contaminant Levels	EPA Secondary Drinking Water Standards	MDH Human Health-Based Water Guidance Table	Location	Wash Plant	Wicker	Wicker	Wicker	Wicker	Wpond
						Date	Pond	Well (Well ID 435227)	Well (Well ID 435227)	Well (Well ID 435227)	Well (Well ID 847817)	
						5/17/2022	5/16/2013	10/16/2015	6/18/2019	8/3/2021	5/14/2012	
Last Updated			03/01/2018	03/01/2018	03/24/2022							
Exceedance Key			No Exceedances	Bold	No Exceedances							
Alkalinity, total, as CaCO3	SM 2320B	ug/l				168000	270000	275000	276000	260000	60000	
pH	SM 4500-H+B	pH units		6.5 - 8.5		8.3 H	7.81 H	7.8 H	7.8 H	8.2 H	8.29 H	
Solids, total suspended	USGS-I-3765-85	ug/l				--	--	--	--	--	--	
Specific conductance @ 25 °C	SM 2510 B	umhos/cm				390	--	--	676	626	--	
Specific conductance @ 25 °C	EPA 120.1	umhos/cm				--	640	644	--	--	120	
Total Metals												
Aluminum	EPA 200.8	ug/l		50 (1)		--	--	--	64.6	--	--	
Antimony	EPA 200.8	ug/l	6		6 HRL93	--	--	--	< 0.50 U	--	--	
Arsenic	EPA 200.7	ug/l	10			--	--	< 20.0 U	--	--	--	
Arsenic	EPA 200.8	ug/l	10			0.68	--	--	< 1.5 U	1.2	--	
Arsenic	EPA 6010C	ug/l	10			--	< 20 U	--	--	--	< 20 U	
Barium	EPA 200.7	ug/l	2000		2000 HRL93	47.4	--	< 10.0 U	< 10.0 U	< 10.0 U	--	
Barium	EPA 6010C	ug/l	2000		2000 HRL93	--	< 10 U	--	--	--	130	
Beryllium	EPA 200.8	ug/l	4		0.08 HRL93	--	--	--	< 0.20 U	--	--	
Cadmium	EPA 200.7	ug/l	5		0.5 HRL15 (1)	--	--	< 3.0 U	--	--	--	
Cadmium	EPA 200.8	ug/l	5		0.5 HRL15 (1)	< 0.080 U	--	--	< 0.30 U	< 0.080 U	--	
Cadmium	EPA 6010C	ug/l	5		0.5 HRL15 (1)	--	< 2.0 U	--	--	--	< 2.0 U	
Calcium	EPA 200.8	ug/l				--	--	--	223	--	--	
Chromium	EPA 200.7	ug/l	100		100 CR HRL93	< 10.0 U	--	< 10.0 U	< 10.0 U	< 10.0 U	--	
Chromium	EPA 200.8	ug/l	100		100 CR HRL93	--	--	--	< 1.5 U	--	--	
Chromium	EPA 6010C	ug/l	100		100 CR HRL93	--	< 5.0 U	--	--	--	33	
Cobalt	EPA 200.8	ug/l				--	--	--	< 0.20 U	--	--	
Copper	EPA 200.7	ug/l	1300 TT(12)	1000		< 10.0 U	--	31.5	226	< 10.0 U	--	
Copper	EPA 200.8	ug/l	1300 TT(12)	1000		--	--	--	225	--	--	
Copper	EPA 6010C	ug/l	1300 TT(12)	1000		--	< 10 U	--	--	--	22	
Iron	EPA 200.8	ug/l		300		--	--	--	313	--	--	
Lead	EPA 200.7	ug/l	15 TT(12)			--	--	< 10.0 U	--	--	--	
Lead	EPA 200.8	ug/l	15 TT(12)			< 0.50 U	--	--	3	0.13	--	
Lead	EPA 6010C	ug/l	15 TT(12)			--	< 10 U	--	--	--	12	
Magnesium	EPA 200.8	ug/l				--	--	--	109	--	--	
Manganese	EPA 200.8	ug/l		50	100 HBV20	--	--	--	2.6	--	--	
Mercury	EPA 245.1	ug/l	2			--	--	< 0.20 U	--	--	--	
Mercury	EPA 7470A	ug/l	2			< 0.20 U	< 0.20 U	--	< 0.10 U	< 0.20 U	< 0.20 U	
Nickel	EPA 200.7	ug/l			100 HRL93	< 20.0 U	--	< 20.0 U	< 10.0 U	< 20.0 U	--	
Nickel	EPA 200.8	ug/l			100 HRL93	--	--	--	0.88	--	--	
Nickel	EPA 6010C	ug/l			100 HRL93	--	< 5.0 U	--	--	--	19	

Table 1
2012-2022 Water Analytical Results
Bituminous Roadways, Inc.
Inver Grove Heights, MN

						Location Date	Wash Plant Pond 5/17/2022	Wicker Well (Well ID 435227) 5/16/2013	Wicker Well (Well ID 435227) 10/16/2015	Wicker Well (Well ID 435227) 6/18/2019	Wicker Well (Well ID 847817) 8/3/2021	Wpond 5/14/2012
Parameter	Analytical Method	Units	EPA Maximum Contaminant Levels	EPA Secondary Drinking Water Standards	MDH Human Health- Based Water Guidance Table							
Last Updated			03/01/2018	03/01/2018	03/24/2022							
Exceedance Key			No Exceedances	Bold	No Exceedances							
Phenol	EPA 420.4	ug/l			4000 HRL93	--	--	< 10.0 U	--	--	--	--
Phenolics	EPA 420.1	ug/l				< 60.0 U	--	--	< 60.0 U	< 60.0 U	--	--
Phenolics	EPA 420.4	ug/l				--	11	--	--	--	< 10 U	--
Selenium	EPA 200.7	ug/l	50		30 HRL93	--	--	--	--	--	--	--
Selenium	EPA 200.8	ug/l	50		30 HRL93	--	--	--	< 1.0 U	--	--	--
Selenium	EPA 6010C	ug/l	50		30 HRL93	--	< 20 U	--	--	--	< 20 U	--
Silver	EPA 200.7	ug/l		100	30 HRL93	--	--	< 10.0 U	--	--	--	--
Silver	EPA 200.8	ug/l		100	30 HRL93	< 0.50 U	--	--	< 0.20 U	< 0.50 U	--	--
Silver	EPA 6010C	ug/l		100	30 HRL93	--	< 5.0 U	--	--	--	< 5.0 U	--
Sodium	EPA 200.8	ug/l				--	--	--	169000	--	--	--
Thallium	EPA 200.8	ug/l	2		0.6 HRL94	--	--	--	< 0.020 U	--	--	--
Zinc	EPA 200.7	ug/l		5000	2000 HRL94	< 20.0 U	--	238	416	< 20.0 U	--	--
Zinc	EPA 200.8	ug/l		5000	2000 HRL94	--	--	--	377	--	--	--
Zinc	EPA 6010C	ug/l		5000	2000 HRL94	--	43	--	--	--	--	40
Total Petroleum Hydrocarbons												
Diesel Range Organics, C10-C28	WI DRO/WI DRO Modified	ug/l				140 H	< 100 U	< 120 U	< 100 U	< 100 U	120	
Gasoline Range Organics, C6-C10	WI GRO/WI GRO Modified	ug/l				< 100 UH	< 100 UJ-	< 100 U	< 100 UJ-	< 100 U	< 100 U	

Data Footnotes and Qualifiers

Barr Standard Footnotes and Qualifiers

--	Not analyzed/Not available.
H	Recommended sample preservation, extraction or analysis holding time was exceeded.
U	The analyte was analyzed for, but was not detected.
J-	The result is an estimated quantity and may be biased low.

EPA Maximum Contaminant Levels

(12)	Copper action level 1.3 mg/l; lead action level 0.015 mg/l.
TT	Treatment technique.

EPA Secondary Drinking Water Standards

(1)	The guidance provides a range for Aluminum as 0.05 to 0.2 mg/l.
-----	---

MDH Human Health-Based Water Guidance Table

(1)	Value is representative of the lowest exposure duration published in the Minnesota Department of Health Human Health Advisory Table.
CR	Value represents the criteria for Chromium, hexavalent
HBV20	Health Based Value 2020.
HRL15	Health Risk Limit 2015.
HRL93	Health Risk Limit 1993.
HRL94	Health Risk Limit 1994.

To: Ally Sutherland and Allan Hunting
From: Ray Wuolo, P.E., P.G., Samantha Schirmer, and Jeff Ubl, P.E.
Subject: Bituminous Roadways, Inc. (BRI) – Environmental Review of Proposed Expansion
Date: February 28, 2023
Page: 23

Figures

To: Ally Sutherland and Allan Hunting
From: Ray Wuolo, P.E., P.G., Samantha Schirmer, and Jeff Ubl, P.E.
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Page: 24



Figure 1 Photograph of possible wet soil provided by Planning Commission

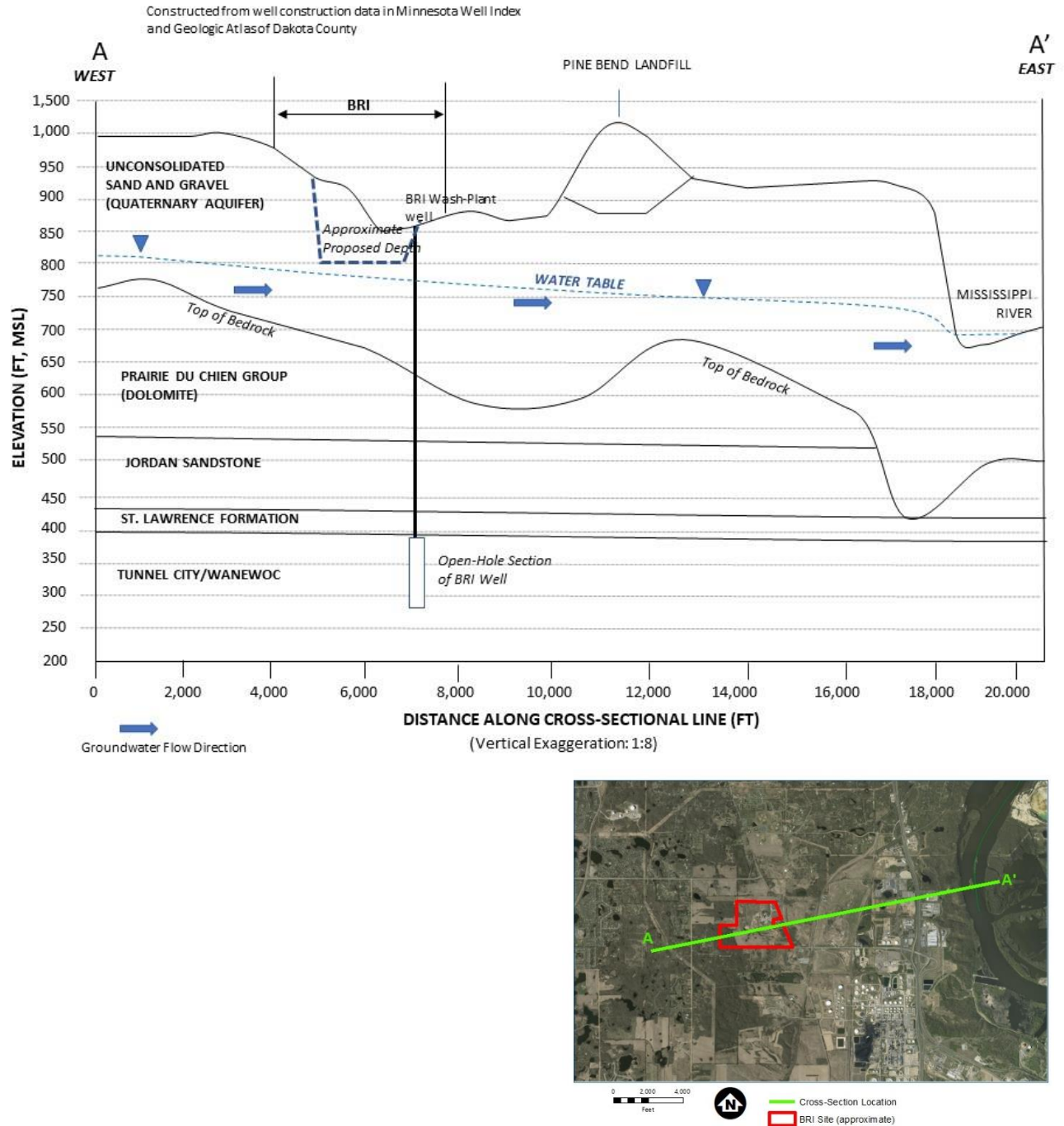
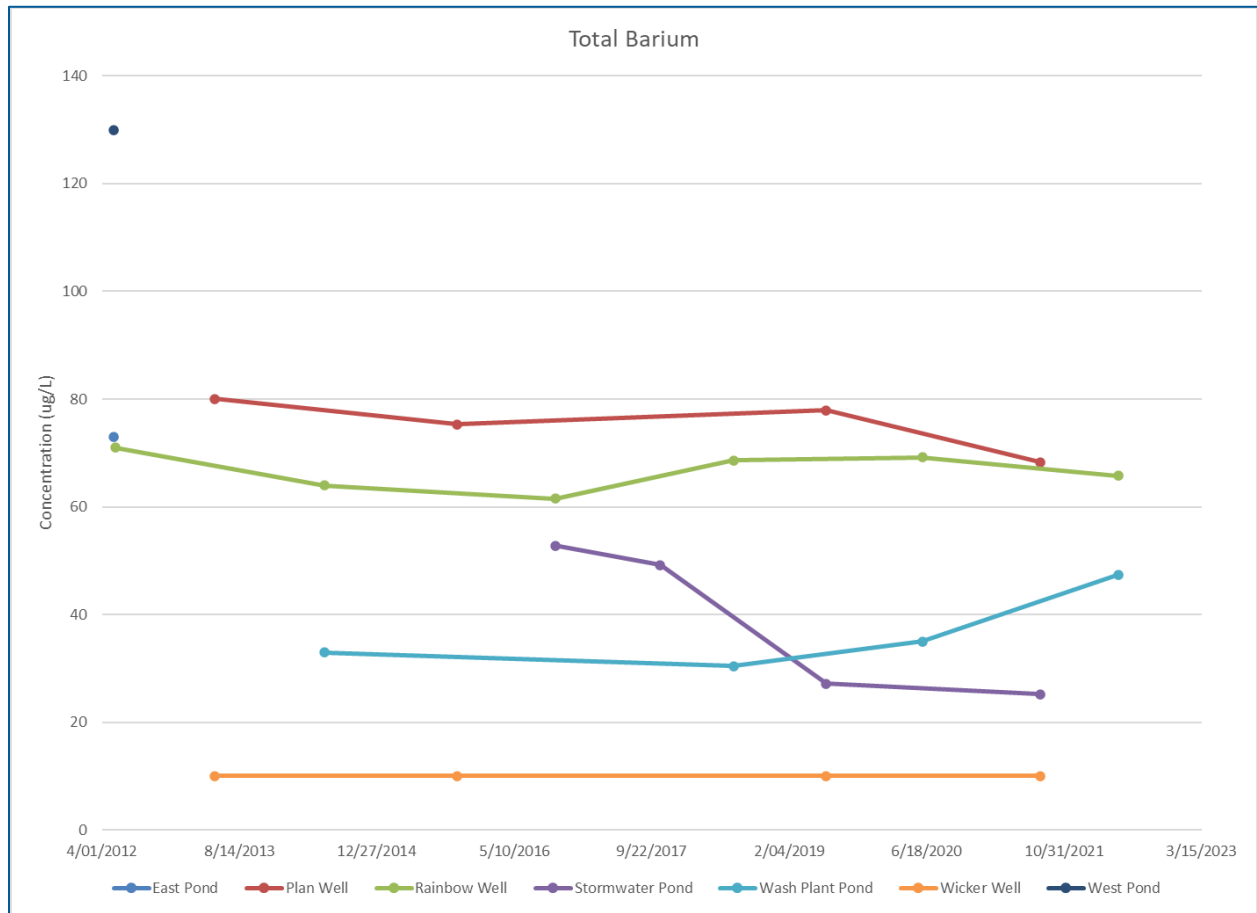
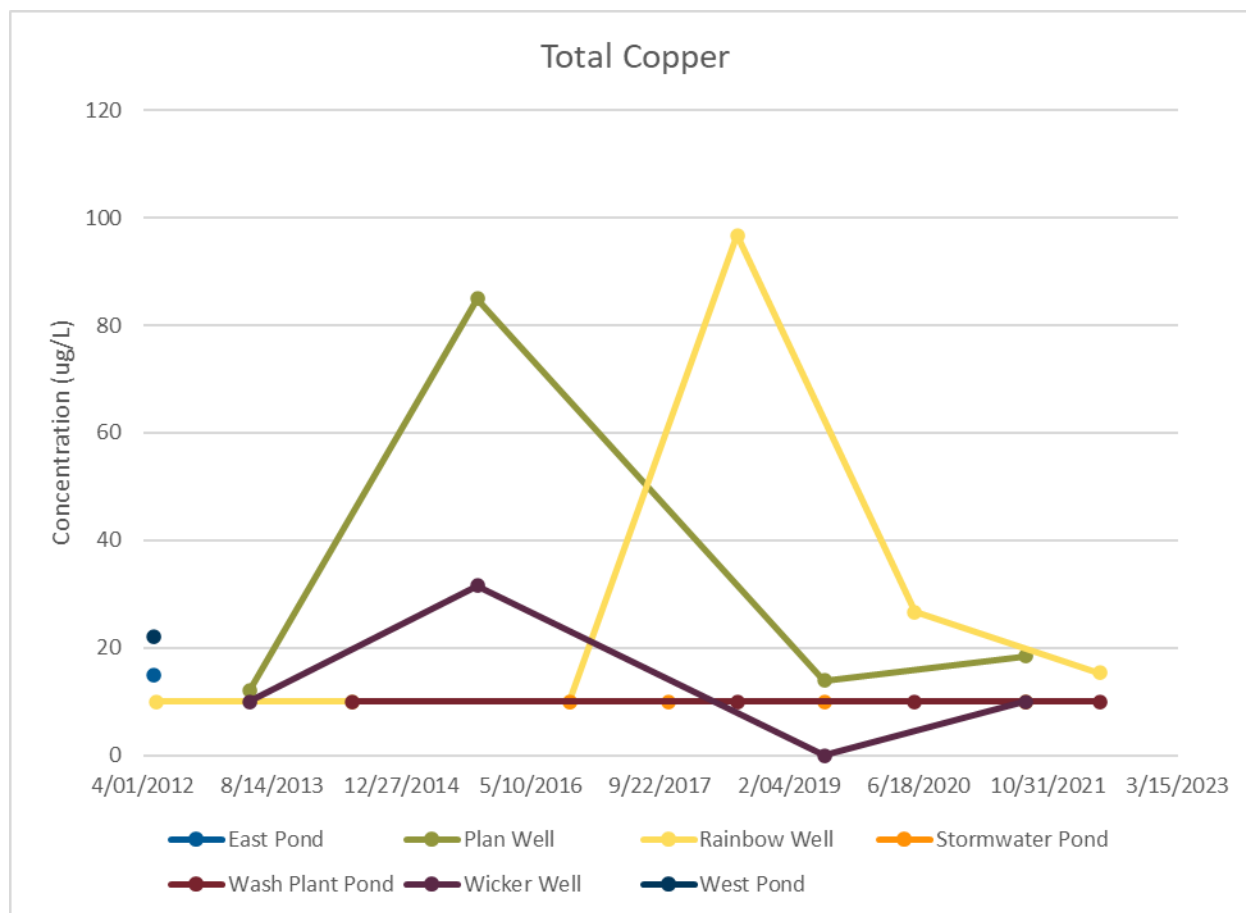


Figure 2 West-to-East Geologic Cross Section Along Groundwater Flow Path Through BRI Facility



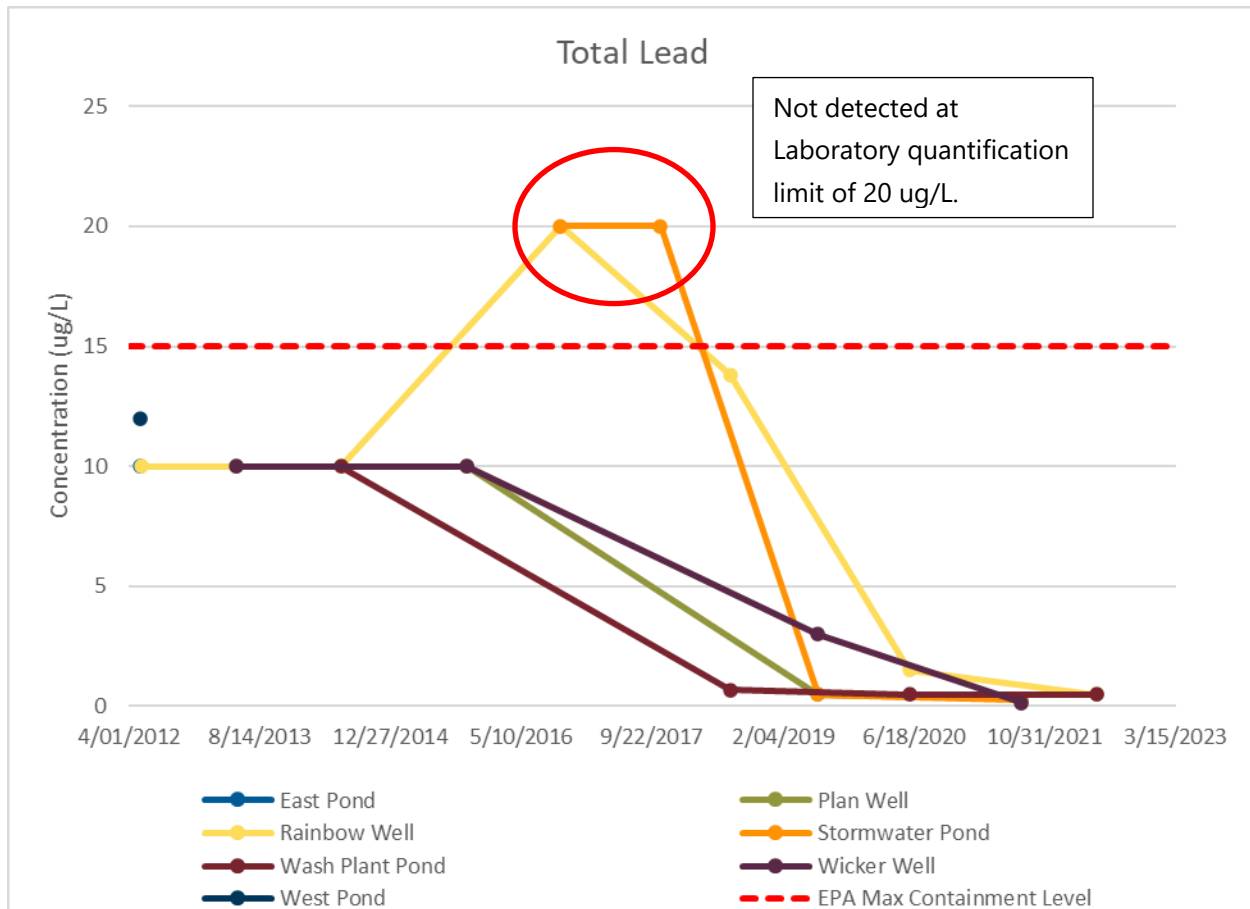
Note: EPA Maximum Contaminant Level (MCL) for Barium is 2,000 ug/L

Figure 3 Time-Series Plot of Barium Concentrations



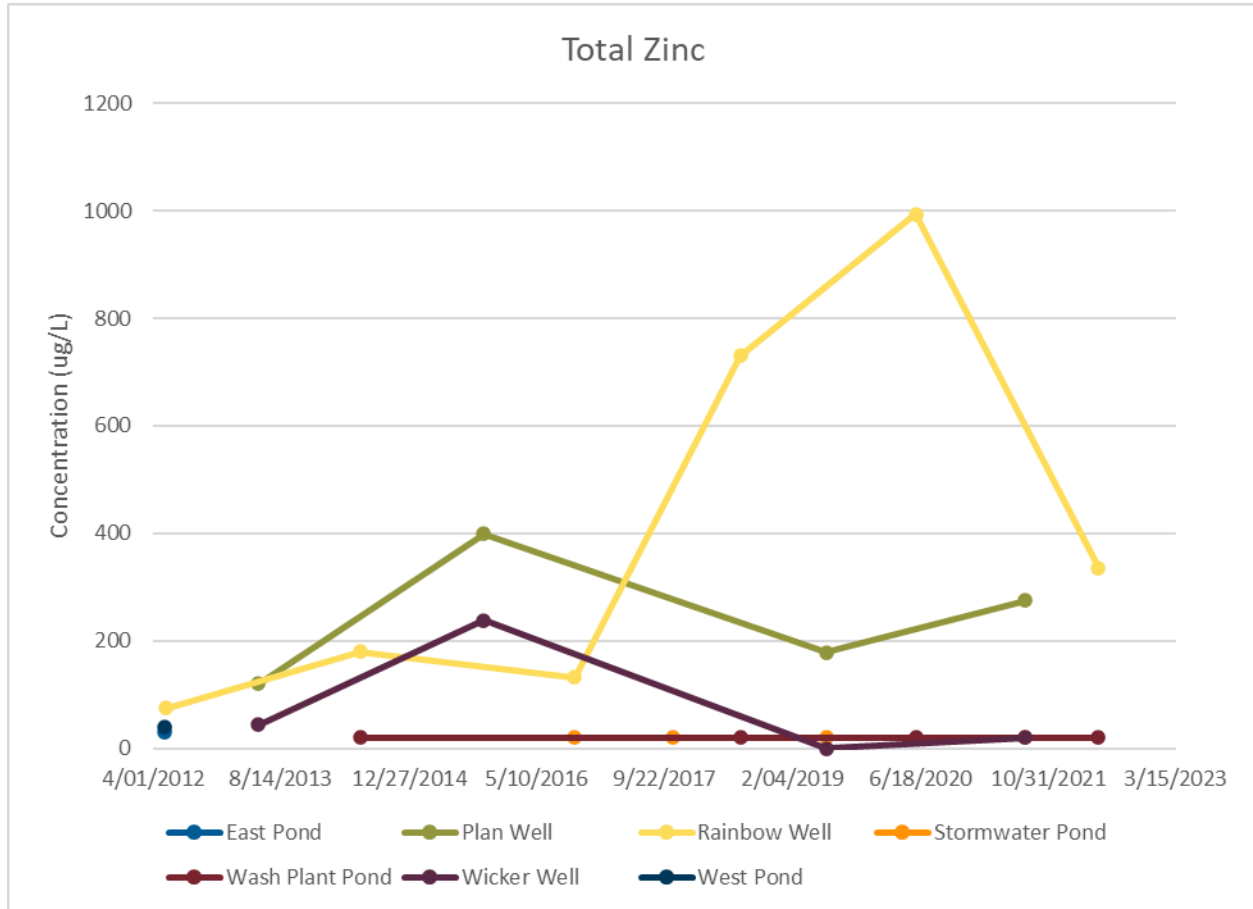
Note: EPA Maximum Contaminant Level (MCL) for Copper is 1,300 ug/L

Figure 4 Time-Series Plot of Copper Concentrations



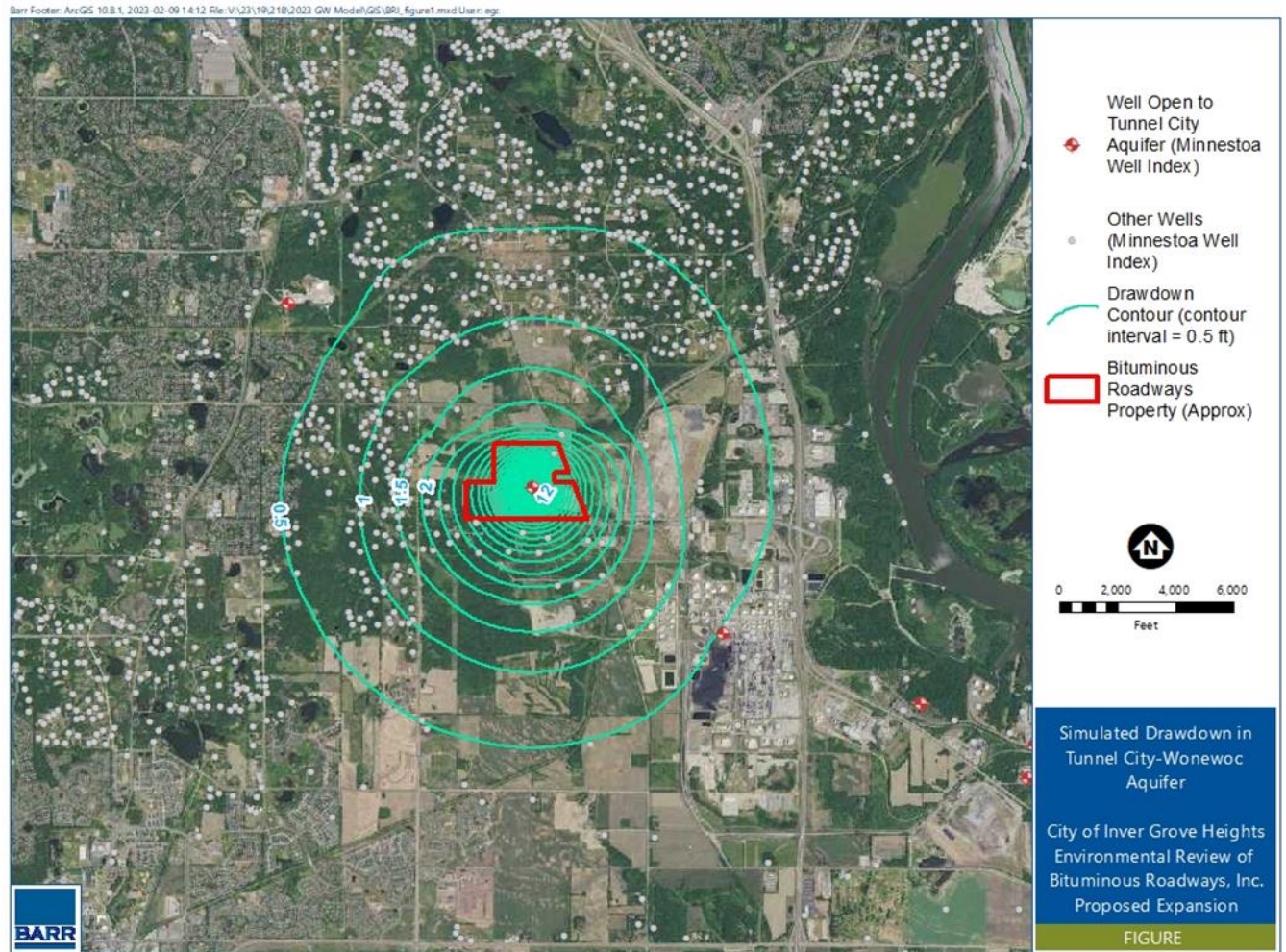
Note: EPA Maximum Contaminant Level (MCL) for Lead is 15 ug/L. In 2016 and 2017, the laboratory quantification limits were higher than the MCLs for the stormwater pond and Rainbow well – but this does not mean that concentrations in water exceeded the MCL.

Figure 5 Time-Series Plot of Lead Concentrations



Note: EPA Secondary Drinking Water Standard for Zinc is 5,000 ug/L. (for taste and odor). There is no MCL for Zinc.

Figure 6 Time-Series Plot of Zinc Concentrations



Simulation using Metro Model 3 (Metropolitan Council). Grid-mesh refinement to 15.625 m x 15.625 m in vicinity of pumping well.

Figure 7 Model Simulation of Steady-State Drawdown (feet) in the Tunnel City-Wonewoc Aquifer Resulting from Pumping of BRI Wash-Plant Well at Average Pumping Rates

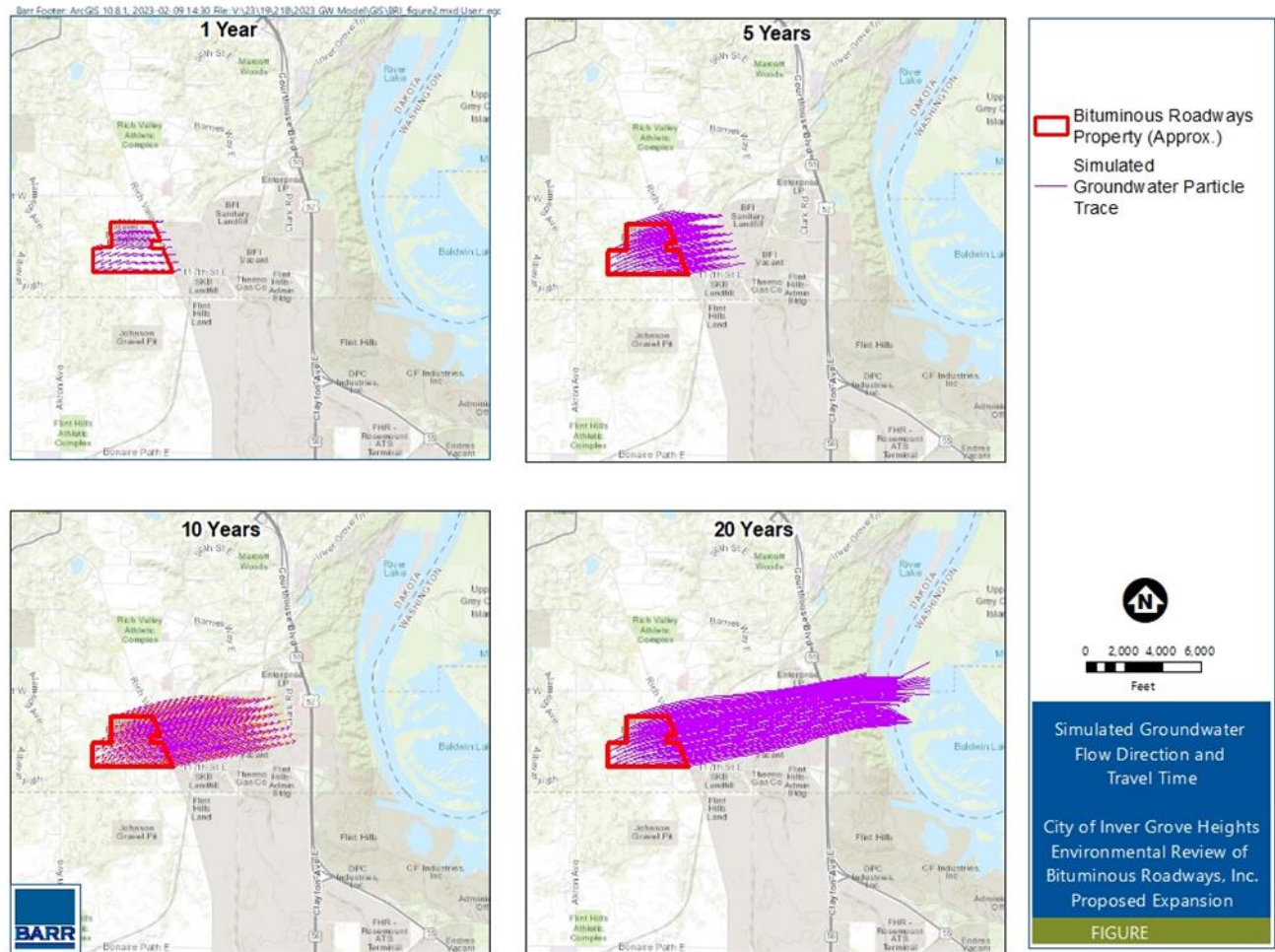
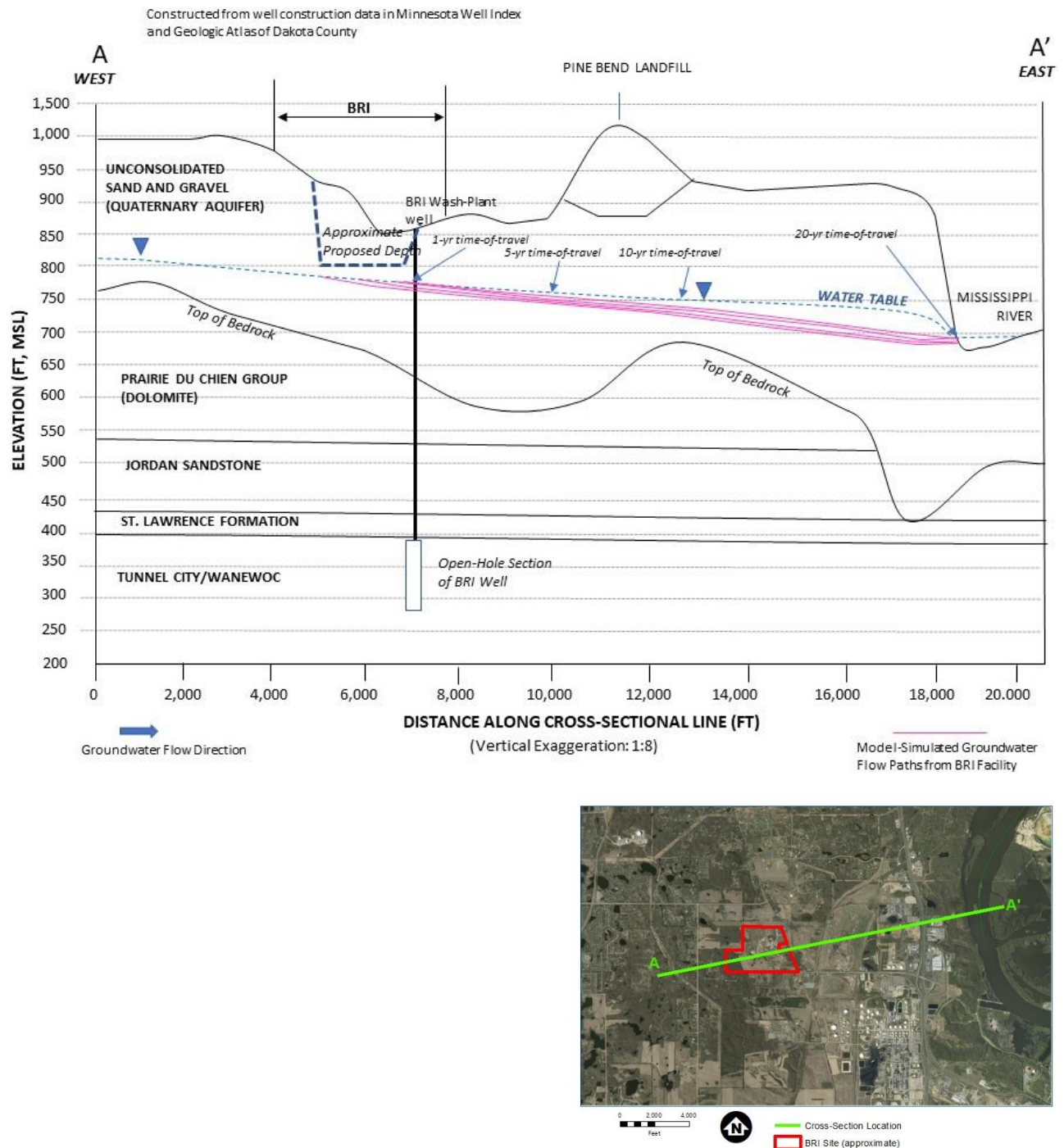


Figure 8 Model Simulation of Groundwater Time-of-Travel in the Water-Table Aquifer from BRI Facility Using Metro Model 3



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MEMORANDUM

To: Allan Hunting, City Planner
City of Inver Grove Heights

Date: 3/27/2023

From: Michaela Whelan, Sunde Engineering, PLLC
Kent Peterson, Bituminous Roadways, Inc.

Subject: Bituminous Roadways 2022 CUP Application
Response to Planning Commission Document

CC:

This memorandum is provided in response to the Planning Commission comments from the document titled "Bituminous Roadway and its Environmental Impact" by Inver Grove Heights Planning Commissioner Robert Heidenreich received via. email on February 10, 2023 (PC Comments). Previous Planning Commission questions and comments from the November 1st Planning Commission meeting and subsequent emailed questions and comments have been responded to in two separate memorandums submitted to Allan Hunting, City Planner, dated 11/18/2022 and 12/21/2022.

Introduction:

Bituminous Roadways, Inc. (BRI) has applied for the five year renewal of their CUP and sand and gravel ordinance at their sand and gravel mine located at 11201 Rich Valley Boulevard in Inver Grove Heights, MN (Site). During the initial Planning Commission meeting on November 1, 2022 Commissioners had questions and comments that requested additional information to be provided by BRI and the City's consulting engineering firm, Barr Engineering.

The Site has been actively mined since 1963 and the asphalt production facility has been permitted since 1980. BRI has always complied with all permit regulations associated with the mine Site, the asphalt plant, and associated mining activities. BRI operates in good standing with all active permit authorities including the MPCA, the MNDNR, Dakota County and the City. No violations have been issued by any permitting authority to date. Any issues that may have come up have been responded to and resolved as quickly as possible.

BRI is proposing to lower the mining depth by 40 feet to an elevation of approximately 800 feet above mean sea level (MSL) in the remaining phases of the Site. The areas that have previously been mined and reclaimed will remain as they are today. The current floor of the mine Site where the wash plant and high capacity well is located is at about elevation 850 feet MSL (high capacity well No. 780331 well log is labeled with an incorrect land elevation). The groundwater flow across the Site flows from west to east and is approximately at elevation 790 feet MSL at the Site. Barr Engineering has provided a cross-section view of

the mine Site showing the 800 feet MSL proposed mine floor elevation in relation to the water table in Figure 9 of their Technical Memorandum – Bituminous Roadways, Inc. (BRI) – Environmental Review of Proposed Expansion, dated February 28, 2023 (Barr’s Environmental Review). This figure shows approximately 8-15 feet of separation between the proposed mine floor and the water table. Barr’s Environmental Review also explains that water infiltrating at the Site is not moving downward and into bedrock aquifers, but eastward underneath Pine Bend Landfill and toward the Mississippi River. Also, that the lowering of the mine floor to 800 feet MSL will not have an impact on the groundwater flow rate or direction.

This increase in mining depth will provide a more efficient use of this resource which is vital to meet the ongoing demand for construction aggregate in the surrounding area. The material will be available for use in important public infrastructure projects, road improvement projects, schools, housing and other building construction needs. Sand and gravel for construction industry is a vital resource for the City of Inver Grove Heights and the state of Minnesota.

Response to Planning Commission Comments:

The following is BRI’s response to each topic from the PC Comments document. The original, unedited statements from the PC Comments are re-stated at the start of each section below in italics followed by BRI’s response.

Topic #1: Foundry Sands

A stockpile of approximately 30,000 cubic yards of foundry sand imported from the Prospect Foundry and Smith Foundry is located at the Bituminous Roadways aggregate mining and processing facility in the City of Inver Grove Heights (Figure 1). The stockpile was placed at the location in approximately 1987. The intention was to use the material as an aggregate substitute, thereby minimizing the use of virgin sands from their aggregate resource pit.

Why is Foundry Sand concerning? The contaminants of concern in foundry sand vary depending upon the processes that are used at the foundry. Potential contaminants of concern in foundry sand typically include heavy metals and phenols. The processes that can influence the characteristics of the foundry sand are the type of metal being poured (iron, steel, aluminum, brass/bronze), the type of casting process (sand casting, investment casting), the type of furnace (induction, electric arc, cupola) and the type of finishing process (grinding, blast, cleaning, coating). The foundry sand at the Bituminous Roadway Site came from two Minneapolis foundries (Smith and Prospect Foundries). These two foundries both pour iron, use sand casting, have electric induction furnaces, and perform finish grading. Published information was not researched regarding the expected characteristics of foundry sands from foundries such as these because direct measurements can be obtained through testing of the foundry sand at the Site.

Location of Foundry Sand on Site.

*A stockpile of approximately 30,000 cubic yards of foundry sand was imported from the Prospect Foundry and Smith Foundry. The Foundry sands are located in three known locations. Northwest Berm, Southeast Berm, West property line boundary edge stockpile.
See Exhibit #1*

Disposition of Foundry sand on-Site.

Several explanations have been provided as to the amount and location of the foundry sand on the BR property, the reports provided at the 2022 CUP renewal claim the sand is only in the southeast berm. Case number 22-37ZC; pages 5 & 6; lines 12 -14, indicates that the foundry sands have remained undisturbed and claim all conditions have been satisfied. The aerial and satellite images in Exhibit #2 will show a different conclusion. The west and largest stockpile had not been disturbed since 1998 until approximately 2020-2022. Between these years, aerial images appear to show major regrading and the relocation of this foundry sand. Sand and stormwater test results also show increasing contamination levels of DROs and phenols typically related to Foundry Sands. See Exhibit #3 for Test Results.

Bituminous Roadways' Response to Topic #1: As documented in the June 19th, 2007 planning report, Barr Engineering conducted a Site visit in May of that year and determined the northwest foundry sand berm was completely gone and vegetation had been established. This was, by far, the bulk of the foundry sand that had been placed on Site. The southeast foundry sand berm, which only contained approximately 24 cubic yards of foundry sand, has been left undisturbed and contained a vegetative cover since at least 1998. It was determined in 2007 that the condition regarding the removal of the foundry sand within the four year time period in the northwest berm had been satisfied. The foundry sand that was stated to be in the southeast berm is now considered to be in the eastern central area of the Site as the gravel pit has been expanded to the south with the purchase and permitting of the adjacent south property.

The aerial images show grading in the northwest area of the Site, because this area was being filled to final grade as shown on plan sheet C-1 of the 2017 permit renewal. Grading in this area was allowed after the 2007 permit renewal. The aerial images do not clearly show evidence of foundry sand stockpiles. There is a vegetated topsoil screening berm located along portions of the north property line. The removal of the 30,000 cubic yards of foundry sand is well documented.

The foundry sand that was on the Site had been thoroughly tested and analyzed by environmental and engineering companies (including Braun Intertec, Wenck and AET) for many years after it was brought to the Site originally in 1987. The results of the soil testing concluded that all of the concentrations measured were either non-detect or below the MPCA's Tier I Residential Soil Reference Values (SRVs) and Soil Leaching Values (SLVs) and that the material had not impacted surface waters or groundwater. Since the main 30,000 cubic yard foundry sand stockpile hasn't been present on the Site since at least 2007, it is not a valid concern that the material could impact the soil and/or groundwater quality at the Site or neighboring properties. BRI will continue to sample and monitor the groundwater as required in their current and future permits.

Topic #2: Well Water Testing

Well and pond water testing is a requirement of the Conditional Use Permit. A test schedule has been created and published, which is shown on Exhibit #4.

Of Major concern with the well water testing is the identity of the actual well being tested, for example, the map and surveys show locations for the Rainbow, Wicker, and Plan wells but don't include the unique well number identifier. See Exhibit #5 for the testing tables. The unique well ID number is important in that without it it's not clear what well is really being tested.

The Wicker Well is of major concern. The well-testing results show High levels of contamination of Arsenic, Sodium The source of these contaminants seems clear. What's not clear is why a new well was installed but not disclosed and why a testing plan adjustment was not made and remedial action was not initiated. This failure shows a clear lack of transparency.

The Water sample test data provided at the November 2nd planning meeting showed results where past well water test samples have consistently arrived with broken seals, missing samples, chain of custody broken, temperature, and hold times outside of expected values.

Bituminous Roadways' Response to Topic #2: The current/active wells at the on-site Rainbow building, the Wicker property and the Robert Plan property have been sampled and tested in accordance with the CUP. The original purpose of monitoring the downgradient residential wells was not as an early detection point, but rather to test the water quality of the drinking water supply itself. Todd Wicker and Robert Plan can verify the sampling has been done at their properties. Unique well numbers had not been used in identifying well samples in the past, but this step can be added to the sampling procedure. The sample collection is performed by a trained BRI employee. Each time a sample is collected the property owner is notified and the water sample is obtained directly from the exterior spigot on the house/building. Prior to collecting the sample the water is run out of the faucet for a period of approximately 5-10 minutes. The samples are then collected in the appropriate containers (provided by the testing lab which is usually Pace Analytical Services, LLC), capped (or sealed), and put in the cooler with ice. The cooler is directly delivered to the accepting lab where the chain of custody form is completed by BRI and the lab. The sample collection and the testing are done with the utmost care and attention to detail. Barr's Environmental Review provided their evaluation of the analytical results from sampling events from 2012-2022 and while some minor issues appear with the collecting and handling of the samples, it is noted that the analyses are generally acceptable and reliable. BRI is willing to follow the recommendations of Barr and the City regarding future and ongoing groundwater monitoring at the Site. Attached is a map of the area wells labeled with MN Unique well numbers and/or well sealing record numbers.

The current/active wells that are scheduled for future sampling and testing are the following:

Well Unique ID #	Well install date	Owner/common name	Address*	Approx. ground elev.(ft. above MSL)	Static Water level at time of well installation	Approximate groundwater elevation (ft. above MSL)
608018	03/17/1998	Bituminous Roadways/Rainbow	11201 RVB	890'	100'	790'
847817	04/07/2020	Wicker	11479 RVB	890'	100'	790'
207296	03/01/1958	R. Plan	11889 RVB	851'	60'	791'

*Rich Valley Boulevard (RVB)

BRI's closest neighbor Todd Wicker had a new well installed (ID #847817) on his property at 11479 Rich Valley Boulevard in April of 2020 and the old well was sealed (ID #435227, sealing ID #H347863). Wicker's replacement well was constructed about 60 feet deeper than the old well, but this doesn't change the purpose of testing the well. Wicker's replacement well will continue to be sampled and tested in accordance with the permit conditions to quantify the quality of their domestic drinking water supply.

Topic #3: Requirements as Listed in the Conditional Use Permit Documents

Planning Report - Case No. 22-37ZC Page 7

25. Monitoring of the east and west storm water ponds, both wash water ponds, and three wells shall be conducted every other year and shall be tested for the same elements as listed in condition #24 per the proposed testing schedule identified on the Water Testing Map. Disclosure and accurate descriptions of all well and test protocols.

Examples would be:

- *Rainbow Well*

There are actually several wells called the Rainbow well in the MDH well registry

Well # H118525; Sealed in 1998

Well# H153094; Sealed in 1998

- *Plan Well*

There are actually several wells called the Plan well in the MDH well registry

Well # 426388; Sealed in 2018 Larry Plan

Well# H307162; Sealed in 2013 Robert Plan

- *Wicker Well*

There are actually several wells called the Wicker well in the MDH well registry

Well # 847817; Drilled 4-7-2020

Well# 435227; Sealed in 4-15-2020

Bituminous Roadways' Response to Topic #3: BRI has complied with all well and surface water testing conditions as required in the CUP. BRI has submitted well test results to the City as required in the CUP on an annual basis. Some clarification of the well testing and active vs. sealed wells that are shown on either the MN Well Index and/or Dakota County GIS site is provided below.

Rainbow well

- Well No. H118525 (sealed on 5/29/1998) was the original well at the Rainbow building that was being replaced (originally installed in 1985). A new well was attempted to be installed and it appeared the install failed, i.e. well No. H153094 sealed on 3/6/1998 on the same day installation was attempted (based on data that appears on the Dakota County GIS website).
- Well No. 608018 is the active "Rainbow" well installed in March of 1998. This is the well that has been consistently sampled and tested as part of the BRI groundwater monitoring program.

Plan well

- Well No. 207296 is the Robert Plan well located at 11889 Rich Valley Blvd. This is the well that has been consistently sampled and tested for groundwater monitoring.
- Well No. 426388 (sealing record #H362539) is the Larry Plan well located at 11815 Rich Valley Blvd. and was sealed in 2018.
- Well No. H307162 is a sealed well located at 11771 Rich Valley Blvd. The property is currently owned by Flint Hills Resources and previously owned by M. Morzinski. This well was never part of BRI's testing procedure.

Wicker well

- Well No. 435227 is the Wicker well located at 11479 Rich Valley Blvd. The Wicker's had a new well installed (well No. 847817) in April of 2020 and the old well was sealed. Testing of the groundwater supply at the Wicker property is currently part of BRI's groundwater monitoring program.

Topic #4: Source of Well Water Pollutants

The source of the well water pollution appears to be directly related to the mining, and product storage on site. Arsenic is a naturally occurring metal found in the soil. Undisturbed it is stable, but exposure to oxygen and water can cause Redox Conditions. Arsenic can be released to (or removed from) the groundwater as a result of redox reactions. See https://pubs.usgs.gov/sir/2007/5036/pdf/sir20075036_web.pdf for the full report. The high levels of sodium in the test results at the Wicker site appear to be coming from the Salt storage facility north and

west of the Wicker well site. Report Exhibit #3 dated 6-18-2019 shows Sodium at 169000 ug/L the reportable limit is 2000 ug/L. This amount is 84 times the reportable limit. The well was sealed but no known remediation of the issue was disclosed. The lack of transparency on this only raises more questions about what is and isn't being shared with the Planning Commission and city staff

Bituminous Roadways' Response to Topic #4: The groundwater monitoring test results of the water supply wells tested to date show no evidence of concentrations exceeding the EPA's Maximum Contaminant Levels (MCL) or the MDH's Health Risk Limits (HRL), nor do the results show an increasing trend in concentrations over time as noted in Barr's Environmental Review. These results have been submitted to the City annually as required in the CUP.

Sodium chloride in groundwater generally comes from salts used for de-icing, water softeners and fertilizers, and is a naturally occurring element in the soil. There is no Federal or State established drinking water quality standard for sodium chloride. The US EPA has established a secondary maximum contaminate level (SMCL) guideline for chloride of 250 mg/l (250,000 ug/l) for aesthetic considerations. The concentration of sodium at the Wicker well from the sample collected on 6-18-2019 was at 169,000 ug/l. This is equivalent to 169 mg/l which is below the SMCL guideline set by the US EPA.

Furthermore, BRI has not been in the snowplowing business since 2014 and has not stored salt in the red building or anywhere else on the Site since that time. In addition, salt was stored inside to keep it from being exposed to moisture/weather and this would prevent the salt from collecting in runoff and infiltrating into the groundwater.

Arsenic is naturally occurring in rocks and soil across Minnesota and can dissolve in groundwater. There have been no arsenic levels above detection limits in the analyzed samples to date. While the detection limits the lab has used for some of analysis were above the EPA's MCL of 10 ug/l, the detection limits used in the analysis since 2018 have been lower than the EPA's MCL and the results of the arsenic levels are either non-detect or below the EPA's MCL in all of the water and groundwater samples collected since 2018. BRI will ensure that all future testing will be analyzed based on current EPA and MDH water quality standards and regulations.

Topic #5: Allowable Depth of Mine

Excerpt from CUP Report: Bituminous Roadways is currently permitted to mine to an elevation of 840 feet above sea level. This is a mining depth of 60-90 feet based on the site, based on ground elevation. The applicant is proposing to mine to a depth of 800 feet which would allow Bituminous Roadways to increase the maximum mining depth by 40 feet and extract up to an additional 3.4 million cubic yards of sand and gravel material. However, two of the wells on the property are 825 feet above sea level. See Exhibit #7 for an elevation view. The increase in the mining depth is estimated to add approximately 10 years to the life of the mine. The expected duration of mining is 30 years in total. Actual life will depend upon market demand.

Bituminous Roadways' response to Topic #5: Well #243 (well No. H315697) was the test bore-hole that is now sealed, well #242 (well No. 780331) is the active high capacity well at the Site that is used for the wash plant and draws water from the Tunnel City/Wonewoc Aquifer. The ground elevation shown on the well logs for the high capacity well and sealed bore-hole are incorrect. The ground elevation at this well is shown on the plan sheet C-1, Existing Conditions, from a field survey at elevation 851.13 feet MSL. The topography on sheet C-1 is from a drone-aerial survey completed in December 2022. The aerial topography shows the ground elevation near the wash plant and high capacity well around 851 feet MSL. The aerial topography shows that the wash ponds that are adjacent to the well are between elevations 842 and 848 feet MSL, nowhere near elevation 825 feet MSL. Another source of Site topography is available on the Dakota County GIS website which shows the ground elevation around 850 feet MSL near the wash plant and high capacity well on the Site. Exhibit #7 prepared by Commissioner Heidenreich does not accurately show the ground elevation at active high capacity well and the sealed bore-hole, nor does it show the correct groundwater flow pattern. Groundwater flows generally from west to east across the Site and does not flow from the high capacity well on the BRI Site to the south towards the Larry Plan well (sealed well No. 362539) or the Robert Plan well (well No. 207296).

Topic #6: Concerns with Increasing the Mining Depth

Based on previous reports from Barr Engineering, MDH well records, and regional static water levels, the known upper surface level of the Prairie du Chien-Jordan aquifer is indicated by the average static water level at the time each well was installed. The average static water level based on seasonal fluctuations is between 825'-845' ASL.

Map ID #72 618538 Elevation: 1005 Static: 840'

Map ID #73 658996 Elevation: 1004 Static: 804'

Map ID #86 561788 Elevation: 1021 Static: 821'

Map ID #241 Wicker Well Elevation: 889' Static: 789'

Important note: The actual elevation based on the wicker property survey and Well Data is the original surface of the land before mining was 889' ASL since at least 2013 MDH well records show the depth of the mine is already past the 840' permitted depth. Unique well numbers and Map ID Numbers 780331 #242 and 272766 #243 show the depth at 825' 15' below the allowable 840. This is not a typo, as suggested in previous conversations; the scanned handwritten well records recorded at the MDH by different licensed drillers confirm the true value.

Bituminous Roadways response to Topic #6: The first 3 wells (well Nos. 618538, 658996, and 561788) are all finished in the Prairie Du Chien-Jordan Aquifer. These three wells are located approximate $\frac{3}{4}$ of a mile to the west of the Site. It is well known that the water table flows from west to east, therefore the water table west of the Site will be higher than it is at the Site. The water table elevation at the Site is provided in the cross-section Figure 9 from Barr's Environmental Review. This figure shows the water table to be 8-15 feet below elevation 800 feet MSL.

Well ID #243 (well No. 272766) was the test bore-hole that was drilled to investigate the stratigraphy prior to installation of the actual high capacity well and the bore-hole is now

sealed. Well ID #242 (well No. 780331) is the active high capacity well at the Site that is used at the wash plant. The ground elevation shown on the well logs are incorrect. The ground elevation at this well is shown on the plan sheet C-1 at elevation 851.13 feet MSL which was located during construction staking by a Minnesota licensed land surveyor. Not many well installations have the locations and elevations of the installed wells surveyed and GPS or quad map elevations are not very accurate. Unfortunately mistakes do happen and some of the well logs available on the MDH well index and the Dakota County GIS website are incorrectly located and/or reported. There was an error with the ground elevation on the original well application and this error has carried through to the hand-written well log and available documentation on the MDH and Dakota County well inventory sites. The ground elevation of 851.13 feet MSL at the high capacity well number 780331, has been confirmed in the past by Minnesota licensed land surveyors, Sunde Land Surveying, LLC. This can be re-surveyed to be re-validated on-site, if necessary.

Topic #7: Why Mining Depth Matters

As previously discussed, aquifers and local wells are protected by the separation of sand and gravel acting as a filter medium, the mining operation is removing this media and the effect of washing gravel, DRO contamination, and REDOX is concentrating the arsenic and other pollutants in the remaining soil to easily mix with the aquifer, Images taken on October 1st, 2022 show what appears to be the surface of the Prairie du Chien-Jordan aquifer, the meteorological conditions prior to the date indicated we were in severe drought conditions. You can see the water on the surface of the sand.

Bituminous Roadways' response to Topic #7: The image taken on October 1st, 2022 does not show the surface of the Prairie du Chien-Jordan aquifer. This is just damp sand. There is moisture naturally retained in the deep sand and when disturbed the sand appears damp even in dry conditions. It has been confirmed in Barr's Environmental Review that the water table is approximately 50-65 feet below the mine floor.

Barr's Environmental Review has also concluded that increasing the allowed mining depth to 800 feet MSL will not adversely affect the rate or direction of groundwater flow. The groundwater flows from east to west and per Barr's Environmental Review the only groundwater user downgradient of the BRI Site is the Wicker well (well No. 847817). Since this well is screened 140 feet below the water table it is highly unlikely that any potential groundwater impacts at the BRI site would reach the water supply at the new Wicker well. Barr has recommended some additional permit conditions to further protect the groundwater below the Site. BRI is willing to work with the City in providing measures to ensure that the Site is operated and managed to protect the groundwater and environment to the maximum extent practicable.

Topic #8: Unsealed Wells on the Bituminous Property and Nearby Lands

*Under State law, the discovery of an unsealed well must be reported to the MDH
103I.301 WELL SEALING REQUIREMENTS.*

Subdivision 1. Wells and borings. (a) A property owner must have a well or boring sealed if:

- (1) The well or boring is contaminated or may contribute to the spread of contamination;*
 - (2) The well or boring was attempted to be sealed but was not sealed according to the provisions of this chapter;*
or
 - (3) The well or boring is located, constructed, or maintained in a manner that its continued use or existence endangers groundwater quality or is a safety or health hazard.*
- (b) A well or boring that is not in use must be sealed unless the property owner has a maintenance permit for the well.*
- (c) The property owner must have a well or boring sealed by a licensed person authorized to seal the well or boring, consistent with provisions of this chapter.*

Topic #9: Why Sealing a Well Matters

An Unsealed well or one that has been damaged can allow toxins to easily and directly enter the groundwater supply.

In this case, several unsealed wells were identified on October 31st, 2022 these wells were easily visible to anyone yet no report was made nor was there an attempt to seal them, they appear to have been damaged several times by heavy equipment and sections of casings were removed over time, See Exhibit #7; Images 2 & 3 and Exhibit #2 aerial images.

The failure to notify and correct this violation contributes to the concerns, regarding the lack of transparency to the Regulating Government Authorities (RGA) and the citizens of Dakota County and the City of IGH.

Bituminous Roadways' Response to Topics #8 and #9: There was one unsealed well discovered in the fall of 2022 located in the south-east area of the mine Site. This well was part of the homestead on the south expansion property. This well was exposed along with a sealed well (well No. H163359, sealed in 2000) while mining the area in the fall of 2022. This discovery has since been reported to MDH and has been sealed in accordance with State well sealing ordinances by licensed well driller, Terry Maher Well Drilling, Inc. on November 26th, 2022 (well sealing record No. H347873).

Topic #10: Observations and Recommendations

It is my strong recommendation that this CUP be denied to Bituminous Roadways at this time. The property owners have allowed frequent and continued violations of the current CUP, they have endangered the Prairie du Chien-Jordan aquifer and likely other nearby aquifers. Wells in the area have become unusable, the depth of the mine has long exceeded the allowable limits. While I think we can all agree that the community needs a source for gravel to create, replace and improve our roads, we need to ask ourselves: "At what cost?"

Two other questions we should ask:

- Is there a higher and better use for this property?*
- Can the gravel be sourced from another location at a similar cost?*

The answer to both these questions is YES!! In its current location, the Bituminous Roadway property is preventing the City and County from making the needed arterial connection and realignment of the Cliff Road to

117th St. artillery connection and the realignment of the Akron ave "Plan D" connection. The high growth rate in Rosemount, Empire, and Eagan requires that some action be taken soon. The community cannot wait 30-plus years of continued environmental destruction.

The current method of checks and balances for monitoring this site isn't working, I would also suggest that oversight be given to the City Environmental commission for annual review. Notices of strong action should be filed with the MDH, MNPCA, US EPA, and Dakota County Environmental commission.

Bituminous Roadways' Response to Topic #10: There are no records of any violations filed with the City, County or State. The Site has been actively mined since 1963 and the asphalt production facility has been permitted since 1980. BRI has always complied with all permit regulations associated with the mine Site, the asphalt plant, and associated mining activities. BRI operates in good standing with all active permit authorities including the MPCA, the MNDNR, Dakota County and the City. Any issues that may have come up have been responded to and resolved as quickly as possible.

BRI has complied with the CUP conditions in testing downgradient and neighboring wells. The test results have shown no exceedances of primary drinking water standards in concentrations of analytes tested.

BRI's site is located in a highly commercial and industrial area. All but a few of the neighboring residential properties are located to the west of the Site with the closest neighbor over 500 feet away from the mining limits and most at least ¼ mile away. The west side of the Site is well buffered by distance and with heavy tree coverage. This Site utilized as a sand and gravel mine is indeed a necessary and valuable use of the property.

The Importance of High Quality Aggregate Resources: The availability of high quality aggregate resources within the seven-county metropolitan area is rapidly diminishing. Development pressure removes the potential to access aggregate resources through land development and zoning decisions. This only serves to increase the demand for construction aggregates. The Metropolitan Council and the Minnesota Geological Survey have recognized the value of identifying and preserving those remaining aggregate resources. On a local scale, when potential aggregate resources are not permitted for extraction and utilization of the resource, the aggregates must be shipped from further distances creating a burden on public infrastructure, increased greenhouse gas emissions, and increased costs due to the high environmental and economic cost of importing aggregates from more distant locations. The cost of all projects requiring aggregates increases with the increased distance from the source. Larger projects such as airport runways, road construction, schools, local streets, community centers, and medical facilities are impacted the most.

The state, as well as local governments including counties, cities, and townships, depend on a continual supply of aggregate materials for road building and other community infrastructure. It is estimated that 10 tons of aggregate are consumed per person per year.

Aggregates are used in growing communities in a number of applications including concrete and asphalt mixes, foundations for highways and structures, railroad ballast, road shoulder stabilization, gravel roads, driveways, riprap/erosion control, shoreland stabilization, snow and ice control, drainfields, golf course sand, infield mix, recreational trails, landscape rock, engineered backfill, retaining wall blocks and beaches.

It is a challenge to find good aggregate sources. Sand and gravel deposits have to be clean enough - lacking significant amounts of clay and fine material associated with the majority of glacial till deposits and not have significant amounts of deleterious materials that impact quality. The Bituminous Roadways Mine is mapped by the Minnesota Geological Survey on Plate 9 of 9 of the Dakota County Geologic Atlas¹ as being a Primary Sand and Gravel Resource. To qualify as a primary sand and gravel resource, the deposit must be located in an area where the deposit is more than 35% gravel, thicker than 20 feet, and less than 10 feet of overburden. Geological processes are responsible for the distribution of sand and gravel deposits and the quality of the deposit. Primary sand and gravel deposits that are economically viable are where they are. Humans can't control that. It is important to identify where these resources are, so that land use decisions can be made that recognize the value of this rapidly diminishing resource and ensure that it can be utilized before urbanization occurs. The 2000 Aggregate Resources Inventory of the Seven County Metropolitan Area, prepared by the Minnesota Geological Survey and the Metropolitan Council² estimated that available deposits would be depleted in the seven-county metropolitan area by 2030 if efforts were not made to identify and protect deposits for extraction prior to urbanization. It is, therefore, sound land use planning to allow the extraction of this available high quality resource under the on-going authority of the Conditional Use Permit and interim sand and gravel zoning overlay ordinance.

¹ Balaban, N.H.; Hobbs, H.C. (1990). C-06 Geologic atlas of Dakota County, Minnesota. Minnesota Geological Survey. Retrieved from the University of Minnesota Digital Conservancy, <https://hdl.handle.net/11299/58494>.

² Southwick, D.L., Jouseau, M., Meyer, G.N., Mossler, J.H., and Wahl, T.E., 2000, Aggregate resources inventory of the seven-county metropolitan area, Minnesota: Minnesota Geological Survey Information Circular 46.

Sunde Engineering, PLLC.
10830 Nesbitt Avenue South
Bloomington, MN 55437-3100
Phone: (952) 881-3344
Fax: (952) 881-1913



MEMORANDUM

To:	Allan Hunting, City Planner City of Inver Grove Heights	Date: 12/21/2022
From:	Michaelea Whelan, Sunde Engineering Kent Peterson, Bituminous Roadways, Inc.	Responses by Sunde/BRI in blue
Subject:	Bituminous Roadways 2022 CUP Application Response to Planning Commission Comments	
CC:		

Response to Questions submitted by Planning Commissioner Robert Heidenreich via. email on 11/22/2022:

The recently discovered "old farmstead" well in the SE area of the mine has now been sealed. Attached is the well sealing record #347873. Both "old farmstead" wells on the site have now been sealed.

Some of the details conflict with previously reported data, and publicly documented known information.

Bituminous Roadways response: We are unaware of the conflicting information. What information, specifically, is conflicting?

1) I understand now how I thought the Plan well was Unique number 426388 vs 207290 there are two wells on file described as "PLAN"

Bituminous Roadways response: There are two "PLAN" wells, but on the water testing map, the well labeled "C-PLAN WELL" is the Robert Plan well, ID 207296, that is tested.

2) I still have some confusion as to the well listed as Wicker #241 #435227 as it relates to the test data and schedule provided. Wicker well #847817 seems one was sealed and a new one drilled in April of 2020 If that's the case then the reported data is flawed.

Bituminous Roadways response: Todd Wicker installed a new well (ID 847817) in April of 2020 and sealed the old well (ID 435227). The groundwater samples from the Wicker property were taken from the active well on the property at the time the sample was retrieved. The new well at the Wicker property is constructed approximately 60 feet deeper than the previous well with both, the sealed and active, wells being finished in the sand and gravel aquifer. The results of the well water samples from the active well that was tested represent the groundwater quality in the sand and gravel aquifer that is downstream from the BRI mine site. The results are not flawed. The well log for well ID 847817 and the well sealing record for well ID 435227 are attached.

3) It would be very helpful to have the actual well numbers that are being tested on those dates rather than just the names of the property owners as using names alone can be confusing.

Bituminous Roadways response: The Unique well ID numbers will be added to future well water tests and the testing report.

Well number clarification?

1) *Wicker #435227 #241 and Wicker well #847817 This data seems to indicate that the wells being tested today are not the same wells that were tested in the past.*

Bituminous Roadways response: Figure 10 of the 2020 EAW documents was prepared in early 2020. The Wicker well ID 435227 was sealed in April 2020 and Wicker well ID 847817 was constructed in April 2020. The well logs had not been updated at the time that Figure 10 was prepared and well #241 (well ID 435227) was the known active well at the time. Groundwater samples are retrieved from the active well at the Wicker property. Samples from the active well at the Wicker property represent the groundwater quality in the sand and gravel Aquifer.

2) *780331 #242, 227766 #243 These wells show an elevation on multiple documents as having an elevation of 825' ASL installed in 2013 the current mining limit is only allowed to be 840' ASL when I drove onto property on November 1st 2022 my GPS also showed that the mine was well below the allowed mining limits and very close to the documented static water levels of the surrounding residential wells.*

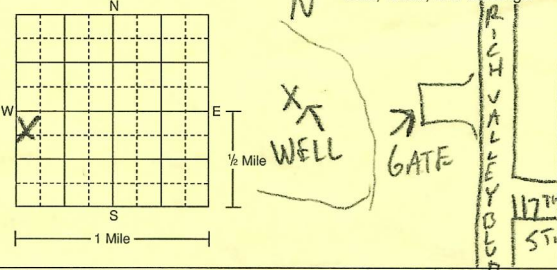
Bituminous Roadways response: #243 well ID 272766 was the test bore-hole that is now sealed, #242 well ID 780331 is the active high capacity well at the site that is used at the wash plant. The ground elevation shown on the well logs are incorrect. The ground elevation at this well is shown on the plan sheet C-1 from a field survey at elevation 851.13 feet above msl.



A small area in the southeast portion of the mine was excavated slightly below the mining limits to take samples of the material below the current mining limits for this permit application. Groundwater was not encountered. This area has been backfilled and brought back up to the allowed mining elevation. The approximate static water level of the new Wicker well (ID 847817) is ~790 feet above msl, approximately 50 feet below the mine floor elevation. The GPS elevation tools on phones are not very accurate and can vary by 20 feet, more or less.

3) *The well(s) described as Rainbow all show as sealed without the specific well numbers that are being tested there is not a valid way to verify which well is being tested and if it changes over time similar to Wicker well data.*

Bituminous Roadways response: The rainbow well that is tested is well ID# 608018. This well has been active since 1998 and is the only "Rainbow" well that has been tested to date. The MN well index does show one Bituminous Roadways well that has been sealed, ID #174673. This well was not part of the groundwater monitoring.

WELL OR BORING LOCATION					MINNESOTA DEPARTMENT OF HEALTH WELL AND BORING SEALING RECORD Minnesota Statutes, Chapter 103I		Minnesota Well and Boring Sealing No. Minnesota Unique Well No. or W-series No. (Leave blank if not known)		H 347873	
County Name DAKOTA		Township Name I.G.H.	Township No. 27	Range No. 22	Section No. 33	Fraction (sm. → lg.) N 1/4 N 1/4 W 1/4 W 1/4	Date Sealed 11-26-2022	Date Well or Boring Constructed UNKNOWN		
GPS LOCATION – decimal degrees (to four decimal places) Latitude _____ Longitude _____						Depth at Time of Sealing 272 ft.	Original Depth N/A ft.			
Numerical Street Address or Fire Number and City of Well or Boring Location 11201 RICH VALLEY BLVD I.G.H.						AQUIFER(S) ☒ Single Aquifer ☐ Multiaquifer		STATIC WATER LEVEL ☒ Measured Date Measured 11-23-2022 ☐ Estimated		
Show exact location of well or boring in section grid with "X." 						☒ Water-Supply Well ☐ Monit. Well ☐ Env. Bore Hole ☐ Other _____		33 ft. ☒ below ☐ above land surface		
Casing Type(S) ☒ Steel ☐ Plastic ☐ Tile ☐ Other _____						WELLHEAD COMPLETION Outside: ☐ Pitless Adapter/Unit ☐ At Grade ☐ Well Pit ☐ Buried ☒ Other 6" CUT-OFF CASING Inside: ☐ Basement Offset ☐ Well House ☐ Well Pit ☐ Buried ☐ Other _____				
PROPERTY OWNER'S NAME/COMPANY NAME BITUMINOUS ROADWAYS INC. Property owner's mailing address if different than well location address indicated above 1520 COMMERCIAL DR. MENDOTA HEIGHTS MN						CASING(S) Diameter 6 in. from 0 to 230 ft. Set in oversize hole? ☐ Yes ☐ No Annular space initially grouted? ☐ Yes ☐ No ☐ Unknown _____ in. from _____ to _____ ft. ☐ Yes ☐ No ☐ Yes ☐ No ☐ Unknown _____ in. from _____ to _____ ft. ☐ Yes ☐ No ☐ Yes ☐ No ☐ Unknown				
WELL OWNER'S NAME/COMPANY NAME Well owner's mailing address if different than property owner's address indicated above						SCREEN/OPEN HOLE Screen from _____ to _____ ft. Open Hole from 230 to 272 ft.				
OBSTRUCTIONS ☒ Rods/Drop Pipe ☐ Check Valve(s) ☐ Debris ☐ Fill ☐ No Obstruction Type of Obstructions (Describe) 105' OF 1" DROP PIPE, WIRE & PUMP Obstructions removed? ☒ Yes ☐ No Describe FISHED OUT WITH OVERSHOT						PUMP ☐ Not Present ☒ Present, Removed Prior to Sealing ☐ Other _____ Type 1 H.P. SUBMERSIBLE				
GEOLOGICAL MATERIAL If not known, indicate estimated formation log from nearby well or boring. DRIFT BROWN SOFT 0 230 LIMEROCK YELLOW HARD 230 272						METHOD USED TO SEAL ANNULAR SPACE BETWEEN 2 CASINGS, OR CASING AND BORE HOLE ☒ No Annular Space Exists ☐ Annular Space Grouted with Tremie Pipe ☐ Casing Perforation/Removal Casing Diameter _____ in. from _____ to _____ ft. ☐ Perforated ☐ Removed _____ in. from _____ to _____ ft. ☐ Perforated ☐ Removed Type of Perforator _____				
VARIANCE Was a variance granted from the MDH for this well? ☐ Yes ☒ No TN# _____						GROUTING MATERIAL(S) (One bag of cement = 94 lbs., one bag of bentonite = 50 lbs.) Grouting Material NEAT CEMENT from 272 to 0 ft. _____ yards 78 bags _____ from _____ to _____ ft. _____ yards _____ bags _____ from _____ to _____ ft. _____ yards _____ bags				
OTHER WELLS AND BORINGS Other unsealed and unused well or boring on property? ☐ Yes ☒ No How many? _____						LICENSED OR REGISTERED CONTRACTOR CERTIFICATION This well or boring was sealed in accordance with Minnesota Rules, Chapter 4725. The information contained in this report is true to the best of my knowledge. TERRY MAHER WELL DRILLING INC. 1908 Licensee Business Name License or Registration No. ML n L 4564 11-28-2022 Certified Representative Signature Certified Rep. No. Date MIKE BANASTZEWSKI / PAT MAHER Name of Person Sealing Well or Boring				
REMARKS, SOURCE OF DATA, DIFFICULTIES IN SEALING						IMPORTANT-FILE WITH PROPERTY PAPERS-WELL OWNER COPY H 347873				

MINNESOTA DEPARTMENT OF HEALTH WELL AND BORING SEALING RECORD Minnesota Statutes, Chapter 103I					Minnesota Well and Boring Sealing No. Minnesota Unique Well No. or W-series No. (Leave blank if not known)		H 347863 435227
WELL OR BORING LOCATION County Name DAKOTA							
Township Name	Township No.	Range No.	Section No.	Fraction (sm. → lg.)	Date Sealed	Date Well or Boring Constructed	
I.C.H.	27	22	32	E 1/4 E 1/4 N 1/4	4-11-2020	7-5-1987	
GPS LOCATION – decimal degrees (to four decimal places) Latitude _____ Longitude _____					Depth at Time of Sealing 183 ft. Original Depth 183 ft.		
Numerical Street Address or Fire Number and City of Well or Boring Location 11479 RICH VALLEY BLVD I.C.H.					STATIC WATER LEVEL ☒ Measured Date Measured 4-11-2020 ☐ Estimated 92 ft. ☐ below ☒ above land surface		
Show exact location of well or boring in section grid with "X." 					CASING TYPE(S) ☒ Steel ☐ Plastic ☐ Tile ☐ Other _____		
PROPERTY OWNER'S NAME/COMPANY NAME TODD K WICKER Property owner's mailing address if different than well location address indicated above 11479 RICH VALLEY BLVD I.C.H. MN 55077-5509					CASING(S) Diameter 4 in. from 0 to 177 ft. Set in oversized hole? ☒ Yes ☐ No Annular space initially grouted? ☒ Yes ☐ No ☐ Unknown _____ in. from _____ to _____ ft. ☐ Yes ☐ No ☐ Yes ☐ No ☐ Unknown _____ in. from _____ to _____ ft. ☐ Yes ☐ No ☐ Yes ☐ No ☐ Unknown		
WELL OWNER'S NAME/COMPANY NAME Well owner's mailing address if different than property owner's address indicated above					SCREEN/OPEN HOLE Screen from 177 to 183 ft. Open Hole from _____ to _____ ft.		
GEOLOGICAL MATERIAL COLOR HARDNESS OR FORMATION FROM TO					OBSTRUCTIONS ☐ Rods/Drop Pipe ☐ Check Valve(s) ☐ Debris ☐ Fill ☒ No Obstruction Type of Obstructions (Describe) _____		
If not known, indicate estimated formation log from nearby well or boring. GRAVEL BROWN MED 0 183					Obstructions removed? ☐ Yes ☐ No Describe _____		
PUMP ☐ Not Present ☒ Present, Removed Prior to Sealing ☐ Other _____ Type SUBMERSIBLE					METHOD USED TO SEAL ANNULAR SPACE BETWEEN 2 CASINGS, OR CASING AND BORE HOLE ☒ No Annular Space Exists ☐ Annular Space Grouted with Tremie Pipe ☐ Casing Perforation/Removal Casing Diameter _____ in. from _____ to _____ ft. ☐ Perforated ☐ Removed _____ in. from _____ to _____ ft. ☐ Perforated ☐ Removed Type of Perforator _____		
VARIANCE Was a variance granted from the MDH for this well? ☐ Yes ☒ No TN# _____					GROUTING MATERIAL(S) (One bag of cement = 94 lbs., one bag of bentonite = 50 lbs.) Grouting Material NEAT CEMENT from 0 to 183 ft. 16 bags _____ from _____ to _____ ft. _____ bags _____ from _____ to _____ ft. _____ bags		
REMARKS, SOURCE OF DATA, DIFFICULTIES 					OTHER WELLS AND BORINGS Other unsealed and unused well or boring on property? ☐ Yes ☒ No How many? _____		
MINN. DEPT OF HEALTH COPY H 347863					LICENSED OR REGISTERED CONTRACTOR CERTIFICATION This well or boring was sealed in accordance with Minnesota Rules, Chapter 4725. The information contained in this report is true to the best of my knowledge. TERRY MAHER WELL DRILLING INC. 1908 Licensee Business Name License or Registration No. X Terry Maher 304 Certified Representative Signature Certified Rep. No. Date MIKE BANASZEWSKI 5-16-2020 Name of Person Sealing Well or Boring		

WELL OR BORING LOCATION

County Name

Dakota

Township Name

Inver Grove Heights

Township No.

27

Range No.

22

Section No.

32

Fraction (sm. N lg.)

S 5 E 1/4 E 1/4 E 1/4

GPS LOCATION (decimal degrees (to four decimal places))

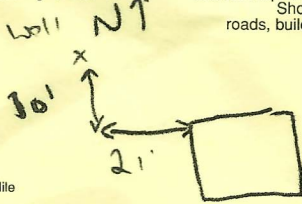
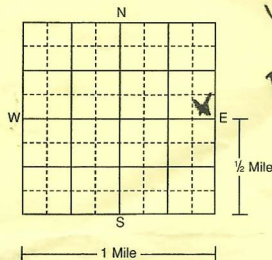
Latitude 44.7835 Longitude 91.0657

House Number, Street Name, City, and ZIP Code of Well Location

11479 Rich Valley Blvd IGH 55077

Show exact location of well/boring in section grid with "X."

Sketch map of well/boring location. Showing property lines, roads, buildings, and direction.



PROPERTY OWNER'S NAME/COMPANY NAME

Todd Wicker

Property owner's mailing address if different than well location address indicated above.

WELL OWNER'S NAME/COMPANY NAME

Well/boring owner's mailing address if different than property owner's address indicated above.

GEOLOGICAL MATERIALS	COLOR	HARDNESS OF MATERIAL	FROM	TO
Clay	Brown	S	0	5
Sand w/ clay	Brown	S	5	95
Fine Sand	Brown	S	95	240
Coarse Sand	Brown	m	240	245

Use a second sheet, if needed.

REMARKS, ELEVATION, SOURCE OF DATA, etc.

Terry Maher Well Drilling will seal the old well

MINNESOTA DEPARTMENT OF HEALTH
WELL AND BORING CONSTRUCTION RECORD

Minnesota Statutes, chapter 103I

MINNESOTA UNIQUE WELL
AND BORING NO.

847817

WELL/BORING DEPTH (completed)

245

DATE WORK COMPLETED

4/7/2020

DRILLING METHOD

- ☐ Cable Tool
☐ Auger
☐ Other

- ☐ Driven
☒ Rotary

- ☐ Dual Rotary
☐ Rotasonic

DRILLING FLUID

Water

WELL HYDROFRACTURED? ☐ Yes ☒ No

From _____ ft. To _____ ft.

USE

- ☒ Domestic
☐ Noncommunity PWS
☐ Community PWS
☐ Elevator

- ☐ Monitoring
☐ Irrigation
☐ Dewatering

- ☐ Heating/Cooling
☐ Industry/Commercial
☐ Remedial

CASING MATERIAL

- ☒ Steel
☐ Plastic

Drive Shoe? ☒ Yes ☐ No
☐ Threaded ☒ Welded

HOLE DIAM.

CASING Diameter

4

Weight

11

Specifications

in. To 240

ft.

lbs./ft.

6 1/2

in. To 195

ft.

SCREEN

Make

Johnson

Type

Stainless Steel

OPEN HOLE

From

ft.

To

ft.

Slot

10

Diam.

3 inch

Set between

240

ft. and

245

ft.

Length

5 ft

STATIC WATER LEVEL

100

ft.

Below

Above

land surface

Date measured

4-7-20

Dry hole

☐ Yes ☒ No

PUMPING LEVEL (below land surface)

ft. after

hrs. pumping

g.p.m.

WELLHEAD COMPLETION

☒ Pitless/adaptor manufacturer

Messer

Model

☐ Casing protection☐ 12 in. above grade☐ At-grade ☐ Well House ☐ Hand Pump

GROUT INFORMATION (specify bentonite, cement-sand, neat-cement, concrete, cuttings, or other)

Material

Bentonite

From

0

To

195

ft.

6

Yds.

Bags

Material

From

To

ft.

Yds.

Bags

Material

From

To

ft.

Yds.

Bags

Driven casing seal

From

To

Bags

One bag = 94 lbs. cement or 50 lbs. bentonite

NEAREST KNOWN SOURCE OF CONTAMINATION

Well is

S1

feet

NW

direction from

Rwerline

type

Well disinfected upon completion?

☒ Yes ☐ No

PUMP

☒ Not installed

Date installed

Manufacturer's name

Model Number

HP

Volts

Length of drop pipe

ft.

Capacity

g.p.m.

Type: ☐ Submersible ☐ L.S. Turbine ☐ Reciprocating ☐ Jet ☐

ABANDONED WELLS

Does property have any not in use and not sealed well(s)?

☐ Yes ☒ No

VARIANCE

Was a variance granted from the MDH for this well?

☐ Yes ☒ No

TN#

WELL CONTRACTOR CERTIFICATION

This well was drilled under my supervision and in accordance with Minnesota Rules, chapter 4725. The information contained in this report is true to the best of my knowledge.

Hartmann Well Drilling

1622

Licensee Business Name

Lic. or Reg. No.

1099

4/14/2020

Certified Representative Signature

Certified Rep. No.

Date

Name of Driller

Pet Schatz

FILE WITH PROPERTY PAPERS WELL OWNER COPY

847817

HE-0

Sunde Engineering, PLLC.
10830 Nesbitt Avenue South
Bloomington, MN 55437-3100
Phone: (952) 881-3344
Fax: (952) 881-1913



MEMORANDUM

To:	Allan Hunting, City Planner City of Inver Grove Heights	Date: 11/18/2022
From:	Michaelea Whelan, Sunde Engineering Kent Peterson, Bituminous Roadways, Inc.	Responses by Sunde/BRI in blue Responses to be addressed by Barr/City in red
Subject:	Bituminous Roadways 2022 CUP Application Response to Planning Commission Comments	
CC:		

This memorandum is to provide the applicant response to Commissioners questions and comments from the November 1, 2022 Planning Commission meeting and from emails of various dates sent to City staff by Commissioner Heidenreich. Plan sheet C-1, Existing Conditions, has been updated to clarify some site-related questions and is attached.

Response to Question from 11/01/22 Planning Commission Meeting from Planning Commissioner Challeen:

- 1) *Commissioner Challeen's questions during the 11/01/2022 Planning Commission Meeting regarding definitions of terms*
 - a. *Definition of Clean soils:*
Bituminous Roadways response: Backfill material is described in section IV.2 of the permit application materials. Clean soils is described as "only non-organic compactable soil material that is free of contamination, recycled or salvaged aggregate, asphaltic pavement, crushed concrete, scraps of shingles, debris, rubbish, frozen soil, boulders over 1-inch in diameter, logs, wood chips or other objectionable material." "BRI will maintain a manifest from each off-site soil source indicating where soils are imported from. The manifest will include a statement that no contaminants are suspected to be in the soil material, information regarding location of where the soils are placed on Site, and an approximate volume of material imported. Manifest records will be maintained by BRI and made available to the City upon request."
 - b. *Rapid Response:*
Bituminous Roadways response: BR's response to a measurable spill is outlined in the Site's SPCC Plan. Section 2.5 of the Plan outlines the procedures and the on-site and outside Emergency Contacts (attached is section 2.5 from the SPCC plan). "A trained responder is to take immediate action to prevent further spillage and to confine the spill to the smallest practical area." Depending on the size and nature of the spill, outside response contractors may be called in. The MN Duty Officer is to be notified for spills that exceed 5 gallons. Records are to be kept for all measureable spill incidents.

Bituminous Roadways, Inc. 2022 CUP Application
Memo Response to Planning Commission Comments

Response to Questions submitted by Planning Commissioner Robert Heidenreich via. email on
10/31/2022:

- 1) There are two wells that have not been identified on the plans we were provided. I attached actual photos and the site plans we were provided.
 - a. Bituminous Roadways response: The wells identified are in the location of the farmstead that was on the SE location of the south portion of the property. One well was sealed prior to BR purchasing the south property. The buildings were demolished after Bituminous Roadways purchased the property. Mining activity was initiated in this area when the second, unsealed well was discovered. This unsealed well is in the process of being cleaned and abandoned in accordance with Minnesota State Statutes by a MN licensed well contractor. The sealing record will be provided once it is complete. Below is the well disclosure certificate showing the first well was sealed in 2000.



MINNESOTA DEPARTMENT OF HEALTH
WELL DISCLOSURE CERTIFICATE
PLEASE TYPE OR PRINT ALL INFORMATION

* Fill out a separate well information page if more than three wells are located on the property.

WELL #1				
COUNTY	QUARTER (OR GOVERNMENT LOT)	SECTION NUMBER	TOWNSHIP NUMBER	RANGE NUMBER
DAKOTA	NE 1/4 SW 1/4 &	32	27	22
WELL STATUS			YEAR WELL WAS SEALED (IF KNOWN)	
WELL IS: ☒ IN USE (1) ☐ NOT IN USE (2) ☐ SEALED BY LICENSED WELL CONTRACTOR (3)			27	
If the well has been sealed by someone other than a licensed well contractor or a licensed well sealing contractor, check the well status as not in use.			NAME OF LICENSED WELL CONTRACTOR	

WELL #2				
COUNTY	QUARTER (OR GOVERNMENT LOT)	SECTION NUMBER	TOWNSHIP NUMBER	RANGE NUMBER
Same	as above			
WELL STATUS			YEAR WELL WAS SEALED (IF KNOWN)	
WELL IS: ☐ IN USE (1) ☐ NOT IN USE (2) ☒ SEALED BY LICENSED WELL CONTRACTOR (3)			2000	
If the well has been sealed by someone other than a licensed well contractor or a licensed well sealing contractor, check the well status as not in use.			NAME OF LICENSED WELL CONTRACTOR	

WELL #3				
COUNTY	QUARTER (OR GOVERNMENT LOT)	SECTION NUMBER	TOWNSHIP NUMBER	RANGE NUMBER
WELL STATUS			YEAR WELL WAS SEALED (IF KNOWN)	
WELL IS: ☐ IN USE (1) ☐ NOT IN USE (2) ☐ SEALED BY LICENSED WELL CONTRACTOR (3)				
If the well has been sealed by someone other than a licensed well contractor or a licensed well sealing contractor, check the well status as not in use.			NAME OF LICENSED WELL CONTRACTOR	

SKETCH MAP - Sketch the location of the well(s) and include estimated distances from roads, streets, and buildings.
IF MORE THAN ONE WELL ON PROPERTY, USE THE WELL LOCATION NUMBER ABOVE TO IDENTIFY EACH WELL.

- 2) *A third image from the same location West from the East Access looking north shows what appears to be wet sand caused by contact with the Prairie Duchenne aquifer. This is concerning as there is foundry sand being stored near this location. It appears that the Barr report incorrectly has identified the water level or BR has excavated below the approved depth at this time. Barr report PDF page 54*
 - a. **Barr will address**
- 3) *The location map provide on Pg 19 of the PDF labeled "Location Map Case No. 22-37SC the boundaries on this map differ from property records, and other maps and charts provided in the packet PDF pages 29,42,47,49 are specific examples*
 - a. **Staff addressed**
- 4) *Page 2 of the Sept 29th Barr, PDF page 55 mentions the "Groundwater Quality " Barr states dewatering isn't required and Nearby wells won't be negatively impacted, there is no mention of the High Volume Well installed in 2012 that removes 450 GPM. A scientist from the DNR present at the public meeting in 2012 describes this well as the perfect storm. Well tests have been required on these and several other wells in the area and the City has been provided copies of the report as IGH is the RGA*
 - a. **Barr will address**
- 5) *The permit application from Sunde engineering at BR's request states on Page 7 Paragraph 5 "Neighboring Properties" A property owners list within 1000 feet of the Site is included in Attachment 1. I am unable to locate Attachment 1 to verify if the proper neighbors have been identified and given proper notice.*
 - a. **Staff addressed**
- 6) *The PID numbers provided in the original Ordinance adopted in 2002 and renewed as of 8/18/2017 and is the subject of Tuesday's meeting, are not valid PID numbers as listed in the GIS system and additional descriptions does not describe the affected area correctly as shown in some of the charts*
 - a. **Staff addressed**
- 7) *I would like to respectfully request and be provided with all available past, and current test reports from the DNR well tests, EPA and PCA reports and violations. Additionally, The Well Abandonment/Closure data for the two exposed wells*
 - a. **Staff addressed**

Response to Questions submitted by Planning Commissioner Robert Heidenreich via email on
11/2/2022:

1) *The Polluted Foundry sand is in the documents attached and said to be in the Southeast Corner, Kent Peterson claimed several times it was in a berm on the north boundary of the property. The location of this regulated material has moved on paper several times in the past. I should think the exact location should be located, verified and professionally documented as its proximity to the wells and aquifer are important. I don't think this is a one off typo as this location is also disclosed on other public documents. The PDF copy with location written is attached.*

- a. Bituminous Roadways response: The foundry sand is located at the central east side of the site (previously the southeast corner prior to purchase of the south parcel), between the site primary access and the Wicker property. Plan Sheet C-1, Existing Conditions has been revised to show the location where the approximately 24 cubic yards of foundry sand was used as fill. This minor amount of foundry sand has been untouched since 1998. There have been tests and analysis conducted on the foundry sand periodically for years. The results have verified that the foundry sand is below hazardous waste levels. Groundwater well tests have been and continue to be tested in accordance with the conditions of the permit. No exceedances of State drinking water standards were found in the test results. No increasing trend of metals or contaminants in the samples have been noted. Documents showing the foundry sand location and test reports are attached to this Memo.

Bituminous Roadways had previously satisfied the permit conditions as noted in the Planning Report from June 19, 2007 (excerpt below).

14. The foundry sand in the northwest berm shall remain in its current location except as it is used. It is to be used in its entirety within the next four (4) years. The foundry sand in the southeast berm will be left undisturbed.

Barr Engineering conducted a site visit in May this year and determined the northwest foundry sand berm is completely gone and vegetation had been established. The southeast foundry sand berm had been undisturbed and contained a vegetative cover. This condition has been satisfied. The condition should be modified to remove the reference to the northwest berm.

15. Bituminous Roadways shall bring no additional foundry sand onto the site.

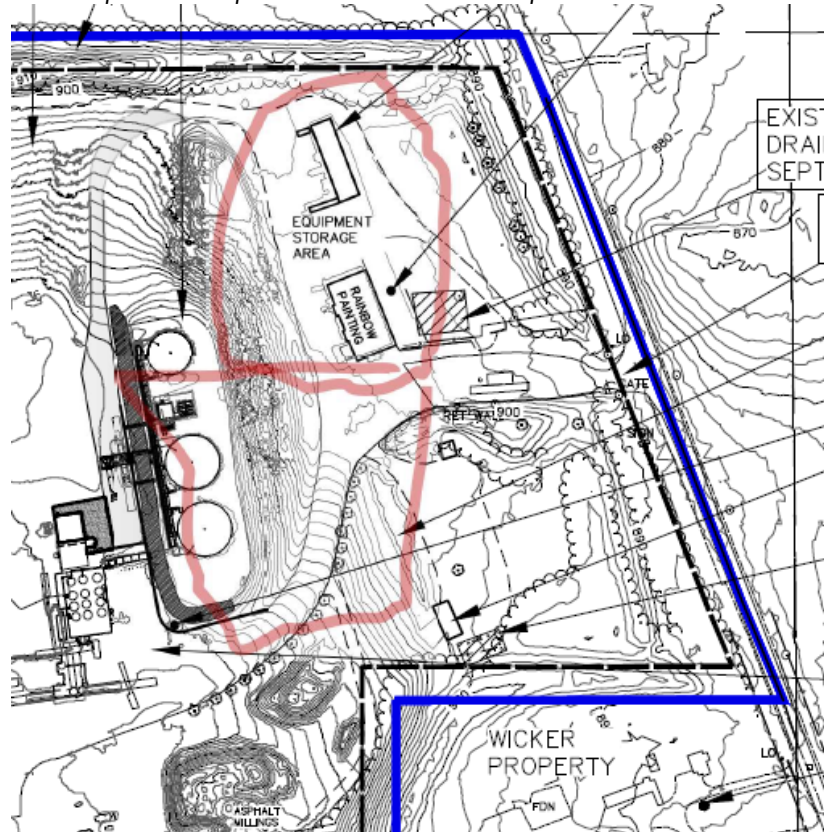
Operational condition. No additional foundry sand has been found on the site.

Planning Report – Case 07-11C
June 19, 2007
Page 6

16. The berms which cover the foundry sand shall be maintained in vegetative cover to control erosion of the foundry sand.

This condition has been satisfied.

- 2) *The reclaimed area in the North east corner in the attached PDF and circled is to the best of my knowledge a dumping location for Asphalt, concrete, steel, CCA treated wood, this area was made available to local contractors in the mid 1990's - 2000's of at the time this area grew and was graded and compacted, eventually building were placed on top of this location. This was done in violation of the backfill requirements listed in the permits. I think a few simple core samples collected in this area will provide the answers.*



- a. Bituminous Roadways response: The northeast corner of the site was not used as a dumping location in the 1990's and 2000's. The Rainbow shop was built in 1980 and the red storage building was placed in its current location in the 1990's. The asphalt cement tanks and a new water line were installed in this area last year and the soils encountered were sand and gravel. Previously recycled rubble asphalt was stockpiled in an area to the west of the Rainbow building, but has been relocated with the construction of the asphalt cement tanks and associated infrastructure.

BR has always recycled concrete and asphalt on-site and has never accepted CCA treated wood. While recycling concrete, the wire mesh and rebar is collected and disposed of off-site. Occasionally miscellaneous debris is brought to the site, but it is collected and disposed of off-site as well. The site operates under a Solid Waste Facility License issued by Dakota County. The County inspects the site annually.

b. Facility Permits

- i. CUP issued by City of Inver Grove Heights. Requires renewal and permit application every 5 years.
- ii. Sand and Gravel Overlay Ordinance approval, issued by City of Inver Grove Heights. Requires renewal and permit application every 5 years.
- iii. Water appropriations permit issued by MN DNR. Annual allowance is 42.8 million gallons. BR submits annual reports to show no exceedances.
- iv. National Pollutant Discharge Elimination System permit, MNG490000 issued by MPCA. Discharge monitoring reports (DMR) submitted quarterly to MPCA.
- v. Dakota County Solid Waste Facility License, annual license renewal is required by Dakota County. Site inspected by County annually.
- vi. Aboveground Storage Tank Facility issued by MPCA. Inspection logs submitted annually to the MPCA.

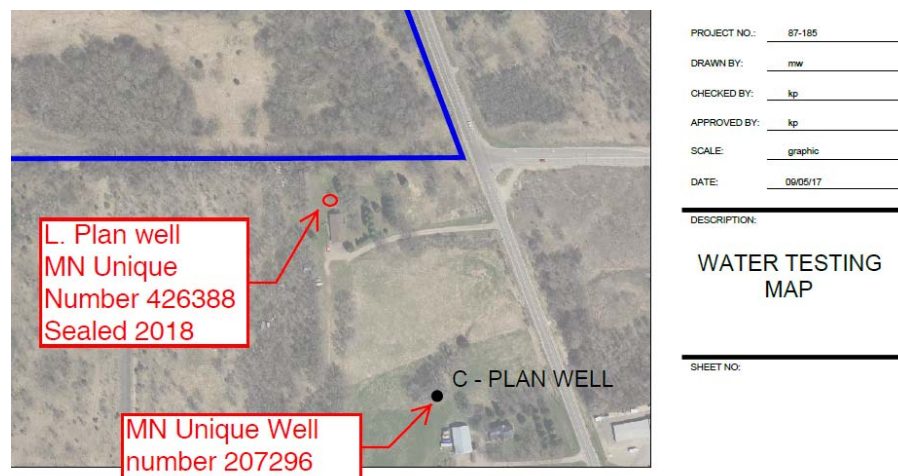
3) *The well water testing reports provided indicate a series of mishandling problems with the water collection protocols used. Several time samples were not collected properly, seals were not intact, Time span from collection did not meet requirements for proper testing. Additionally the amounts of toxic chemicals seem to be increasing over time. The required discrepancy reports have not been made available **Attached is a PDF** indicating the rules that were agreed to in the overlay agreement. I think the city should address who is responsible for monitoring the reports received from BW in the past and what actions, if any, were taken to assure compliance with ordinances and to mediate, protect the groundwater and nearby wells. Can an explanation of what is the responsibility of the RGA (RGU) and who holds this duty in regard to the BR Mine*

- a. **Barr will address.**
- b. **Staff will provide Barr earlier data, prior to 2017. Likely 2012+**
- c. **Staff provided data in the email hyperlink (2017-2022)**
 - i. **Staff noted there's a water testing protocol - private lab.**
 - ii. **Need chain of custody, lab results, who sampled**

- 4) The High Volume industrial well that was installed after much public discussion, was agreed that this well would be placed at a depth of approx 600' below grade drawing water from the tunnel city confined aquifer rather than the proposed 183' that would have put this well in the Prairie du Chien-Jordan unconfined aquifer. PDF Side View elevation of water levels attached, also attached as a PDF is a description of 3 aquifers most impacted.
 - a. Barr will address
 - b. Well log, water drawn limits, water drawn record

Response to Question submitted by Planning Commissioner Robert Heidenreich via email on 11/15/2022:

- 1) We were also provided well water test reports for the required sample testing.
These reports show test results from the PLAN WELL
Unique Well ID: 426388
Sample: IGH C-Plan Well Parameters Lab ID: 10573071003 Collected: 08/03/21 13:45
Received: 08/04/21 15:55
Is it possible to test a well that was sealed 3 years prior? SEALED 12-18-2018 BY 1461
 - a. Bituminous Roadways response: BRI tests the Robert Plan well not the Larry Plan well. The Larry Plan well, MN Unique Well Number 426388 is the well that was sealed in 2018. Larry died a number of years ago and his wife, Christine, sold their property to Flint Hills Resources (FHR). The well was sealed by FHR. The lab test report does not show MN Unique Well Numbers for the wells tested. The tested Plan well in the lab report is merely labeled as IGH C-Plan well, which is how it is labeled on the well testing map. The well noted as C-Plan well shown on the well testing map has a MN Unique Well Number of 207296. Below is an excerpt from the Water Testing Map from the 2017 permit renewal with the two Plan wells noted.



- 2) *Here is my concern(s) There are many wells on and around the Bituminous property that are known but not being disclosed in the documents we have all been provided for the permit renewal, One of these wells is located in the foundry sands storage area and isn't listed as sealed.*

➤ *Rech Well Unique well number "1000002687"*

- a. Bituminous Roadways response: The well with Unique well number "1000002687" is an unverified well, which usually means that MDH has not had GPS coordinates shot for the well, identified the well via air photos, and/or the driller's location description on the well log is insufficiently accurate to be included in the database. The address listed on the unverified well log is 1630 52nd St. E. It appears that the log has an incorrect township, range and section, which seems to be why it is shown near the BRI site on the MN Well Index map. There is a well log at that address and is labeled as Peter Rech, MN Unique Well Number 100986.

BOUNDARY INFORMATION FROM SUNDE
LAND SURVEYING, LLC.

MINNESOTA NORTHERN
NATURAL GAS COMPANY
12" PIPELINE.
APPROXIMATE LOCATION
ONLY. FIELD VERIFY.

PROPERTY
BOUNDARY

SLOPED AND VEGETATED

STORMWATER
PONDS. WATER
TEST ID "D"

SLOPED AND VEGETATED

EXISTING TOPSOIL
SCREENING BERM
(Approx. 40,000 CY)

ASPHALT CEMENT
TANK STORAGE AREA

METAL BUILDING
SALT STORAGE

RAINBOW WELL
TEST ID "A"

EXISTING
DRAINFIELD AND

PRIMARY
SITE ACCESS

LOCATION WHERE MINOR
AMOUNT OF FOUNDRY SAND
USED AS FILL (HAS REMAINED
IN PLACE SINCE 1998)

ASPHALT TESTING
BUILDING

EXISTING DRAINFIELD
AND SEPTIC TANK

ASPHALT PLANT
OPERATIONS AREA

WICKER
PROPERTY

AKER WELL
T ID "B"

EXISTING TOPSOIL
SCREENING BERM

WASHPLANT
SUPPLY PONDS.
WATER TEST ID "E"

CURRENT CONVEYOR
PLACEMENT FOR
MINING SAND/ROCK

SECONDARY
SITE ACCESS

COLD FARMSTEAD WELL.
TO BE SEALED IN 2022

5 OLD FARMSTEAD
WELL SEALED 2000

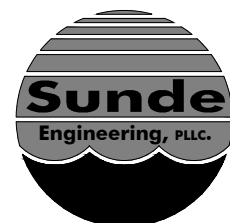
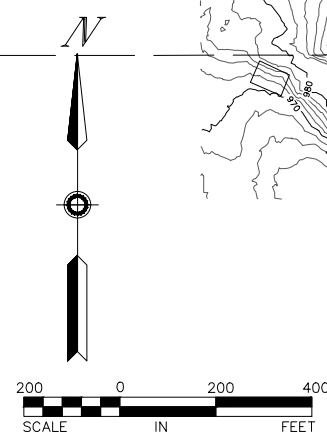
EXISTING TOPSOIL
SCREENING BERM

EARTHEN
SAFETY BERM

L. PLAN WELL
SEALED 2018

R. PLAN WELL
TEST ID "C"

LOW AREAS ARE NOT
JURISDICTIONAL WETLANDS
PER WETLAND REPORT BY
SEH DATED MAY 20, 2002.



CONSULTING CIVIL ENGINEERS
10830 NESBITT AVENUE SOUTH
BLOOMINGTON, MINNESOTA 55437
(952) 881-3344 TELEPHONE
(952) 881-1913 FAX
www.sundecivil.com

BITUMINOUS
ROADWAYS INC.
INVER GROVE HEIGHTS
GRAVEL PIT

2022 PERMIT
REISSUANCE[illegible]

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

OF THE STATE OF MINNESOTA
Kirsten Pauly
Kirsten Pauly

INFORMATION:	
PROJECT NO.:	87-185
DRAWN BY:	mw
CHECKED BY:	kp
APPROVED BY:	kp
SCALE:	graphic
DATE:	08/05/2022
DESCRIPTION:	

EXISTING CONDITIONS

SHEET NO:

C-1

Excerpt From SPCC Plan : Section 2.5

Spill Prevention Control & Countermeasure Plan
Bituminous Roadways, Inc. – Inver Grove Heights, MN

December 6, 2021

from the spill area into drainage ditches or surface waters;

- Assess the need for and if necessary, call in outside response contractors.
- All but the largest spills will be responded to by Bituminous Roadways personnel. Heavy equipment and sorbent materials are available on-site to respond to oil spills.

Emergency Contacts:	Troy Wille, Emergency Coordinator	Office 651-287-6092
		Cell 612-366-6484
	Koby Fechner Emergency Contact	Cell 612-366-3053
	Todd Smedhammer, Plant Manager	Office 651-686-7001
		Cell 612-366-0013

Emergency Numbers:	Minnesota Duty Officer	800-422-0798
	National Response Center	800-424-8802
	Inver Grove Heights Fire Department	911
	Bay West (Cleanup Contractor)	800-279-0456
	Determan (Cleanup Contractor)	612-347-0534
	Dakota Electric (Transformer Release)	800-430-9722

2.5.1 Safety

Oils and petroleum products are hazardous materials, and personnel must take measures to prevent accidental ignition of any waste materials during spill remedial activities. The following safety requirements shall be strictly enforced by the responder under the direction of the emergency coordinator. All but the largest spills will be responded to by Bituminous Roadways personnel. Heavy equipment and sorbent materials are available on-site to respond to oil spills.

- Personnel shall wear appropriate PPE devices;

Spill Prevention Control & Countermeasure Plan
Bituminous Roadways, Inc. – Inver Grove Heights, MN

December 6, 2021

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- Personnel shall wear appropriate PPE devices;

Spill Prevention Control & Countermeasure Plan
Bituminous Roadways, Inc. – Inver Grove Heights, MN

December 6, 2021

- Smoking shall be prohibited within 100 feet of the spill-impacted area.
- Ignition sources shall be prohibited in the spill area;
- Spark-producing equipment and tools shall be prohibited from use near spilled materials unless specifically authorized.
- No operations shall be conducted during electrical storms.

2.5.2 Disposal of Recovered Materials

The recovered spilled and containment materials shall be properly disposed of in accordance with local, state and federal regulations.

- Dispersing materials or methods shall not be used unless specifically authorized by the regulatory personnel;
- Free product shall be collected by applying absorbent materials until all free liquids are retained;
- Asphalt product unless heated is not free flowing and will harden if released.
- Soils, absorbents, temporary diking materials, and other debris contaminated during the spill or used to contain a flammable product shall be collected with non-spark-producing tools and placed in containers, which shall be sealed upon filling. Containers shall be labeled "FLAMMABLE";

2.5.3 Reporting

If oil is discharged into or upon the navigable waters of the United States, or adjoining shorelines, or into or upon the waters of the contiguous zone in quantities which violate applicable water quality standards, cause a film or sheen on the U.S. waters or adjoining shorelines, or cause a sludge or emulsion to be deposited beneath the surface of the water or upon the adjoining shorelines, then the Facility shall.

Carlson McCain, Inc.

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Spill Prevention Control & Countermeasure Plan
Bituminous Roadways, Inc. – Inver Grove Heights, MN

December 6, 2021

1. Notify the National Response Center by telephone by 800-424-8802 (24 hours a day/7-days a week) of the discharge.
2. Notify the State Duty Officer, 800-422-0798.
3. Notify the USEPA Region V Spill Phone, (312) 353-2318.
4. The verbal notification report will include the following information regarding the spill:
 - a. The location, time and date.
 - b. The material and quantity.
 - c. Name of stream involved.
 - d. The company name, address, and phone numbers and/or responsible party.
 - e. The spill reporter's name, address, and phone number.
 - f. Action taken and disposal site.
 - g. Secondary problems (i.e., water supply affected, fish kill, excavation, etc.).

2.5.4 Spill Incident Mitigated On-Site

The following notification and reporting procedures are followed in the event of an incident which is mitigated on-site without implementation of the SPCC Plan:

- The employee who identifies the spill shall notify the Emergency Coordinator of the spill incident;
- A determination will be made by the Emergency Coordinator as to whether the incident is reportable; and
- If the spill is either reportable or non-reportable to State and Federal Agencies, a report documenting the incident will be maintained at the facility by the Emergency Coordinator, Troy Wille

2.5.5 Record Keeping Requirements

Carlson McCain, Inc.

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CONSULTANTS
• ENVIRONMENTAL
• GEOTECHNICAL
• MATERIALS
• FORENSICS

August 25, 2006

Bituminous Roadways
9050 Jefferson Trail
Inver Grove Heights, MN 55077

Attn: Mr. Dusty Ordorff

RE: Environmental Testing Services
Bituminous Roadways Asphalt Plant
Rich Valley Boulevard
Rosemount, Minnesota
AET Project #03-02711

Dear Mr. Ordorff:

American Engineering Testing, Inc. (AET) has completed our environmental testing services for the above-referenced site in Rosemount, Minnesota. Our methods and results are summarized below.

Background and Purpose

AET was contacted on August 9, 2006 to perform soil sampling of a mixed soil stockpile on the above referenced site. The purpose of our services was to determine if contamination was present in the soil after foundry sand was mixed with native sand. The laboratory analytical results were compared to the Minnesota Pollution Control Agency (MPCA) Tier I Residential Soil Reference Values (SRVs) and Soil Leaching Values (SLVs).

Soil Sampling Procedures

Soil sampling activities were performed by an AET geologist. Soil samples collected were screened with a photoionization detector (PID) for the presence of organic vapors with ionization potentials less than the lamp voltage. The PID was calibrated for direct reading in parts-per-million-volume (PPMv) of a benzene equivalent. Soil samples were collected and screened according to the bag-headspace field screening procedure, which consists of placing freshly collected soil into a polyethylene Whirl-Pak or freezer baggie (i.e., bag), sealing the bag to contain an air pocket (i.e., headspace), and allowing 10 to 20 minutes for vapors to disperse from the soil to the headspace. Excessive moisture, temperature extremes, ambient vapors, or other unusual field circumstances can affect screening results.

This document shall not be reproduced, except in full, without written approval of American Engineering Testing, Inc.

550 Cleveland Avenue North • St. Paul, MN 55114

Phone 651-659-9001 • Toll Free 800-972-6364 • Fax 651-659-1379 • www.amengtest.com

Offices throughout Florida, Minnesota, South Dakota & Wisconsin
AN AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYER

Soil samples obtained for chemical analysis were collected into laboratory-prepared containers with appropriate preservatives, according to laboratory protocols. The samples were delivered to the analytical laboratory within prescribed holding times, accompanied by proper chain-of-custody forms.

Results

AET collected one soil sample on August 9, 2006. It was collected from a pile in the center of the site containing mixed materials identified as foundry sand mixed with natural sand at a 1:9 ratio, respectively.

The soil samples were field screened using a PID. No detections were noted while screening with the PID. The samples were submitted to Legend Technical Services (Legend), Inc. for laboratory analysis of diesel range organics (DRO), volatile organic compounds (VOCs), 8 Resource Conservation and Recovery Act (RCRA) Metals and polyaromatic hydrocarbons (PAHs). All of the concentrations measured were either non-detect or below Tier I Residential SRVs and SLVs. The lab report is attached.

Remarks

We appreciate the opportunity to have been of service to you on this project. If you have any questions regarding the information presented in this letter, or if we can be of additional service, please contact me at.

Prepared by,
American Engineering Testing, Inc.


Kirsten C. Thompson
Geologist

Phone: (651) 659-1332
Fax: (651) 659-1370
Email: kthompson@amengtest.com

Reviewed by,
American Engineering Testing, Inc.


Kathryn J. Kleiter, P.G.
Principal Hydrogeologist

Phone: (651) 659-1319
Fax: (651) 659-1379
Email: kkleiter@amengtest.com

Attachments:

Legend Laboratory Report



88 Empire Drive
St Paul, MN 55103
Tel: 651.642.1150
Fax: 651.642.1239

August 22, 2006

Ms. Kirsten Thompson
American Engineering Testing, Inc.
550 Cleveland Ave N
St. Paul, MN 55114

Reviewed by: KAT
Date: 8/24/06

Work Order Number: 0603624
RE: 03-02711 Bituminous Roadway

Enclosed are the results of analyses for samples received by the laboratory on 08/09/06. If you have any questions concerning this report, please feel free to contact me.

All samples will be retained by LEGEND, unless consumed in the analysis, for 30 days from the date of this report and then discarded unless other arrangements are made.

Minnesota Certification # 027-123-295

Prepared by,
LEGEND TECHNICAL SERVICES, INC

A handwritten signature in black ink, appearing to read "Terri Olson", written over a horizontal line.

Terri Olson
Project Manager
tolson@legend-group.com

A handwritten signature in black ink, appearing to read "Shanna Miller", written over a horizontal line.

Shanna Miller
Client Representative
smiller@legend-group.com



88 Empire Drive
St Paul, MN 55103
651.642.1150

American Engineering Testing, Inc.
550 Cleveland Ave N
St. Paul MN, 55114

Project: 03-02711 Bituminous Roadway
Project Number: 03-02711
Project Manager: Ms. Kirsten Thompson

Date Reported:
August 22, 2006

ANALYTICAL REPORT FOR SAMPLES

Sample ID	Laboratory ID	Matrix	Date Sampled	Date Received
Blended	0603624-01	Soil	08/09/06 00:00	08/09/06 12:18

Shipping container information

Default Cooler

Temperature:

Received on ice: Yes
Received on melt water: No
Custody seals: No

Temperature blank was not present
Ambient: No

Received on blue ice: No
Acceptable (IH/ISO only): No

Case Narrative:



88 Empire Drive
St Paul, MN 55103
651.642.1150

American Engineering Testing, Inc.
550 Cleveland Ave N
St. Paul MN, 55114

Project: 03-02711 Bituminous Roadway
Project Number: 03-02711
Project Manager: Ms. Kirsten Thompson

Date Reported:
August 22, 2006

DRO/8015B
Legend Technical Services, Inc

Analyte	Result	Reporting		MDL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
		Limit									
Blended (0603624-01) Soil Received: 08/09/06 12:18 Sampled: 08/09/06 00:00											
Diesel Range Organics	<10	10	2.3		mg/kg dry	1	B6H2105	08/21/06	08/21/06	Wisc Mod DRO	
Surrogate: C-30	107				67.6-130 %		"	"	"	"	



88 Empire Drive
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American Engineering Testing, Inc.
550 Cleveland Ave N
St. Paul MN, 55114

Project: 03-02711 Bituminous Roadway
Project Number: 03-02711
Project Manager: Ms. Kirsten Thompson

Date Reported:
August 22, 2006

TOTAL METALS ANALYSIS
Legend Technical Services, Inc

Analyte	Reporting			Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
	Result	Limit	MDL							
Blended (0603624-01) Soil Received: 08/09/06 12:18 Sampled: 08/09/06 00:00										
Mercury	<0.10	0.10	0.0030	mg/kg dry	1	B6H1605	08/16/06	08/16/06	EPA 7471A	
Arsenic	1.5	0.52	0.089	mg/kg dry	1	B6H1603	08/16/06	08/16/06	EPA 6010B	
Barium	13	1.0	0.15	mg/kg dry	1	"	"	"	"	
Cadmium	<0.26	0.26	0.078	mg/kg dry	1	"	"	"	"	
Chromium	9.0	0.52	0.021	mg/kg dry	1	"	"	"	"	
Lead	2.6	1.0	0.027	mg/kg dry	1	"	"	"	"	
Selenium	<1.0	1.0	0.10	mg/kg dry	1	"	"	"	"	
Silver	<0.26	0.26	0.019	mg/kg dry	1	"	"	"	"	



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Project: 03-02711 Bituminous Roadway
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Project Manager: Ms. Kirsten Thompson

Date Reported:
August 22, 2006

PAH 8270C
Legend Technical Services, Inc

Analyte	Result	Reporting Limit	MDL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Blended (0603624-01) Soil Received: 08/09/06 12:18 Sampled: 08/09/06 00:00										
BaP Equivalents	0.0			mg/kg dry	1	[CALC]	08/10/06	08/10/06	Calculation	
2-Chloronaphthalene	<0.43	0.43	0.044	mg/kg dry	1	B6H1003	"	"	EPA 8270C	
2-Methylnaphthalene	<0.43	0.43	0.10	mg/kg dry	1	"	"	"	"	
Acenaphthene	<0.43	0.43	0.069	mg/kg dry	1	"	"	"	"	
Acenaphthylene	<0.43	0.43	0.044	mg/kg dry	1	"	"	"	"	
Anthracene	<0.43	0.43	0.048	mg/kg dry	1	"	"	"	"	
Benzo (a) anthracene	<0.43	0.43	0.091	mg/kg dry	1	"	"	"	"	
Benzo (a) pyrene	<0.43	0.43	0.056	mg/kg dry	1	"	"	"	"	
Benzo (b) fluoranthene	<0.43	0.43	0.050	mg/kg dry	1	"	"	"	"	
Benzo (g,h,i) perylene	<0.43	0.43	0.066	mg/kg dry	1	"	"	"	"	
Benzo (k) fluoranthene	<0.43	0.43	0.061	mg/kg dry	1	"	"	"	"	
Chrysene	<0.43	0.43	0.095	mg/kg dry	1	"	"	"	"	
Dibenz (a,h) anthracene	<0.43	0.43	0.061	mg/kg dry	1	"	"	"	"	
Fluoranthene	<0.43	0.43	0.091	mg/kg dry	1	"	"	"	"	
Fluorene	<0.43	0.43	0.076	mg/kg dry	1	"	"	"	"	
Indeno (1,2,3-cd) pyrene	<0.43	0.43	0.061	mg/kg dry	1	"	"	"	"	
Naphthalene	<0.43	0.43	0.043	mg/kg dry	1	"	"	"	"	
Phenanthrene	<0.43	0.43	0.047	mg/kg dry	1	"	"	"	"	
Pyrene	<0.43	0.43	0.095	mg/kg dry	1	"	"	"	"	
Surrogate: 2-Fluorobiphenyl	67.3			50.8-85.9	%	"	"	"	"	
Surrogate: Nitrobenzene-d5	68.4			49.2-95.3	%	"	"	"	"	
Surrogate: Terphenyl-d14	88.5			61.6-90.8	%	"	"	"	"	

LEGEND

Technical Services, Inc.

88 Empire Drive
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American Engineering Testing, Inc.
550 Cleveland Ave N
St. Paul MN, 55114

Project: 03-02711 Bituminous Roadway
Project Number: 03-02711
Project Manager: Ms. Kirsten Thompson

Date Reported:
August 22, 2006

VOC GCMS 8260B Legend Technical Services, Inc

Analyte	Result	Reporting Limit	MDL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Blended (0603624-01) Soil Received: 08/09/06 12:18 Sampled: 08/09/06 00:00										
1,1,1,2-Tetrachloroethane	<0.26	0.26	0.045	mg/kg dry	1	B6H1013	08/10/06	08/10/06	EPA 8260B	
1,1,1-Trichloroethane	<0.26	0.26	0.034	mg/kg dry	1	"	"	"	"	
1,1,2,2-Tetrachloroethane	<0.26	0.26	0.020	mg/kg dry	1	"	"	"	"	
1,1,2-Trichloroethane	<0.26	0.26	0.058	mg/kg dry	1	"	"	"	"	
1,1,2-Trichlorotrifluoroethane	<0.26	0.26	0.066	mg/kg dry	1	"	"	"	"	
1,1-Dichloroethane	<0.26	0.26	0.052	mg/kg dry	1	"	"	"	"	
1,1-Dichloroethene	<0.26	0.26	0.055	mg/kg dry	1	"	"	"	"	
1,1-Dichloropropene	<0.26	0.26	0.045	mg/kg dry	1	"	"	"	"	
1,2,3-Trichlorobenzene	<0.52	0.52	0.50	mg/kg dry	1	"	"	"	"	
1,2,3-Trichloropropane	<0.26	0.26	0.044	mg/kg dry	1	"	"	"	"	
1,2,4-Trichlorobenzene	<0.52	0.52	0.049	mg/kg dry	1	"	"	"	"	
1,2,4-Trimethylbenzene	<0.26	0.26	0.017	mg/kg dry	1	"	"	"	"	
1,2-Dibromo-3-chloropropane	<0.52	0.52	0.12	mg/kg dry	1	"	"	"	"	
1,2-Dibromoethane (EDB)	<0.26	0.26	0.050	mg/kg dry	1	"	"	"	"	
1,2-Dichlorobenzene	<0.26	0.26	0.017	mg/kg dry	1	"	"	"	"	
1,2-Dichloroethane	<0.26	0.26	0.061	mg/kg dry	1	"	"	"	"	
1,2-Dichloropropane	<0.26	0.26	0.046	mg/kg dry	1	"	"	"	"	
1,3,5-Trimethylbenzene	<0.26	0.26	0.025	mg/kg dry	1	"	"	"	"	
1,3-Dichlorobenzene	<0.26	0.26	0.029	mg/kg dry	1	"	"	"	"	
1,3-Dichloropropane	<0.26	0.26	0.044	mg/kg dry	1	"	"	"	"	
1,4-Dichlorobenzene	<0.26	0.26	0.038	mg/kg dry	1	"	"	"	"	
2,2-Dichloropropane	<0.52	0.52	0.066	mg/kg dry	1	"	"	"	"	
2-Butanone	<2.1	2.1	0.19	mg/kg dry	1	"	"	"	"	

Legend Technical Services, Inc

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Technical Services, Inc.

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Project: 03-02711 Bituminous Roadway
Project Number: 03-02711
Project Manager: Ms. Kirsten Thompson

Date Reported:
August 22, 2006

VOC GCMS 8260B Legend Technical Services, Inc

Analyte	Result	Reporting Limit	MDL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Blended (0603624-01) Soil Received: 08/09/06 12:18 Sampled: 08/09/06 00:00										
2-Chlorotoluene	<0.26	0.26	0.050	mg/kg dry	1	B6H1013	08/10/06	08/10/06	EPA 8260B	
4-Chlorotoluene	<0.26	0.26	0.024	mg/kg dry	1	"	"	"	"	
Acetone	<2.1	2.1	0.17	mg/kg dry	1	"	"	"	"	
Allyl chloride	<0.52	0.52	0.045	mg/kg dry	1	"	"	"	"	
Benzene	<0.26	0.26	0.020	mg/kg dry	1	"	"	"	"	
Bromobenzene	<0.26	0.26	0.028	mg/kg dry	1	"	"	"	"	
Bromochloromethane	<0.26	0.26	0.054	mg/kg dry	1	"	"	"	"	
Bromodichloromethane	<0.26	0.26	0.056	mg/kg dry	1	"	"	"	"	
Bromoform	<0.52	0.52	0.057	mg/kg dry	1	"	"	"	"	
Bromomethane	<0.52	0.52	0.15	mg/kg dry	1	"	"	"	"	
Carbon tetrachloride	<0.26	0.26	0.070	mg/kg dry	1	"	"	"	"	
Chlorobenzene	<0.26	0.26	0.040	mg/kg dry	1	"	"	"	"	
Chloroethane	<2.6	2.6	0.36	mg/kg dry	1	"	"	"	"	
Chloroform	<0.26	0.26	0.042	mg/kg dry	1	"	"	"	"	
Chloromethane	<0.26	0.26	0.056	mg/kg dry	1	"	"	"	"	
cis-1,2-Dichloroethene	<0.26	0.26	0.054	mg/kg dry	1	"	"	"	"	
cis-1,3-Dichloropropene	<0.26	0.26	0.035	mg/kg dry	1	"	"	"	"	
Dibromochloromethane	<0.26	0.26	0.055	mg/kg dry	1	"	"	"	"	
Dibromomethane	<0.26	0.26	0.058	mg/kg dry	1	"	"	"	"	
Dichlorodifluoromethane	<0.52	0.52	0.053	mg/kg dry	1	"	"	"	"	
Dichlorofluoromethane	<0.26	0.26	0.047	mg/kg dry	1	"	"	"	"	
Ethyl ether	<0.52	0.52	0.060	mg/kg dry	1	"	"	"	"	
Ethylbenzene	<0.26	0.26	0.035	mg/kg dry	1	"	"	"	"	

Legend Technical Services, Inc

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American Engineering Testing, Inc.
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Project: 03-02711 Bituminous Roadway
Project Number: 03-02711
Project Manager: Ms. Kirsten Thompson

Date Reported:
August 22, 2006

VOC GCMS 8260B
Legend Technical Services, Inc

Analyte	Result	Reporting Limit	MDL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Blended (0603624-01) Soil Received: 08/09/06 12:18 Sampled: 08/09/06 00:00										
Hexachlorobutadiene	<1.0	1.0	0.14	mg/kg dry	1	B6H1013	08/10/06	08/10/06	EPA 8260B	
Isopropylbenzene	<0.26	0.26	0.033	mg/kg dry	1	"	"	"	"	
m,p-Xylene	<0.52	0.52	0.031	mg/kg dry	1	"	"	"	"	
Methyl isobutyl ketone	<0.52	0.52	0.15	mg/kg dry	1	"	"	"	"	
Methyl tert-butyl ether	<0.26	0.26	0.040	mg/kg dry	1	"	"	"	"	
Methylene chloride	<1.0	1.0	0.054	mg/kg dry	1	"	"	"	"	
Naphthalene	<0.52	0.52	0.017	mg/kg dry	1	"	"	"	"	
n-Butylbenzene	<0.26	0.26	0.041	mg/kg dry	1	"	"	"	"	
n-Propylbenzene	<0.26	0.26	0.026	mg/kg dry	1	"	"	"	"	
o-Xylene	<0.26	0.26	0.071	mg/kg dry	1	"	"	"	"	
p-Isopropyltoluene	<0.26	0.26	0.036	mg/kg dry	1	"	"	"	"	
sec-Butylbenzene	<0.26	0.26	0.010	mg/kg dry	1	"	"	"	"	
Styrene	<0.26	0.26	0.030	mg/kg dry	1	"	"	"	"	
tert-Butylbenzene	<0.26	0.26	0.034	mg/kg dry	1	"	"	"	"	
Tetrachloroethene	<0.26	0.26	0.058	mg/kg dry	1	"	"	"	"	
Tetrahydrofuran	<2.1	2.1	0.14	mg/kg dry	1	"	"	"	"	
Toluene	<0.26	0.26	0.019	mg/kg dry	1	"	"	"	"	
trans-1,2-Dichloroethene	<0.26	0.26	0.034	mg/kg dry	1	"	"	"	"	
trans-1,3-Dichloropropene	<0.26	0.26	0.050	mg/kg dry	1	"	"	"	"	
Trichloroethene	<0.26	0.26	0.045	mg/kg dry	1	"	"	"	"	
Trichlorofluoromethane	<0.26	0.26	0.053	mg/kg dry	1	"	"	"	"	
Vinyl chloride	<0.26	0.26	0.040	mg/kg dry	1	"	"	"	"	
Surrogate: 4-Bromofluorobenzene	126			78.3-121	%	"	"	"	"	S-GC

Legend Technical Services, Inc

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Project: 03-02711 Bituminous Roadway
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Project Manager: Ms. Kirsten Thompson

Date Reported:
August 22, 2006

VOC GCMS 8260B
Legend Technical Services, Inc

Analyte	Reporting		MDL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
	Result	Limit								
Blended (0603624-01) Soil Received: 08/09/06 12:18 Sampled: 08/09/06 00:00										
Surrogate: Dibromofluoromethane	111			78.1-120 %		B6H1013	08/10/06	08/10/06	EPA 8260B	
Surrogate: Toluene-d8	111			77.2-120 %		"	"	"	"	



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Project Manager: Ms. Kirsten Thompson

Date Reported:
August 22, 2006

DRO/8015B - Quality Control
Legend Technical Services, Inc

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	%RPD	%RPD Limit	Notes
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Batch B6H2105 - Sonication (Wisc DRO)

Blank (B6H2105-BLK1)

Prepared & Analyzed: 08/21/06

Diesel Range Organics

<10

10 mg/kg wet

Surrogate: C-30

13.9

mg/kg wet 16.0

86.9 67.6-130



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Date Reported:
August 22, 2006

TOTAL METALS ANALYSIS - Quality Control
Legend Technical Services, Inc

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC Limits	%RPD Limit	Notes
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Batch B6H1603 - EPA 3050B

Blank (B6H1603-BLK1)

Prepared: 08/16/06 Analyzed: 08/17/06

Arsenic	<0.50	0.50	mg/kg wet					
Barium	<1.0	1.0	mg/kg wet					
Cadmium	<0.25	0.25	mg/kg wet					
Chromium	<0.50	0.50	mg/kg wet					
Lead	<1.0	1.0	mg/kg wet					
Selenium	<1.0	1.0	mg/kg wet					
Silver	<0.25	0.25	mg/kg wet					



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Date Reported:
August 22, 2006

Batch B6H1605 - EPA 7471A

Blank (B6H1605-BLK1)

Prepared & Analyzed: 08/16/06

Mercury

<0.10

0.10 mg/kg wet



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Date Reported:
August 22, 2006

PAH 8270C - Quality Control Legend Technical Services, Inc

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	%RPD	%RPD Limit	Notes
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Batch B6H1003 - EPA 3545 ASE Extraction

Blank (B6H1003-BLK1)

Prepared & Analyzed: 08/10/06

2-Chloronaphthalene	<0.33	0.33	mg/kg wet							
2-Methylnaphthalene	<0.33	0.33	mg/kg wet							
Acenaphthene	<0.33	0.33	mg/kg wet							
Acenaphthylene	<0.33	0.33	mg/kg wet							
Anthracene	<0.33	0.33	mg/kg wet							
Benzo (a) anthracene	<0.33	0.33	mg/kg wet							
Benzo (a) pyrene	<0.33	0.33	mg/kg wet							
Benzo (b) fluoranthene	<0.33	0.33	mg/kg wet							
Benzo (g,h,i) perylene	<0.33	0.33	mg/kg wet							
Benzo (k) fluoranthene	<0.33	0.33	mg/kg wet							
Chrysene	<0.33	0.33	mg/kg wet							
Dibenz (a,h) anthracene	<0.33	0.33	mg/kg wet							
Fluoranthene	<0.33	0.33	mg/kg wet							
Fluorene	<0.33	0.33	mg/kg wet							
Indeno (1,2,3-cd) pyrene	<0.33	0.33	mg/kg wet							
Naphthalene	<0.33	0.33	mg/kg wet							
Phenanthrene	<0.33	0.33	mg/kg wet							
Pyrene	<0.33	0.33	mg/kg wet							
Surrogate: 2-Fluorobiphenyl	4.33		mg/kg wet	6.67		64.9	50.8-85.9			
Surrogate: Nitrobenzene-d5	4.34		mg/kg wet	6.67		65.1	49.2-95.3			
Surrogate: Terphenyl-d14	5.35		mg/kg wet	6.67		80.2	61.6-90.8			



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August 22, 2006

VOC GCMS 8260B - Quality Control

Legend Technical Services, Inc

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC Limits	%RPD Limit	Notes
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Batch B6H1013 - Volatiles

Blank (B6H1013-BLK1)

Prepared & Analyzed: 08/10/06

1,1,1,2-Tetrachloroethane	<0.25	0.25	mg/kg wet
1,1,1-Trichloroethane	<0.25	0.25	mg/kg wet
1,1,2,2-Tetrachloroethane	<0.25	0.25	mg/kg wet
1,1,2-Trichloroethane	<0.25	0.25	mg/kg wet
1,1,2-Trichlorotrifluoroethane	<0.25	0.25	mg/kg wet
1,1-Dichloroethane	<0.25	0.25	mg/kg wet
1,1-Dichloroethene	<0.25	0.25	mg/kg wet
1,1-Dichloropropene	<0.25	0.25	mg/kg wet
1,2,3-Trichlorobenzene	<0.50	0.50	mg/kg wet
1,2,3-Trichloropropane	<0.25	0.25	mg/kg wet
1,2,4-Trichlorobenzene	<0.50	0.50	mg/kg wet
1,2,4-Trimethylbenzene	<0.25	0.25	mg/kg wet
1,2-Dibromo-3-chloropropane	<0.50	0.50	mg/kg wet
1,2-Dibromoethane (EDB)	<0.25	0.25	mg/kg wet
1,2-Dichlorobenzene	<0.25	0.25	mg/kg wet
1,2-Dichloroethane	<0.25	0.25	mg/kg wet
1,2-Dichloropropane	<0.25	0.25	mg/kg wet
1,3,5-Trimethylbenzene	<0.25	0.25	mg/kg wet
1,3-Dichlorobenzene	<0.25	0.25	mg/kg wet
1,3-Dichloropropane	<0.25	0.25	mg/kg wet
1,4-Dichlorobenzene	<0.25	0.25	mg/kg wet
2,2-Dichloropropane	<0.50	0.50	mg/kg wet
2-Butanone	<2.0	2.0	mg/kg wet
2-Chlorotoluene	<0.25	0.25	mg/kg wet
4-Chlorotoluene	<0.25	0.25	mg/kg wet
Acetone	<2.0	2.0	mg/kg wet
Allyl chloride	<0.50	0.50	mg/kg wet
Benzene	<0.25	0.25	mg/kg wet
Bromobenzene	<0.25	0.25	mg/kg wet
Bromochloromethane	<0.25	0.25	mg/kg wet
Bromodichloromethane	<0.25	0.25	mg/kg wet



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Project: 03-02711 Bituminous Roadway
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Project Manager: Ms. Kirsten Thompson

Date Reported:
August 22, 2006

VOC GCMS 8260B - Quality Control

Legend Technical Services, Inc

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	%RPD	%RPD Limit	Notes
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Batch B6H1013 - Volatiles

Blank (B6H1013-BLK1)

Prepared & Analyzed: 08/10/06

Bromoform	<0.50	0.50	mg/kg wet
Bromomethane	<0.50	0.50	mg/kg wet
Carbon tetrachloride	<0.25	0.25	mg/kg wet
Chlorobenzene	<0.25	0.25	mg/kg wet
Chloroethane	<2.5	2.5	mg/kg wet
Chloroform	<0.25	0.25	mg/kg wet
Chloromethane	<0.25	0.25	mg/kg wet
cis-1,2-Dichloroethene	<0.25	0.25	mg/kg wet
cis-1,3-Dichloropropene	<0.25	0.25	mg/kg wet
Dibromochloromethane	<0.25	0.25	mg/kg wet
Dibromomethane	<0.25	0.25	mg/kg wet
Dichlorodifluoromethane	<0.50	0.50	mg/kg wet
Dichlorofluoromethane	<0.25	0.25	mg/kg wet
Ethyl ether	<0.50	0.50	mg/kg wet
Ethylbenzene	<0.25	0.25	mg/kg wet
Hexachlorobutadiene	<1.0	1.0	mg/kg wet
Isopropylbenzene	<0.25	0.25	mg/kg wet
m,p-Xylene	<0.50	0.50	mg/kg wet
Methyl isobutyl ketone	<0.50	0.50	mg/kg wet
Methyl tert-butyl ether	<0.25	0.25	mg/kg wet
Methylene chloride	<1.0	1.0	mg/kg wet
Naphthalene	<0.50	0.50	mg/kg wet
n-Butylbenzene	<0.25	0.25	mg/kg wet
n-Propylbenzene	<0.25	0.25	mg/kg wet
o-Xylene	<0.25	0.25	mg/kg wet
p-Isopropyltoluene	<0.25	0.25	mg/kg wet
sec-Butylbenzene	<0.25	0.25	mg/kg wet
Styrene	<0.25	0.25	mg/kg wet
tert-Butylbenzene	<0.25	0.25	mg/kg wet
Tetrachloroethene	<0.25	0.25	mg/kg wet
Tetrahydrofuran	<2.0	2.0	mg/kg wet



88 Empire Drive
St Paul, MN 55103
651.642.1150

American Engineering Testing, Inc.
550 Cleveland Ave N
St. Paul MN, 55114

Project: 03-02711 Bituminous Roadway
Project Number: 03-02711
Project Manager: Ms. Kirsten Thompson

Date Reported:
August 22, 2006

VOC GCMS 8260B - Quality Control
Legend Technical Services, Inc

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	%RPD	%RPD Limit	Notes
---------	--------	--------------------	-------	----------------	------------------	------	----------------	------	---------------	-------

Batch B6H1013 - Volatiles

Blank (B6H1013-BLK1)

Prepared & Analyzed: 08/10/06

Toluene	<0.25	0.25	mg/kg wet							
trans-1,2-Dichloroethene	<0.25	0.25	mg/kg wet							
trans-1,3-Dichloropropene	<0.25	0.25	mg/kg wet							
Trichloroethene	<0.25	0.25	mg/kg wet							
Trichlorofluoromethane	<0.25	0.25	mg/kg wet							
Vinyl chloride	<0.25	0.25	mg/kg wet							
Surrogate: 4-Bromofluorobenzene	66.0		ug/L	61.0		108	78.3-121			
Surrogate: Dibromofluoromethane	67.2		ug/L	61.0		110	78.1-120			
Surrogate: Toluene-d8	66.5		ug/L	61.0		109	77.2-120			



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Project Manager: Ms. Kirsten Thompson

Date Reported:
August 22, 2006

Notes and Definitions

S-GC Surrogate recovery outside of control limits. The data was accepted based on valid recovery of the remaining surrogate.

< Less than value listed

dry Sample results reported on a dry weight basis

RPD Relative Percent Difference



AMERICAN
ENGINEERING
TESTING, INC.

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☐ Sioux Falls Office

☐ Pierre Office
☐ Wausau Office

9685

ADDRESS:

#0603624

AET JOB NUMBER

03-02711

JOB NAME/LOCATION

Bituminous Roadway

AET PROJECT MANAGER

Kirsten Thompson

SEND REPORT TO

Kirsten Thompson

SAMPLED BY (PRINT)

SAMPLED SIGNATURE

REQUESTED TURNAROUND TIME:

DATE NEEDED BY:

☒ NORMAL ☐ RUSH

2 Wks TAT

PRESERVATIVES

UNPRESERVED

FIELD FILTERED Y/N

NO. OF CONTAINERS

MeOH HCL H₂SO₄ HNO₃

431

ITEM# SAMPLE DESCRIPTION DATE TIME SAMPLE TYPE

1 Blended 8/9 - 2017

REMARKS

-1

ANALYSIS

DOE VOC PAH 8PER Metals

XX XX

NOTE:

hard blank
- vag 0.001
- vag 0.001
- vag 0.001
- vag 0.001

ITEM NUMBER

RELINQUISHED BY/AFFILIATION

ACCEPTED BY/AFFILIATION

DATE

TIME

8/19/06 12:18

located within the City's regulatory authority. Bituminous Roadways shall post an advisory to all drivers to the same effect at exits from the site.

12. The site shall be kept clear, at all times, of windblown debris.
13. The foundry sand in the northwest berm shall remain in its current location except as it is used. It is to be used in its entirety within the next five years. The foundry sand in the southeast berm will be left undisturbed.
14. Bituminous Roadways shall bring no additional foundry sand onto the site.
15. The berms which cover the foundry sand shall be maintained in vegetative cover to control erosion of the foundry sand.
16. The stockpiled MOSS, shingle scrap, recycled asphalt, and concrete pavement will not be disposed at the site.
17. Stock piles of recycled asphalt, MOSS, shingles, and concrete shall be limited in size to amount that will be used that year.
18. Backfill material shall be either clean fill material that was stripped off the site or other clean fill material which is brought in from offsite.
19. Spent bag house bags will be disposed of in a lined landfill permitted or approved to accept such materials.
20. A restoration bond shall be in an amount to cover the costs of restoration of the site, as determined by the City Engineer, prior to City Council approval.
21. An annual Excavation Permit shall be required to be obtained for the operation.
22. Bituminous Roadways shall obtain and maintain the necessary licenses and approvals from Dakota County. Terms and conditions of the license and approval shall be hereby incorporated into this City approval.
23. Bituminous Roadways shall obtain and maintain the necessary Minnesota Pollution Control Agency permits including two air quality permits and one industrial storm water permit. The terms and conditions of those permits shall be hereby incorporated into this City approval.
24. All reports which are required to be submitted to Dakota County under the two Hazardous Waste Generators License and the one Processing License shall also be submitted to the City, including the required annual and quarterly reports.
25. All reports which are required to be submitted to the Minnesota Pollution Control Agency shall also be submitted to the City, including annual emissions inventory report, semi-annual deviations report, annual compliance certification report, and annual report.

**Bituminous Roadways, Inc.
Final Question/Answer Report**

**Prepared for
City of Inver Grove Heights**

by

Barr Engineering Company

dated

September 10, 1999

Q. 1. The groundwater level elevation for the site is reported from the Geologic Atlas of Dakota County. Is data available for the water level in the water supply well on the eastern portion of the site?

A. 1. The records for the wells installed in the pit in 1980 and on the east side of the site in 1998 indicates that groundwater elevation was measured at approximately 800 feet above mean sea level (M.S.L.) in both wells. This correlates reasonably well with the information that Barr obtained from the Geologic Atlas of Dakota County which indicates that groundwater elevation at the site is between 800 and 850 feet above M.S.L. The Geologic Atlas of Dakota County also indicates that groundwater flow at the site is eastward toward the Mississippi River and has a gradient (slope) of 0.02 feet per foot (2 feet per 100 feet).

For comparison purposes, the bottom of the sand and gravel mining operation at the site is at an elevation of approximately 850 feet above M.S.L. Therefore, available information indicates that the groundwater flow is east towards the Mississippi River and that groundwater elevation at the site is within approximately 50 feet of the current bottom of the sand and gravel pit.

Q. 2. Were leach tests performed on the foundry sand in the berms on the northwest and southeast sides of the pit?

A. 2. Bituminous Roadways Inc. (Bituminous Roadways) blends the foundry sand with rubble concrete at a ratio of 1: 10 (foundry sand : concrete). The blend is crushed and utilized as roadbase aggregate. Bituminous Roadways does not use foundry sand as an ingredient in the hot mix asphalt it produces. Bituminous Roadways indicates that foundry sand was last brought to the site in 1996 and that there is currently approximately 25,000 to 30,000 cubic yards of foundry sand at the site. Almost all of the foundry sand at

the site is in the northwest berm. Bituminous Roadways estimates that only approximately 24 cubic yards of foundry sand is contained in the southeast berm.

Bituminous Roadways estimates that all of the foundry sand in the northwest berm will be utilized within the next 5 to 6 years. Bituminous Roadways has no plans to bring in additional foundry sand to the site.

Testing of the foundry sand brought to the site was conducted periodically for many years. These tests results are on file at Bituminous Roadways. Barr has reviewed the most recent of these test results (conducted in 1997) from the two foundries which indicate that the foundry sand is below hazardous waste levels.

Additionally, in 1998 four samples were collected from the foundry sand berm located at the northwest portion of the site under the direction of Dakota County staff (no samples were collected from the southeast berm because of the small quantity of foundry sand in the berm). These four samples were analyzed by Braun Intertec, Inc. for eight metals using the toxicity characteristics leaching procedure (TCLP). The results of this testing indicated that the material was below hazardous waste levels.

Q. 3. Were the leach tests adequately conducted on the foundry sand? Are the results below hazardous waste limits? Does the foundry sand pose a threat to human health or the environment? Is the vegetative cover on the foundry sand stockpile adequate?

A. 3. The contaminants of concern in foundry sand vary depending upon the processes that are used at the foundry. Potential contaminants of concern in foundry sand typically include heavy metals and phenols. The processes that can influence the characteristics of the foundry sand are the type of metal being poured (iron, steel, aluminum, brass/bronze), the type of casting process (sand casting, investment casting), the type of furnace (induction, electric arc, cupola) and the type of finishing process (grinding, blast, cleaning, coating). The foundry sand at the site came from two Minneapolis foundries (Smith and Prospect Foundries). These two foundries both pour iron, use sand casting, have electric induction furnaces and perform finish grading. Published information was not researched regarding the expected characteristics of foundry sands from foundries such as these because direct measurements can be obtained through testing of the foundry sand at the site.

Barr has reviewed the four TCLP test results from samples collected from the foundry sand in the northwest berm in 1998. Bituminous Roadways has indicated that all of the four samples were collected from the northwest foundry sand berm and that no samples were collected from the southeast berm.

However, Bituminous Roadways also indicated that only a very small amount of foundry sand is contained

in the southeast berm. The four samples were collected by Braun Intertec staff under the direction of Dakota County staff on-site. Braun Intertec performed the analysis. Barr has reviewed the data and data quality information (analytical method, holding times, matrix spikes) for these four samples and have concluded that the test results are accurate.

The test results indicate that the foundry sand is below the TCLP criteria used to determine whether the material is a characteristic hazardous waste for metals. However, there are numerous wastes in Minnesota that are not classified as hazardous but still are required to be disposed of in a lined landfill because they contain other constituents of concern. For example, there are potentially additional metals of concern in foundry sand (namely copper, nickel and zinc) than were analyzed for in the above referenced four TCLP tests.

The TCLP test results from the northwest stockpile indicate the foundry sand is not hazardous but sometimes contains cadmium measured at a concentration above the drinking water standard. Therefore, although Barr believes that it is unlikely that the foundry sand has adversely affected groundwater at the site, Barr recommends that the two site wells be tested as discussed in answer #5 below.

Barr observed the vegetative cover on the northwest foundry sand berm during the site visit conducted on May 20, 1999. Most of the berm surface was adequately vegetated; however, there were a few areas where minor erosion had occurred. Barr recommends that these areas be regraded and reseeded as soon as possible in 1999.

Q. 4. Should the foundry sand stockpile be limited as to its size and location?

A. 4. Foundry sand brought to the site was not used in asphalt production as fast as it was brought in. All of the foundry sand not used in asphalt production has been temporarily stored in a stockpile on the northwest portion of the site except for approximately 24 cubic yards contained in the southeast berm. Bituminous Roadways plans to utilize all of the stockpiled foundry sand from the northwest berm within 5 to 6 years. Barr observed no problems with the size or location of the current foundry sand stockpiles during the site visit on May 20, 1999.

Q. 5. The water supply well on the eastern portion of the site has been tested for petroleum-related compounds. Since a metal was detected in the leach test of the foundry sand at a concentration above the State Health Risk Limit for groundwater (cadmium), should metals also be tested in the well? Should other indicator-type parameters like conductivity, pH, etc., also be analyzed?

- A. 5. The testing performed on the well installed in 1998 on the eastern portion of the site was conducted under the direction of Dakota County staff. Samples were collected by Dakota County staff and the analysis was performed by Spectrum Labs, Inc. The analyses conducted were gasoline and diesel range organics compounds, alkalinity, laboratory pH, specific conductivity, appearance and volatile organics compounds (Minnesota Department of Health 465E list). Barr's review of the data and data quality information indicates that the results are accurate. None of the results showed any indication of contamination. However, tests were not conducted for metals and phenolic compounds which are potentially of concern in foundry sand.

Given the relatively low levels of contaminants measured in the foundry sand and the generally low mobility in soils and groundwater of the contaminants of concern, Barr believes it is unlikely that the foundry sand stockpiles have adversely affected groundwater at the site. However, a direct approach to determining if the foundry sand stockpiles have had an adverse effect on groundwater is to collect and analyze groundwater samples. Since the two wells at the site are downgradient (east) of the largest foundry sand stockpile, Barr recommends that samples from each of these wells be collected and analyzed for dissolved metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, copper, nickel, zinc), total phenol, diesel range organics, gasoline range organics, pH, electric conductivity and alkalinity.

Barr recommends that this monitoring be conducted at these two wells once per year for two years in different seasons to allow for seasonal fluctuations. If no contamination is detected, Barr recommends that sampling be scaled back to once every other year.

- Q. 6. Will additional foundry sand be brought to the site in the future after the current stockpile is exhausted?

- A. 6. Bituminous Roadways has indicated that they have no plans to bring additional foundry sand to the site once the current stockpile on the northwest portion of the site is used. It is planned that the foundry sand contained in the berm on the southeast portion of the site will remain at that location.

- Q. 7. What environmental concerns are there with stockpiling and reusing manufactured organic shingle scrap, glass, recycled asphalt and concrete pavement? Is there an environmental concern regarding the stockpile size and storage time for these materials. Will any of these materials be disposed of at the site?

- A. 7. Bituminous Roadways has indicated that none of the materials mentioned (shingle scrap, glass, recycled asphalt, and concrete pavement) will be disposed of at the site. All of these materials are added to the hot

Foundry Sand Sampling and Analysis Investigation Report

Bituminous Roadways

Prepared for

**Bituminous
Roadways, Inc.**



Wenck

November 2000

Foundry Sand Sampling and Analysis Investigation Report

Bituminous Roadways

Wenck File #0425-08

Prepared for:

BITUMINOUS ROADWAYS, INC.
9050 Jefferson Trail
Inver Grove Heights, Minnesota 55077

Prepared by:

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360 North Robert Street
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St. Paul, Minnesota 55101
(651) 228-1939

November 2000



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TABLES

1	Stockpile Characterization Data –Metals by Toxic Characterization Leaching Procedure, Mercury, Total Phenolics, and DRO
2	Stockpile Characterization Data – Metals by Synthetic Precipitation Leaching Procedure

FIGURE

1	Site Location Map
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APPENDIX

A	Site Photographs
B	Pace Analytical, Inc. Laboratory Data

1.0 Foundry Sand Investigation

1.1 BACKGROUND

A stockpile of approximately 30,000 cubic yards of foundry sand imported from the Prospect Foundry and Smith Foundry is located at the Bituminous Roadways aggregate mining and processing facility in the City of Inver Grove Heights (Figure 1). The stockpile was placed at the location in approximately 1987. The intention was to use the material as an aggregate substitute, thereby minimizing the use of virgin sands from their aggregate resource pit.

The stockpile is presently stabilized by a healthy vegetative cover of alfalfa and grass.

1.2 OBJECTIVES

The objectives of this investigation were:

- To collect and analyze stockpile samples that will characterize the foundry wastes located at the Bituminous Roadways, Inc. Inver Grove Heights facility.
- To ensure that the number and spatial location of samples collected during this investigation are based on a reasonable, statistically based approach to be representative of the overall characteristic of the material.
- To generally characterize the potential risk to human health, welfare and the environment resulting from the foundry wastes.

1.3 HISTORIC INVESTIGATIONS

In May 1998, Braun Intertec Corporation collected samples from the stockpile and analyzed them for Toxic Characteristic Leaching Procedure (TCLP). Results were presented in a May 28, 1998 letter from P. Terhaar (Braun) to M. Jorgenson (Bituminous Roadways) and included as part of Wenck's Foundry Sand Sampling and Analysis Work Plan dated August 2000. All detections were below the regulatory limit at which the material would be considered hazardous for the toxicity characteristic.

In September 1999, Wenck conducted a water quality investigation to screen surface and groundwater for several parameters including the 8 RCRA metals, copper, nickel, zinc, diesel range organics (DRO), gasoline range organics (GRO), pH, conductivity, and alkalinity. Results indicated that the foundry sands had not impacted surface water or groundwater. The sampling event was repeated in August 2000. Those results are also included in Wenck's above-mentioned Work Plan dated August 2000.

1.4 SOIL SAMPLE TARGET ANALYTES

Based on previous results and the nature of foundry wastes, the parameters of concern for this investigation included the following metals: arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, copper, nickel and zinc. DRO and total phenolics were also parameters of concern. With regard to metals, each sample was analyzed for total metals and metals utilizing a synthetic precipitation leaching procedure (SPLP), which determines the degree of mobility that the metals may have under non-landfill conditions.

1.5 SAMPLING LOCATIONS

The stockpile of foundry sands is approximately 150 by 400 feet, with a height of 20 to 25 feet. Since the maximum heights are located along the long axis (centerline) of the pile, the sample locations were selected along this axis to maximize the depth profiling that is achieved with each individual sample location. An auger was advanced at each sampling location to obtain soil samples (see next section for more detailed discussion of sampling methods). Grab samples were obtained from the 4-, 8-, 12-, and 16-foot depths and composited into one sample for laboratory analysis, thus providing a representative vertical profile at each sampling location. Photographs of the foundry sand pile and representative sampling locations are included as Appendix A.

1.6 SAMPLE COLLECTION METHODS

The four samples were collected using truck-mounted, 4-inch (nominal) diameter flight auger equipment. This equipment was driven onto the top of the pile to collect the samples described in the previous section. Augers were advanced to the four desired sample depths to obtain the four grab samples for each four-part composite sample. As the auger reached each sample depth, two cups of sand were collected from the flight auger cuttings and placed in a stainless steel bowl. When the four equal-volume (two cup) grab samples were placed into the bowl, the four grab samples were thoroughly mixed using a stainless steel spoon. After mixing, the samples for laboratory analysis were collected from the mixed sands.

1.7 ANALYTICAL METHODS

Each of the four samples collected were analyzed by the four methods described below.

1.7.1 Total Metals

All soil samples were analyzed using EPA Method 6010 employing Inductively Coupled Plasma (ICP) with the exception of mercury, which will be analyzed by Cold Vapor Atomic Absorption (CVAA), EPA Method 7470A/7471A. One 8-ounce amber-glass jar of soil was collected for each sample. No sample preservation was required other than to cool the samples to 4°C.

1.7.2 Synthetic Precipitation Leaching

The SPLP was conducted using SW846 Method 1312. A separate 8-ounce amber-glass jar was collected for each sample. No sample preservation was required other than to cool the samples to 4°C.

1.7.3 Diesel Range Organics (DRO)

Samples for DRO analyses were collected using an EnCore™ sampling unit (consistent with the revised EPA SW-846 5035 sampling methodology) and submitted for Wisconsin Modified DRO analysis. Samples were cooled on ice to 4°C as above.

1.7.4 Total Phenolics

Total phenolics were analyzed by EPA Method 420.2/9066. A separate 2-ounce glass jar was collected for each sample. No sample preservation was required other than to cool the samples to 4°C.

1.8 FIELD SCREENING

No organic vapor monitoring was performed. Field observations were recorded as noted in the sample collection protocols. No significant field observations were made. The foundry sands were dark in color, and had the appearance of a rich sandy loam soil high in organics.

1.9 QUALITY ASSURANCE/QUALITY CONTROL PLAN

Quality assurance/quality control (QA/QC) procedures were of prime importance to this investigation to ensure quality of the data collected, and thus the interpretations made from the data. The Wenck corporate QA/QC program, which mandates the use of industry-wide accepted procedures and practices, was followed throughout the investigation.

Project-specific measures taken included:

- One field rinse blank sample. The blank duplicate will verify the reliability of the soil sample collection procedures to assure that no contaminants were introduced as a function of the sampling methodology. Analysis included the four analytical methods described in Section 1.7.

2.0 Analytical Results

Table 1 shows concentrations for soil samples for metals by TCLP, mercury, total phenolics, and DRO. Laboratory results did not exceed the Tier 1 Soil Reference Values (SRVs) or the Soil Leaching Values (SLVs). Pace Analytical Services, Inc. laboratory data are included as Appendix B.

No SRV or SLV exists for DRO, however, if Minnesota Pollution Control Agency Leaking Underground Storage Tank guidelines are used (50 mg/kg) there were DRO exceedances in samples from FS-1, FS-2, and FS-4. It must be emphasized, however, that the DRO guideline is not based on human health or ecological risk evaluation, but rather derived as a field “action level” for the purpose of the Leaking Underground Storage Tank (LUST) program. MPCA attempts to quantify DRO risk-based cleanup standards have generally yielded numbers higher than 50 mg/kg.

Table 2 shows analytical results for metals by Synthetic Precipitation Leaching Procedure (SPLP) and comparisons to State of Minnesota Health Risk Levels (HRLs) for groundwater. This laboratory procedure is an indication of the degree of mobility of these metals under non-landfill conditions, that is, conditions more representative of rainwater infiltration. Metals by SPLP are reported in micrograms per liter (ug/l) and so are compared to Health Risk Limits published by the Minnesota Department of Health rather than the SRVs and SLVs used for TCLP. As with the TCLP analysis of the same soils, there were no exceedances of samples analyzed by SPLP.

3.0 Recommendations

Laboratory analysis of the characteristics of the 30,000 cubic yards of foundry sand indicated that there were no exceedances of Tier 1 Soil Reference Values or Soil Leaching Values detected in the soil samples. Therefore, the material does not pose a threat of leaching metals compounds or phenolic compounds into surfacewater or groundwater if it remains at the site. The best indication of this is that the material did not leach high concentration of metals even when tested by strongly acidic conditions (i.e., the TCLP analyses of previous sampling work).

Three of the four samples had DRO exceedances when compared to MPCA underground storage tank guidelines. We recommend that the soil be land applied to a thickness of approximately six inches to promote more rapid microbial degradation and natural attenuation of these residual hydrocarbons, however, from a standpoint of risk-based decision-making, no action is necessary based on the detected concentrations and the current land use scenario.

Based on the information in this report, no additional investigation is recommended.

Table 1
Stockpile Characterization Data - Toxic Characterization Leaching Procedure and Others
Foundry Waste Stockpile
Bituminous Roadways, Inc. Inver Grove Heights Facility

Metals	Soil Leaching		Tier 1 Soil		FS-1		FS-2		FS-3		PRL		FS-4		PRL Units	
	Value	Reference Value														
Arsenic	25	10			4.8	1.33	ND	1.33	ND	1.35	ND	1.35	ND	1.31	mg/kg	
Barium	12500	1200			34.5	2.66	48.2	2.66	60	2.69	58.2	2.69	58.2	2.62	mg/kg	
Cadmium	250	35			ND	0.266	ND	0.266	ND	0.269	ND	0.269	ND	0.262	mg/kg	
Chromium	100000	34300			25.5	2.66	84.1	2.66	27.7	2.69	55.5	2.69	55.5	2.62	mg/kg	
Copper	9000	100			43.7	1.33	90.7	1.33	28.1	1.35	57.2	1.35	57.2	1.31	mg/kg	
Lead	700	400			10.7	0.798	8.27	0.798	62	0.808	15.3	0.808	15.3	0.796	mg/kg	
Mercury	2	0.7			0.151	0.0219	ND	0.0201	0.027	0.0213	0.0278	0.0213	0.0278	0.0206	mg/kg	
Nickel	3000	520			22.4	5.32	115	5.32	21.4	5.39	59.1	5.39	59.1	5.24	mg/kg	
Selenium	1250	170			ND	1.33	ND	1.33	ND	1.35	ND	1.35	ND	1.31	mg/kg	
Silver	1250	170			ND	2.66	ND	2.66	ND	2.69	ND	2.69	ND	2.62	mg/kg	
Zinc	70000	8700			28.4	5.32	33.2	5.32	31.9	5.39	29.1	5.39	29.1	5.24	mg/kg	
Phenolics Total in Soil																
Phenol	26800	1100			ND	27.4	6.18	5.49	ND	5.39	ND	5.39	ND	5.37	mg/kg	
GC Semivolatiles																
Diesel Range Organic Compounds		50*			150	32	140	6.5	45	6.1	180	6.1	180	7.4	mg/kg	

* = MPCA Leaking Underground Storage Tank guidelines

Table 2

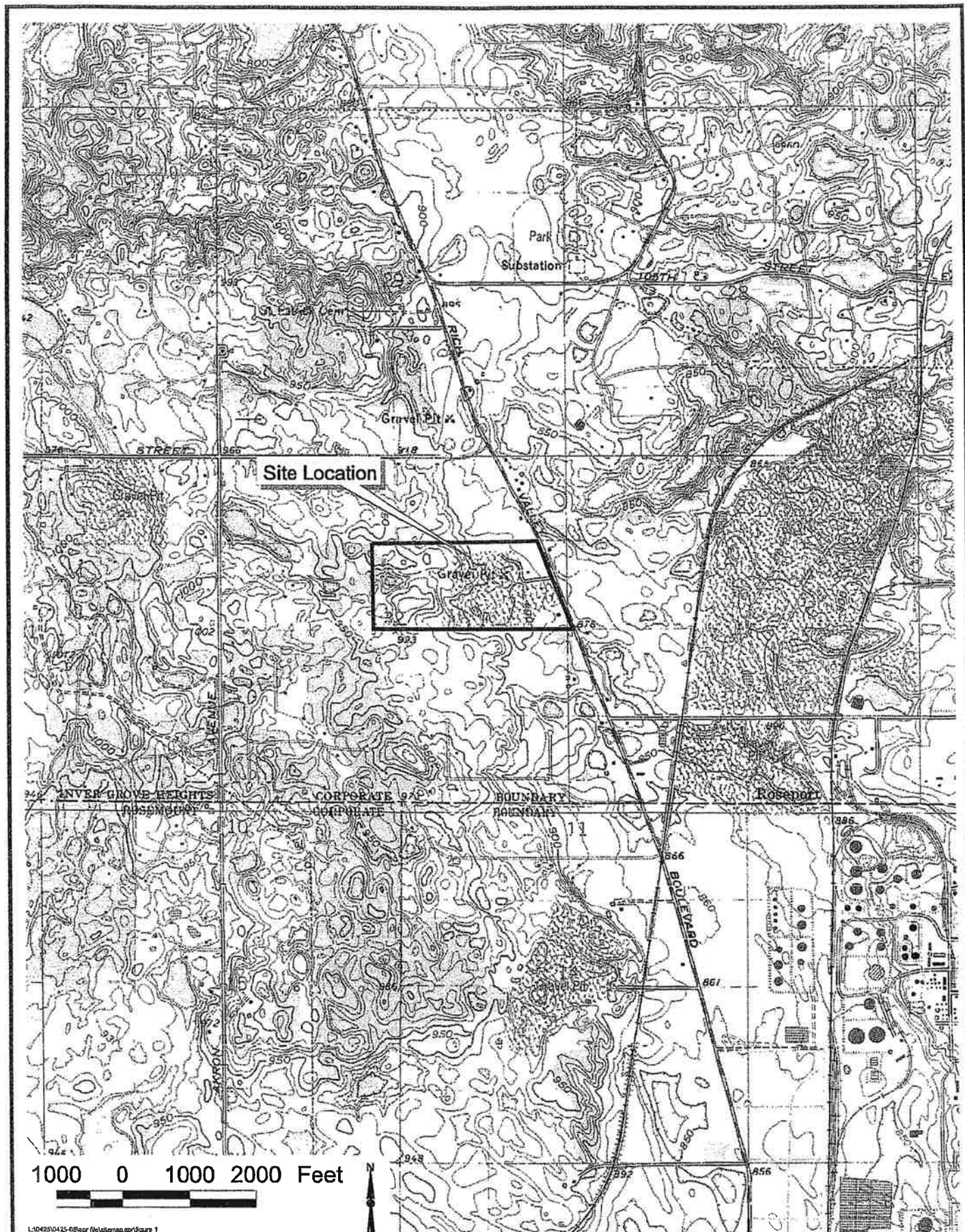
Stockpile Characterization Data - Metals by Synthetic Precipitation Leaching Procedure

Foundry Waste Stockpile
Bituminous Roadways, Inc., Inver Grove Heights Facility

Metals	Minnesota		FS-1 PRL	FS-2 PRL	FS-3 PRL	FS-4 PRL	Units
	Federal MCL	Health Risk Level					
SPLP on Solid, ICP Metals							
Arsenic	50 ⁽¹⁾		ND	ND	ND	ND	15 ug/l
Barium		2000	ND	ND	127	101	30 ug/l
Cadmium		4	ND	ND	ND	ND	3 ug/l
Chromium		20000	ND	ND	ND	ND	30 ug/l
Copper	1000		ND	ND	28.2	34.3	15 ug/l
Lead	15 ⁽¹⁾⁽²⁾		ND	ND	118	ND	9 ug/l
Mercury	2		ND	ND	ND	ND	0.8 ug/l
Nickel		100	ND	ND	ND	ND	60 ug/l
Selenium		30	ND	ND	ND	ND	15 ug/l
Silver		30	ND	ND	ND	ND	30 ug/l
Zinc		2000	ND	ND	60.2	ND	60 ug/l

⁽¹⁾ = Federal Action Level⁽²⁾ = Lead (Pb) concentration sampled at the tap

MCL = Maximum Contaminant Level



L:\0425\0425-08\april\site\map.apr\figure 1

BITUMINOUS ROADWAYS - Inver Grove Heights

Site Location Map

Wenck
Wenck Associates, Inc. 1800 Pioneer Creek Center
Environmental Engineers Maple Plain, MN 55359-0429

NOV 2000

Figure 1

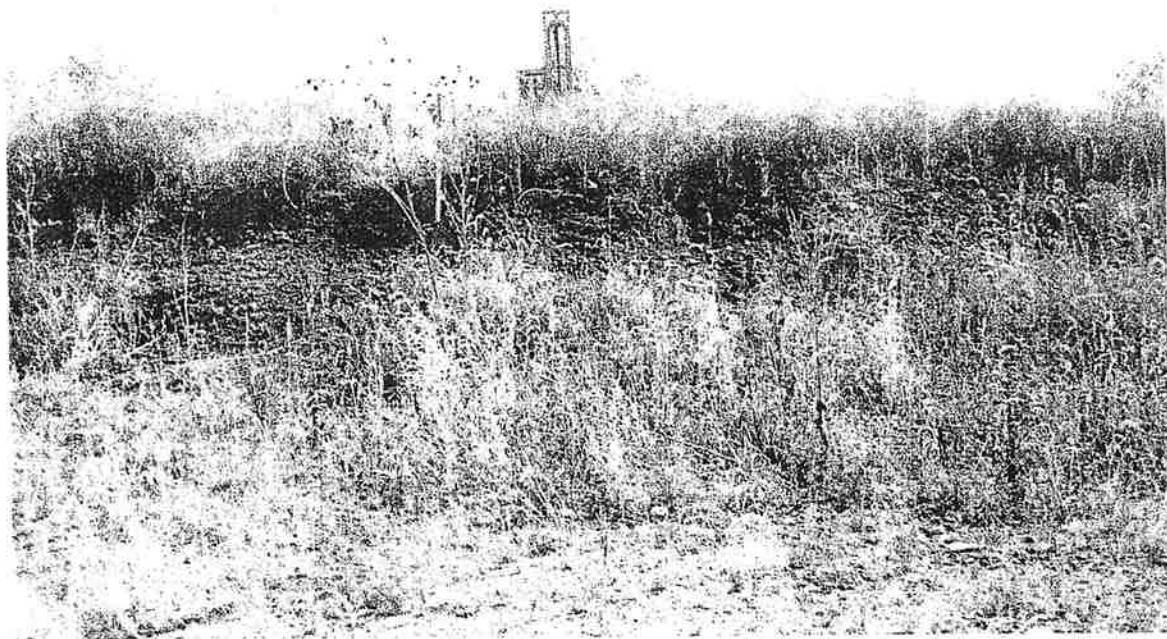


Photo 1: View facing east along axis of foundry sand pile. Marker Station 00 in the foreground.



Photo 2: View of flight auger at first sampling location.

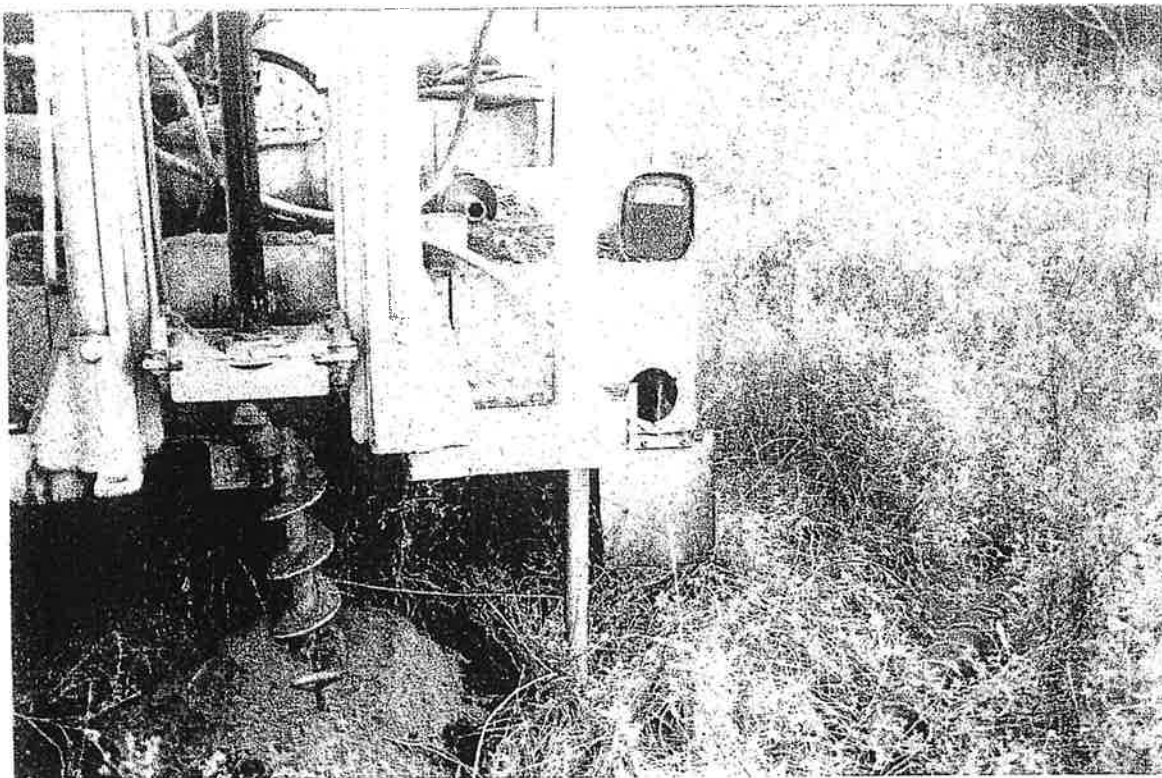


Photo 3: View of flight auger at sampling location #4. Underlying native soils (brown, sandy) are visible having been encountered at approximately 13.5' below grade.

Appendix B

Pace Analytical, Inc. Laboratory Data



Pace Analytical Services, Inc.

1700 Elm Street, Suite 200

Minneapolis, MN 55414

Phone: 612.607.1700

Fax: 612.607.6444

DATE: 11/13/00

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Rock Associates, Inc.
100 N. Robert St. Ste. 414
Paul, MN 55101

Pace Project Number: 1037418

Client Project ID: Bituminous Roadways

Client: Mr. Joe Otte
Phone: (651)228-1939

All results are reported on a dry weight basis

Sample No:	102315520	Date Collected:	10/04/00	Matrix:	Soil
Parent Sample ID:	FS-1	Date Received:	10/05/00		

Parameters	Results	Units	PRL	Analyzed	Analyst	CAS#	Footnotes
------------	---------	-------	-----	----------	---------	------	-----------

Organics Prep

Percent Moisture	Method:	Prep Method:
Percent Moisture	8.8 %	10/09/00 JMZ

Metals

PLP on Solid, ICP Metals	Method: EPA 6010	Prep Method: EPA 3010
Arsenic	ND ug/l	15 10/23/00 BDA 7440-38-2
Barium	ND ug/l	30 10/23/00 BDA 7440-39-3
Cadmium	ND ug/l	3 10/23/00 BDA 7440-43-9
Chromium	ND ug/l	30 10/23/00 BDA 7440-47-3
Copper	ND ug/l	15 10/23/00 BDA 7440-50-8
Lead	ND ug/l	9 10/23/00 BDA 7439-92-1
Nickel	ND ug/l	60 10/23/00 BDA 7440-02-0
Selenium	ND ug/l	15 10/23/00 BDA 7782-49-2
Silver	ND ug/l	30 10/23/00 BDA 7440-22-4
Zinc	ND ug/l	60 10/23/00 BDA 7440-66-6
Date Digested		10/13/00

Metals, Trace ICP	Method: EPA 6010	Prep Method: EPA 3050
Arsenic	4.8 mg/kg	1.33 10/23/00 BDA 7440-38-2
Barium	34.5 mg/kg	2.66 10/23/00 BDA 7440-39-3
Cadmium	ND mg/kg	0.266 10/23/00 BDA 7440-43-9
Chromium	25.5 mg/kg	2.66 10/23/00 BDA 7440-47-3
Copper	43.7 mg/kg	1.33 10/23/00 BDA 7440-50-8
Lead	10.7 mg/kg	0.798 10/23/00 BDA 7439-92-1
Nickel	22.4 mg/kg	5.32 10/23/00 BDA 7440-02-0
Selenium	ND mg/kg	1.33 10/23/00 BDA 7782-49-2

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Pace Project Number: 1037418

Client Project ID: Bituminous Roadways

Sample No: 102315520
Sample ID: FS-1

Date Collected: 10/04/00
Date Received: 10/05/00

Matrix: Soil

Parameters	Results	Units	PRL	Analyzed	Analyst	CAS#	Footnotes
Silver	ND	mg/kg	2.66	10/23/00	BDA	7440-22-4	
Zinc	28.4	mg/kg	5.32	10/23/00	BDA	7440-66-6	
Date Digested				10/16/00			
PLP, Mercury		Method: EPA 7470			Prep Method: EPA 7470		
Mercury	ND	ug/l	0.8	10/17/00	BDA	7439-97-6	
Mercury, CVAAS		Method: EPA 7471			Prep Method: EPA 7470		
Mercury	0.151	mg/kg	0.0219	10/17/00	BDA	7439-97-6	
Chemistry							
Phenolics Total. in Soil		Method: EPA 420.1 Modified			Prep Method: EPA 420.1 Modified		
Phenol	ND	mg/kg	27.4	10/09/00	JB1	108-95-2	
PLP on Solid, ICP Metals		Method: EPA 6010			Prep Method: EPA 1312		
Date Prepared				10/10/00			
PLP, Mercury		Method: EPA 7470			Prep Method: EPA 1311		
Date Prepared				10/12/00			
Semivolatiles							
WI DRO in Soil		Method: TPH DRO Wisconsin			Prep Method: TPH DRO WI extracti		
Diesel Range Organic Compounds	150	mg/kg	32	10/18/00	BM1		
n-Triacontane (S)	57	%		10/18/00	BM1	638-68-6	
Date Extracted				10/12/00			

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Pace Project Number: 1037418
Client Project ID: Bituminous Roadways

Ice Sample No:	102315538	Date Collected:	10/04/00	Matrix:	Soil
Test Sample ID:	FS-2	Date Received:	10/05/00		

Parameters	Results	Units	PRL	Analyzed	Analyst	CAS#	Footnotes
------------	---------	-------	-----	----------	---------	------	-----------

Organics Prep

Percent Moisture	Method:		Prep Method:
Percent Moisture	9.5	%	10/09/00 JMZ

Metals

SPLP on Solid, ICP Metals	Method: EPA 6010	Prep Method: EPA 3010
Arsenic	ND ug/l 15	10/23/00 BDA 7440-38-2
Barium	ND ug/l 30	10/23/00 BDA 7440-39-3
Cadmium	ND ug/l 3	10/23/00 BDA 7440-43-9
Chromium	ND ug/l 30	10/23/00 BDA 7440-47-3
Copper	ND ug/l 15	10/23/00 BDA 7440-50-8
Lead	ND ug/l 9	10/23/00 BDA 7439-92-1
Nickel	ND ug/l 60	10/23/00 BDA 7440-02-0
Selenium	ND ug/l 15	10/23/00 BDA 7782-49-2
Silver	ND ug/l 30	10/23/00 BDA 7440-22-4
Zinc	ND ug/l 60	10/23/00 BDA 7440-66-6
Date Digested		10/13/00

Metals, Trace ICP	Method: EPA 6010	Prep Method: EPA 3050
Arsenic	ND mg/kg 1.34	10/23/00 BDA 7440-38-2
Barium	48.2 mg/kg 2.68	10/23/00 BDA 7440-39-3
Cadmium	ND mg/kg 0.268	10/23/00 BDA 7440-43-9
Chromium	84.1 mg/kg 2.68	10/23/00 BDA 7440-47-3
Copper	90.7 mg/kg 1.34	10/23/00 BDA 7440-50-8
Lead	8.27 mg/kg 0.804	10/23/00 BDA 7439-92-1
Nickel	115 mg/kg 5.36	10/23/00 BDA 7440-02-0
Selenium	ND mg/kg 1.34	10/23/00 BDA 7782-49-2
Silver	ND mg/kg 2.68	10/23/00 BDA 7440-22-4
Zinc	33.2 mg/kg 5.36	10/23/00 BDA 7440-66-6
Date Digested		10/16/00

SPLP, Mercury	Method: EPA 7470	Prep Method: EPA 7470
Mercury	ND ug/l 0.8	10/17/00 BDA 7439-97-6

Mercury, CVAAS	Method: EPA 7471	Prep Method: EPA 7470
Mercury	ND mg/kg 0.0201	10/17/00 BDA 7439-97-6

Met Chemistry

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DATE: 11/13/00
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Pace Project Number: 1037418
Client Project ID: Bituminous Roadways

Pace Sample No: 102315538
Client Sample ID: FS-2

Date Collected: 10/04/00
Date Received: 10/05/00

Matrix: Soil

Parameters	Results	Units	PRL	Analyzed	Analyst	CAS#	Footnotes
Phenolics Total. in Soil	6.18	mg/kg	5.49	10/09/00	JB1	108-95-2	Prep Method: EPA 420.1 Modified
SPLP on Solid, ICP Metals Date Prepared				10/10/00			Prep Method: EPA 1312
SPLP, Mercury Date Prepared				10/12/00			Prep Method: EPA 1311
IC Semivolatiles							
WI DRO in Soil							Prep Method: TPH DRO WI extracti
Diesel Range Organic Compounds	140	mg/kg	6.5	10/16/00	BM1		
n-Triacontane (S)	59	%		10/16/00	BM1	638-68-6	
Date Extracted				10/12/00			

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QUALITY CONTROL DATA

DATE: 11/13/00

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rick Associates, Inc.
10 N. Robert St. Ste.414
Paul, MN 55101

Pace Project Number: 1037418
Client Project ID: Bituminous Roadways

In: Mr. Joe Otte
Phone: (651)228-1939

Batch ID: 50856
Analysis Method: EPA 6010
Associated Pace Samples: 102315520 102315538 102315553 102315561
QC Batch Method: EPA 3010
Analysis Description: SPLP on Solid, ICP Metals

Method BLANK: 102329430
Associated Pace Samples:

		102315520	102315538	102315553	102315561
			Method Blank		
Parameter	Units	Result	PRL	Footnotes	
Asenic	ug/l	ND	5		
Barium	ug/l	17	10		
Cadmium	ug/l	ND	1		
Chromium	ug/l	ND	10		
Copper	ug/l	ND	5		
Lead	ug/l	ND	3		
Nickel	ug/l	ND	20		
Selenium	ug/l	ND	5		
Silver	ug/l	ND	10		
Zinc	ug/l	ND	20		

MATRIX SPIKE & MATRIX SPIKE DUPLICATE: 102329448 102329455									
Parameter	Units	102315520	Spike Conc.	Matrix Spike Result	Spike % Rec	Matrix Sp. Dup. Result	Spike Dup % Rec	RPD	Footnotes
Asenic	ug/l	0	1000	931.2	93.1	923.1	92.3	1	
Barium	ug/l	9.504	1000	966.6	95.7	958.8	94.9	1	
Cadmium	ug/l	0	1000	950.1	95.0	942.6	94.3	1	
Chromium	ug/l	3.378	1000	954.9	95.2	944.4	94.1	1	
Copper	ug/l	4.131	1000	948.9	94.5	941.1	93.7	1	
Lead	ug/l	0.09180	1000	942.0	94.2	931.5	93.1	1	
Nickel	ug/l	4.689	1000	930.6	92.6	923.7	91.9	1	
Selenium	ug/l	0	1000	948.3	94.8	934.5	93.5	1	
Silver	ug/l	3.810	1000	944.4	94.1	937.2	93.3	1	

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Pace Project Number: 1037418
 Client Project ID: Bituminous Roadways

ATRIX SPIKE & MATRIX SPIKE DUPLICATE: 102329448 102329455									
Parameter	Units	102315520	Spike Conc.	Matrix Spike Result	Spike % Rec	Matrix Sp. Dup. Result	Spike Dup % Rec	RPD	Footnotes
inc	ug/l	7.062	1000	959.7	95.3	948.0	94.1	1	

LABORATORY CONTROL SAMPLE: 102329463

Parameter	Units	Spike Conc.	LCS Result	Spike % Rec	Footnotes
Asenic	ug/l	1000	1058	106	
rium	ug/l	1000	983.8	98.4	
dmium	ug/l	1000	992.0	99.2	
hromium	ug/l	1000	988.9	98.9	
pper	ug/l	1000	1021	102	
ad	ug/l	1000	995.3	99.5	
ickel	ug/l	1000	966.4	96.6	
elenium	ug/l	1000	1056	106	
lver	ug/l	1000	1024	102	
nc	ug/l	1000	1040	104	

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Rock Associates, Inc.
100 N. Robert St. Ste. 414
Paul, MN 55101

Pace Project Number: 1037418
Client Project ID: Bituminous Roadways

Attention: Mr. Joe Otte
Phone: (651)228-1939

Batch ID: 50896
Analysis Method: EPA 7471
Associated Pace Samples: 102315520 102315538 102315553 102315561
QC Batch Method: EPA 7470
Analysis Description: Mercury, CVAAS

Method Blank: 102333713
Associated Pace Samples:

	102315520	102315538	102315553	102315561
		Method Blank		
Parameter	Units	Result	PRL	Footnotes
Mercury	mg/kg	ND	0.02	

RIX SPIKE & MATRIX SPIKE DUPLICATE: 102333739 102333747									
		Spike	Matrix	Matrix	Spike				
Parameter	Units	102314929	Conc.	Spike	Sp. Dup.	Dup			
				Result	% Rec	Result	% Rec	RPD	Footnotes
Mercury	mg/kg	4.462	0.5860	4.756	50.2	4.720	44.0	13	3

LABORATORY CONTROL SAMPLE: 102333721

		Spike	LCS	Spike	
Parameter	Units	Conc.	Result	% Rec	Footnotes
Mercury	ug/l	5.000	5.295	106	

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Black Associates, Inc.
50 N. Robert St. Ste. 414
Paul, MN 55101

Pace Project Number: 1037418
Client Project ID: Bituminous Roadways

Client: Mr. Joe Otte
Phone: (651)228-1939

Batch ID: 50903 QC Batch Method: EPA 7470
Analysis Method: EPA 7470 Analysis Description: SPLP, Mercury
Associated Pace Samples: 102315520 102315538 102315553 102315561

METHOD BLANK: 102333861
Associated Pace Samples:

	102315520	102315538	102315553	102315561
		Method Blank		
Parameter	Units	Result	PRL	Footnotes
Mercury	ug/l	ND	0.8	

MATRIX SPIKE & MATRIX SPIKE DUPLICATE: 102333879 102333887									
			Spike	Matrix	Matrix	Spike			
Parameter	Units	102315520	Conc.	Spike Result	Spike % Rec	Sp. Dup. Result	Dup % Rec	RPD	Footnotes
Mercury	ug/l	0	20	21.52	108	21.23	106	1	

LABORATORY CONTROL SAMPLE: 102333895

		Spike	LCS	Spike	
Parameter	Units	Conc.	Result	% Rec	Footnotes
Mercury	ug/l	20	21.48	107	

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Clark Associates, Inc.
100 N. Robert St. Ste. 414
Paul, MN 55101

Pace Project Number: 1037418
Client Project ID: Bituminous Roadways

Lab: Mr. Joe Otte
Phone: (651)228-1939

Batch ID: 50913
Analysis Method: EPA 6010
QC Batch Method: EPA 3050
Analysis Description: Metals, Trace ICP
Associated Pace Samples: 102315520 102315538 102315553 102315561

Method Blank: 102334273
Associated Pace Samples:

	102315520	102315538	102315553	102315561
		Method Blank		
Parameter	Units	Result	PRL	Footnotes
Lead	mg/kg	ND	0.25	
Mercury	mg/kg	ND	0.5	
Nickel	mg/kg	ND	0.05	
Cadmium	mg/kg	ND	0.5	
Copper	mg/kg	ND	0.25	
Chromium	mg/kg	ND	0.15	
Vanadium	mg/kg	ND	1	
Antimony	mg/kg	ND	0.25	
Thallium	mg/kg	ND	0.5	
Barium	mg/kg	ND	1	

MATRIX SPIKE & MATRIX SPIKE DUPLICATE: 102334281 102334299									
Parameter	Units	102315520	Spike Conc.	Matrix Spike Result	Spike % Rec	Matrix Sp. Dup. Result	Spike Dup % Rec	RPD	Footnotes
Lead	mg/kg	4.796	51.7	52.24	91.8	55.23	93.9	2	
Mercury	mg/kg	34.47	51.7	88.11	104	87.94	99.5	4	
Nickel	mg/kg	0	51.7	44.28	85.7	47.41	88.3	3	
Cadmium	mg/kg	25.50	51.7	73.56	93.0	75.24	92.6	0	
Copper	mg/kg	43.70	51.7	84.34	78.6	84.08	75.1	5	3
Chromium	mg/kg	10.72	51.7	55.78	87.2	59.07	90.0	3	
Vanadium	mg/kg	22.39	51.7	65.73	83.8	65.59	80.4	4	
Antimony	mg/kg	0.3761	51.7	43.94	84.3	48.27	89.1	6	
Thallium	mg/kg	0.3506	51.7	45.67	87.7	48.73	90.0	3	

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QUALITY CONTROL DATA

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Pace Project Number: 1037418
Client Project ID: Bituminous Roadways

MATRIX SPIKE & MATRIX SPIKE DUPLICATE: 102334281 102334299									
Parameter	Units	102315520	Spike Conc.	Matrix Spike Result	Spike % Rec	Matrix Sp. Dup. Result	Spike Dup % Rec	RPD	Footnotes
inc	mg/kg	28.36	51.7	73.98	88.2	75.16	87.1	1	

LABORATORY CONTROL SAMPLE: 102334307

Parameter	Units	Spike Conc.	LCS Result	Spike % Rec	Footnotes
arsenic	mg/kg	1.000	0.8901	89.0	
barium	mg/kg	1.000	0.9235	92.4	
cadmium	mg/kg	1.000	0.8819	88.2	
chromium	mg/kg	1.000	0.9124	91.2	
copper	mg/kg	1.000	0.9135	91.4	
lead	mg/kg	1.000	0.8825	88.3	
nickel	mg/kg	1.000	0.8650	86.5	
selenium	mg/kg	1.000	0.8478	84.8	
silver	mg/kg	1.000	0.8975	89.8	
zinc	mg/kg	1.000	0.8792	87.9	

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DATE: 11/13/00
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Pace Project Number: 1037418
Client Project ID: Bituminous Roadways

QUALITY CONTROL DATA PARAMETER FOOTNOTES

consistent with EPA guidelines unrounded concentrations are displayed and have been used to calculate % Rec and RPD values.

) Not Detected

: Not Calculable

Pace Reporting Limit

- Relative Percent Difference

S) Surrogate

Phenol was detected in the blank. However, all samples were non-detect.

The surrogate and/or spike recovery was outside acceptance limits.

3] The spike recovery was outside acceptance limits for the MS and /or MSD due to matrix interference. The LCS and/or LCSD were within acceptance limits showing that the laboratory is in control and the data is acceptable.

REPORT OF LABORATORY ANALYSIS

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Technical Memorandum

To: Ally Sutherland and Allan Hunting
From: Ray Wuolo, Senior Hydrogeologist and Jeff Ubl, P.E.
Subject: Bituminous Roadways, Inc. (BRI) – Environmental Review of Proposed Expansion
Date: September 29, 2022
Project: 2319-0218

This memorandum provides Barr Engineering Co.'s (Barr's) review of potential environmental-related impacts from BRI's proposed expansion of their sand and gravel mining operation located on Rich Valley Boulevard.

Proposed Expansion

Barr's understanding of the proposed BRI sand and gravel expansion is based on:

- The Conditional Use Permit (CUP) application and seven-sheet plan set both dated August 5, 2022, and prepared by Sunde Engineering, PLLC (Sunde) and,
- The September 22, 2022, virtual meeting with BRI, Sunde, City staff

From this information we understand:

- The proposed mining depth will increase by 40 feet from elevation 840-feet to elevation 800-feet
- The water-table aquifer beneath the site flows generally from west to east at an elevation between 800 to 745-feet
- The proposed expansion will increase the life of the mine by approximately 10 years
- The same equipment currently in use at the mine will continue to be used for the expansion with no increase in equipment number, size, or type
- The mining rate will remain the same for the expansion, including the frequency of truck trips to and from the operation
- The proposed mine operating aerial footprint will not increase for the proposed expansion
- The location and quantity of fuel, asphalt cement, and other chemical storage will not change from the current operation
- Backfilling of the mine is expected to consist of excess sand from the operation and clean soil from off-site BRI construction projects
- Per Minnesota Rules 4410.4300, subpart 12 the proposed expansion does not trigger a mandatory Environmental Assessment Worksheet
- After mining operations are complete, topsoil will be placed over the site and the area vegetated; end use will include agriculture and potentially residential lots

To: Ally Sutherland and Allan Hunting
From: Ray Wuolo, Senior Hydrogeologist and Jeff Ubl, P.E.

Subject: Bituminous Roadways, Inc. (BRI) – Environmental Review of Proposed Expansion
Date: September 29, 2022
Page: 2

Review of Potential Environmental Impacts

Barr reviewed the proposed expansion for potential negative impacts relating to air quality, groundwater quality and quantity, surface water quality, and noise. A discussion on each of these topics is provided below.

Air Quality

Because the proposed expansion will not increase the rate of mining, the type or quantity of equipment used, or the number of truck trips to and from the site, we believe that air quality impacts will not change from the current operation.

Groundwater Quality

Groundwater quality monitoring is conducted every-other-year at the onsite well (Rainbow well) and at the Todd Wicker and Robert Plan property wells for diesel and organics (DRO) and gasoline range organics (GRO) and for arsenic, barium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, zinc, phenol, pH, conductivity, and alkalinity. Results are submitted to the City and City staff indicate they have no concerns with the reported results.

It is not expected that groundwater quality would be negatively impacted by the expanded sand and gravel extraction operation. However, the subsequent soil backfilling should use only clean soil. The soil backfill material will be in very close proximity to groundwater and the 40 feet of unsaturated sand and gravel that currently is present above the water table will be removed. While this decreased thickness in the unsaturated zone should not change groundwater flow directions or rates, it will result in the water-table aquifer to be slightly more vulnerable to leaks, spills, or potential contamination in the backfill soil, compared to current conditions, because there will be less time between the discovery of a leak or spill and the ability to respond to it before the leak or spill reaches the water table and less unsaturated sand and gravel to naturally attenuate or adsorb potential contamination.

Groundwater Quantity

Because dewatering will not be needed to extract the sand and gravel for the proposed expansion, it is not expected that groundwater quantity of nearby wells will be negatively impacted.

Surface Water Quality

Surface water quality monitoring is conducted every-other-year at the site ponds for diesel and organics (DRO) and gasoline range organics (GRO) and for arsenic, barium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, zinc, phenol, pH, conductivity, and alkalinity. Results are submitted to the City and City staff indicate they have no concerns with the reported results.

Because the proposed expansion would increase the depth of mining it is understood that surface water runoff would continue to be contained at the site during the life of the mine. It is also understood that

To: Ally Sutherland and Allan Hunting
From: Ray Wuolo, Senior Hydrogeologist and Jeff Ubl, P.E.

Subject: Bituminous Roadways, Inc. (BRI) – Environmental Review of Proposed Expansion
Date: September 29, 2022
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storage of fuel, asphalt cement, and other chemicals would continue at the same location and at the same quantities as the current operation.

After mining is complete and the mine backfilled, surface water is proposed to be contained on site in the same manner as the plan for the current operation. Therefore, we do not foresee any negative impacts to surface water quality from the proposed expansion but recommend that BRI review and update its Spill Prevention, Control, and Countermeasure (SPCC) Plan as appropriate.

Noise

Barr was retained by the City to perform a noise assessment on the western edge of BRI's operation in 2018. Barr's assessment concluded that conditions at nearby residences was likely in full compliance with state noise standards.

Because the proposed expansion will not increase the rate of mining, the type or number of equipment used, or the number of truck trips to and from the site, we do not believe there will be any negative noise impacts from the proposed expansion.

Conclusions and Recommendations

Barr recommends that the City's CUP contain requirements for soil backfilling and the SPCC plan as described below.

For soil backfill material, Barr recommends only non-organic compactable soil material be used that is free of contamination, recycled or salvaged aggregate, asphaltic pavement, crushed concrete, scraps of shingles, debris, rubbish, frozen soil, boulders over 1-inch in diameter, logs, wood chips or other objectionable material. Backfill soil should be free of stumps, roots, and branches over 1.5- inches in diameter .

Backfill soils should not be placed over frozen subgrade.

Contaminated soil should not be used as fill or brought to the site. If the source of imported fill will be from a location where soil contamination is known, suspected, or can be expected (e.g., soils from gas stations, certain industrial sites, etc.), that soil should not be used for backfilling. Therefore, it is further recommended that offsite backfill soil come from only BRI projects and include a manifest from each site indicating that no contaminants are suspected to be in the soil material. A copy of the manifest could be submitted to the City.

Barr recommends that BRI review and amend the SPCC Plan as appropriate and submit a copy to the City. The SPCC Plan should document practices, personnel, equipment, and resources available to prevent a spill and what actions to take if a spill were to occur.

August 5, 2022
Revised: October 12, 2022

REPORT TO:

BITUMINOUS ROADWAYS, INC.

**APPLICATION FOR
REISSUANCE OF CONDITIONAL USE PERMIT FOR THE
MINING AND PROCESSING OF SAND AND GRAVEL, AN
ASPHALT PLANT AND CONTRACTOR'S YARD WITH
OPEN STORAGE AND FIVE YEAR SAND AND GRAVEL
OVERLAY DISTRICT**

INVER GROVE HEIGHTS, MINNESOTA



Consulting Civil Engineers

Sunde Engineering, PLLC.

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REPORT TO:
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**APPLICATION FOR
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OVERLAY DISTRICT**

INVER GROVE HEIGHTS, MINNESOTA

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



Kirsten Pauly, P.E. P.G.

DATE 10/12/22 REG. NO. 21842

SUBMITTED BY:

SUNDE ENGINEERING, PLLC
10830 Nesbitt Avenue South
Bloomington, MN 55437

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- Attachment 3: Report of Frequently Asked Questions for Bituminous Roadways, Inc. Proposed Wash Water Well by Barr Engineering Company, dated October 2012
- Attachment 4: The Technical Memorandum for the Bituminous Roadways Noise Assessment, by Barr Engineering Co. dated November 29, 2018
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- C-1 Existing Conditions
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I. INTRODUCTION

Bituminous Roadways, Inc. (BRI) operates a sand and gravel mining and processing facility located in the southern portion of Inver Grove Heights (Site). The Site operates in accordance with City of Inver Grove Heights Ordinance 1343 which establishes operating conditions and a five year Sand and Gravel Zoning over the property. The Site also operates under a five year Conditional Use Permit (CUP) that allows for operation of the asphalt plant, mining and processing of sand and gravel, and a contractor's yard. The current CUP and Ordinance 1343 were issued in October of 2017. The CUP was amended in 2020 to allow the storage of 5.3 million gallons of asphalt cement in three above ground tanks. This application pertains to a five year renewal of the operating conditions and Temporary Sand and Gravel Zoning of the Site. This application provides updated information on Site operations.

Activities allowed include mining and processing (crushing, screening, and washing), stockpiling, loading and hauling, reclamation, bulk asphalt cement storage, and operation of an asphalt plant and a contractor's yard. In addition, the Site operates under a General Non-Metallic Mineral Mining and Associated Activities National Pollutant Discharge Elimination System (NPDES) Permit and an Air Emissions Permit issued by the Minnesota Pollution Control Agency (MPCA), a Minnesota Department of Natural Resources (DNR) Water Appropriations Permit, a Dakota County Hazardous Waste Generators License and Processing License, and a MPCA Permit for Storage of Liquid Substances at a Major Aboveground Storage Tank Facility. Environmental Review was completed for the mining operation with the City of Inver Grove Heights as the Responsible Government Unit (RGU). The City Council issued a negative declaration on the need for an Environmental Impact Statement (EIS) on April 8, 2002 in accordance with the Minnesota Environmental Quality Board (EQB) Rules. In 2020 a mandatory Environmental Assessment Worksheet (EAW) was completed for the construction of the 5.3 million gallon bulk asphalt cement storage facility on the Site with the MPCA as the RGU. The MPCA issued a negative declaration on the need for an EIS on September 14, 2020.

This application proposes to continue operations as currently approved, with the exception of one request to amend the current mining depth as follows:

Amend Mining Depth Limits:

BRI is currently permitted to mine to an elevation of 840 feet above mean sea level (msl) at the Site. This equates to a mining depth of approximately 60-90 feet. BRI is requesting to amend the mining depth to an elevation of 800 feet above msl in the remaining Phases of the Site. This will provide a more efficient use of this resource which is vital to meet the ongoing demand for construction aggregate in the

surrounding area. The material will be available for use in important public infrastructure projects, road improvement projects, schools, housing and other building construction needs.

The proposed mining depth would lower the maximum mining depth to the elevation of the groundwater table, but not into or below the groundwater table. The mined area will be backfilled in accordance with the approved reclamation plan allowing for future development of the Site. Backfill material will consist of only non-organic compactable soil material that is free of contamination, recycled or salvaged aggregate, asphaltic pavement, crushed concrete, scraps of shingles, debris, rubbish, frozen soil, boulders over 1-inch in diameter, logs, wood chips or other objectionable material. This amendment will allow BRI to increase the maximum mining depth by 40 feet and extract up to an additional 3.4 million cubic yards of sand and gravel material over the remaining life of the mine.

The City of Inver Grove Heights retained Barr Engineering Company (Barr) to review the potential environmental-related impacts of the proposed increased mining depth at the Site. The Technical Memorandum for the Bituminous Roadways, Inc. - Environmental Review of Proposed Expansion, by Barr Engineering Co. dated September 29, 2022 (Barr Technical Review) is provided as Attachment 2 in this report. Barr's review states that the proposed increase in mining depth will not change the air quality from the current operation. The report also states that the groundwater quality and quantity and surface water quality will not be negatively impacted by the change, but recommends that only non-organic fill free of contamination be used for backfill material. Barr's report also states that there will not be any negative noise impact from the proposed change. Barr's recommendations include that the CUP contain requirements for soil backfill material and that BRI review and amend the Spill Prevention, Control, and Countermeasure (SPCC) Plan as appropriate. BRI's current SPCC Plan includes the practices, personnel, equipment, and resources available to prevent a spill and what actions to take if a spill were to occur. The SPCC Plan will be reviewed and amended prior to initiating any mining activity below elevation 840 feet above msl at the Site.

As part of the 2012 permit renewal BRI requested to install a wash water well for the sand and gravel washing operation conducted at the Site. At that time Barr was retained to study the effects the new well would have on groundwater and the neighboring wells. Barr prepared a report to answer frequently asked questions neighbors may have had regarding the study and the installation of the wash water well. Based on the report and Barr's findings the groundwater elevation at the Site at that time was approximately 800 feet above msl. The Report of Frequently Asked

Questions for Bituminous Roadways, Inc. Proposed Wash Water Well by Barr Engineering Company, dated October 2012 (2012 FAQ Wash Water Well) is provided as Attachment 3 in this report. BRI's request to mine to the elevation of 800 feet above msl is based on the groundwater elevation information provided in this report. Since groundwater elevations fluctuate annually and seasonally, BRI will monitor the groundwater elevation at the Site and will not mine below the groundwater. BRI will update their Spill Prevention Control and Countermeasures (SPCC) Plan accordingly and implement best management practices to protect groundwater quality. BRI will also conduct groundwater monitoring in accordance with the current groundwater monitoring plan included in Section III.15.

This report and accompanying plan set provides information regarding the mining operation.

II. SITE INFORMATION

1. General Site Information

The Site is located in Section 32, Township 27 North, Range 22 W, in the City of Inver Grove Heights in Dakota County, just west of County Road 71 (Rich Valley Boulevard). The general location of the Site is illustrated on Figure 1.

The Site includes the original north mine which has been actively mined since 1963, the asphalt production plant that has been permitted since 1980, and the southerly expansion area which was originally permitted in 2002 after completion of an Environmental Assessment Worksheet (EAW). During the 2002 permitting process, the areas were combined into one permit to facilitate the five-year permit review and renewal process.

The Site encompasses a total of approximately 201 acres. Over the life of the facility, mining is proposed to occur on approximately 141 acres and the remaining 60 acres is setback and buffer area. Mining has been completed over the majority of the northern portion of the Site and has progressed to the south. Reclamation activity is substantially complete on the northern portion of the Site and will continue throughout the next five-year permit term in areas where mining has been completed.

Mining activity currently takes place in the southern portion of the Site. Portions of this area have been stripped in preparation for the progression of mining. Screening from Rich Valley Boulevard and from the Wicker property (an adjacent residential property) is provided with screening berms and tree/brush cover. Figure 3, Landscaping – East Property Line shows the approximate location of screening berms and tree/brush

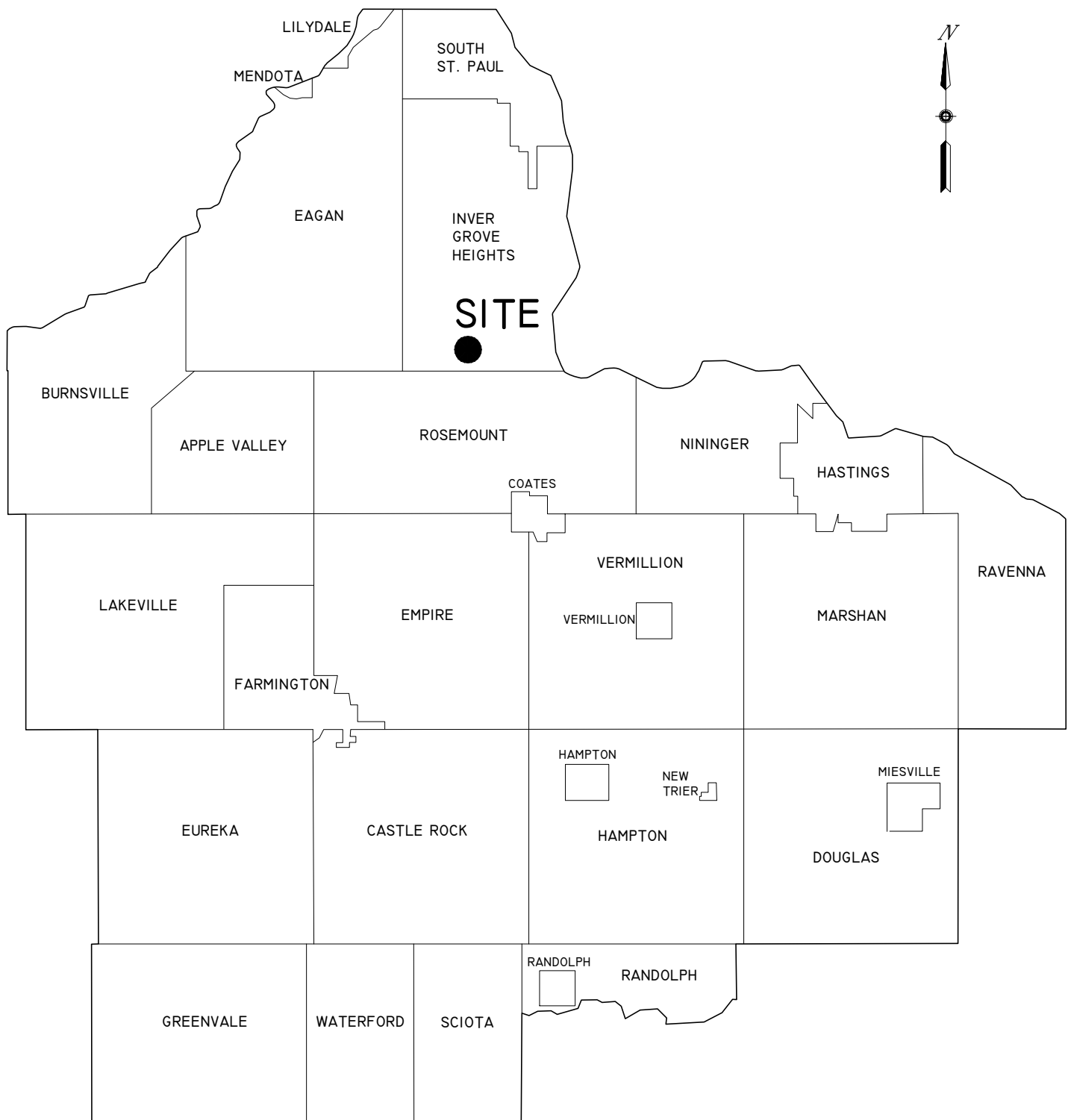


FIGURE 1 GENERAL LOCATION MAP

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INVER GROVE HEIGHTS GRAVEL PIT

2022 PERMIT REISSUANCE

cover. A washplant and sedimentation ponds were constructed during the 2012 permit term in accordance with the approved plans. Inactive phases of the Site continue to be used for agricultural production and open space/wooded areas. A gas pipeline runs along a portion of the southern boundary of the Site and transects the western portion of the Site. The pipeline will not be disturbed as part of the mining operations.

Surrounding land uses include agricultural production to the north (under the control of Flint Hills Resources), rural residential to the south and west, and agricultural and industrial to the east and southeast. The Site with respect to adjacent features is indicated on Figure 2, USGS Quadrangle Map Excerpt.

Specific Site features are indicated on the Existing Conditions Plan, Sheet C-1.

2. Site Ownership

The northern parcel is owned by:
Kent Peterson, LLC
1520 Commerce Drive
Mendota Heights, MN 55120
(651) 686-7001

The southern parcels are owned by:
Bituminous Roadways, Inc.
1520 Commerce Drive
Mendota Heights, MN 55120
(651) 686-7001

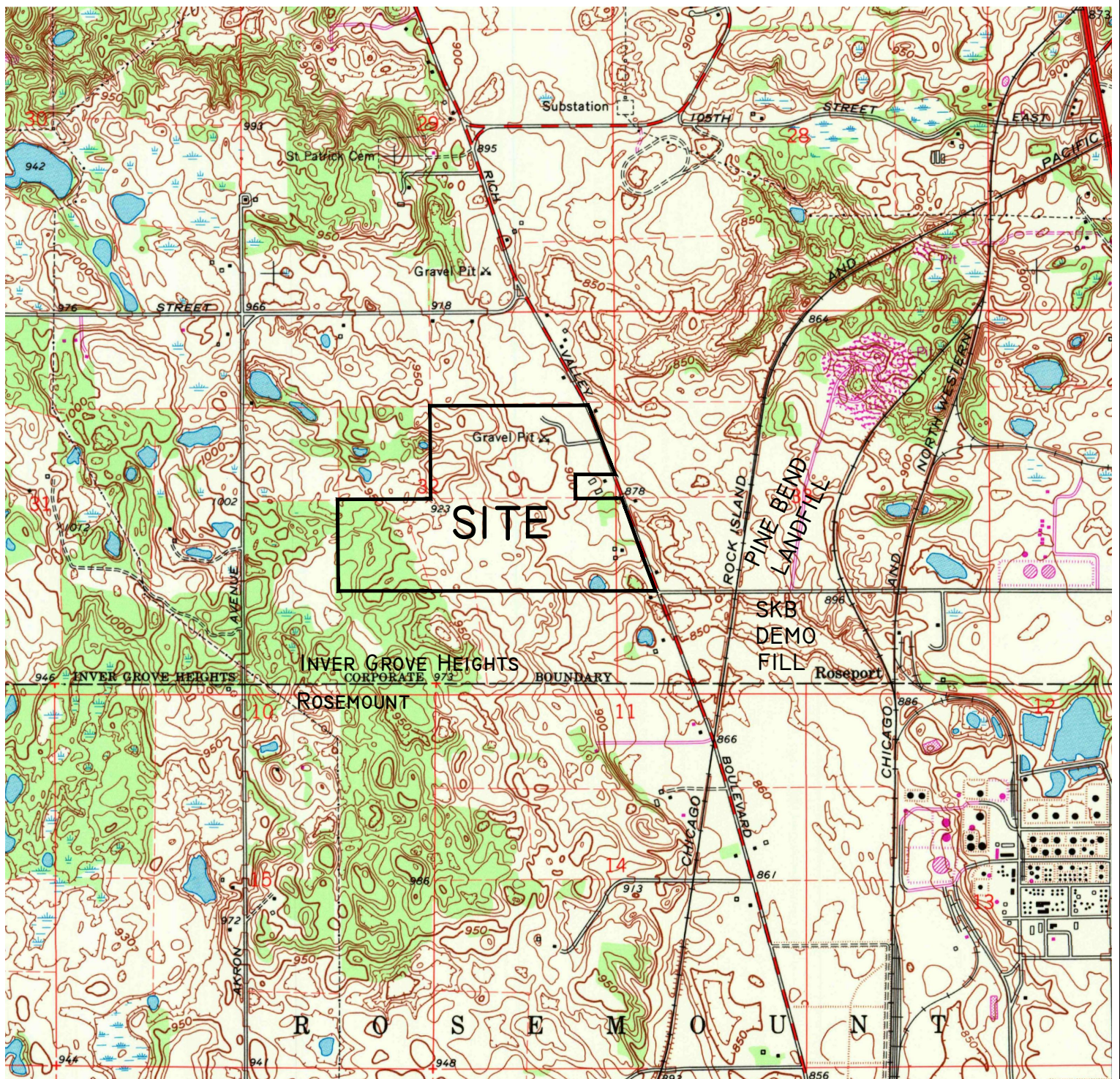
3. Site Operator

The Site is operated by:
Bituminous Roadways, Inc.
1520 Commerce Drive
Mendota Heights, MN 55120
(651) 686-7001

4. Legal Description

The legal description of the Site is as follows:

That part of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 32, Township 27, Range 22, W, lying Westerly of Rich Valley Boulevard; except that part described as follows: Commencing at the SE corner of said S $\frac{1}{2}$ of the NE $\frac{1}{4}$; thence West along the South line thereof, a distance of 592.43 feet; thence North 344.9 feet; thence East 570 feet to the centerline

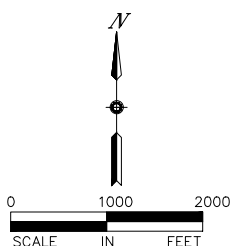


Source: USGS 7.5 MINUTE SERIES
TOPOGRAPHIC QUADRANGLE 1967
INVER GROVE HEIGHTS, MINNESOTA

FIGURE 2
USGS QUADRANGLE MAP EXCERPT

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of Rich Valley Boulevard; thence Southeasterly along said centerline, a distance of 67 feet to the East line of said S $\frac{1}{2}$ of the NE $\frac{1}{4}$; thence South 281.85 feet to the point of beginning.

And

The Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) and the North One-Half (N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$), Section thirty-two (32), Township twenty-seven (27), Range twenty-two (22) AND All of that tract of land lying West of Highway Number Five (5) in the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section thirty-three (33), Township twenty-seven (27), Range twenty-two (22); subject to an easement to Minnesota Northern Natural Gas Company, as described in Deed recorded in Book 193 of Deeds, page 374.

5. Neighboring Properties

A property owner's list within 1000 feet of the Site is included in Attachment 1.

III. OPERATIONS

1. Mineral Extraction

Site operations include stripping overburden from areas to be mined. Overburden is used to create screening berms along the perimeter of the property. The depth of overburden varies across the Site from one to seven feet in thickness based on soil borings drilled over the project area. Overburden remains on-site and is later used during the reclamation process.

Aggregate is removed from the bank using a front end loader. Currently excavation is permitted to a maximum elevation of 840 feet above msl. Areas are subsequently backfilled with on-site material or imported clean soil fill to achieve the proposed reclamation grades.

BRI is requesting to mine to a maximum elevation of 800 feet above msl, the approximate groundwater elevation as determined by Barr in the 2012 Wash Water Well FAQ Report, provided in this report in Attachment 3. This will increase the depth of the mining excavation to the elevation of the groundwater (an increase of about 40 feet) to better utilize the existing resource and continue to meet current market demand. This would allow to BRI to extract up to an additional 3.4 million cubic yards of sand and gravel material over the remaining life of the mine. The additional mining depth will provide a more efficient use of this resource which is vital to meet the ongoing demand for construction aggregate in the surrounding area. The material will be available for

use in important public infrastructure projects, road improvement projects (State, County, City and local), schools, housing and other building construction needs. Mining operations at the Site will not change as part of the proposed increase in mining depth. No additional equipment will be used, no additional storage of fuel or other chemicals is proposed, and the frequency of truck trips will remain the same as current operations. The increase in mining depth is estimated to add approximately 10 years to the life of the mine.

The City of Inver Grove Heights retained Barr to review the potential environmental-related impacts of the proposed increased mining depth at the Site. The Barr Technical Review states that the proposed increase in mining depth will not change the air quality from the current operation. The report also states that the groundwater quality and quantity and surface water quality will not be negatively impacted by the change, but recommends that only non-organic fill free of contamination be used for backfill material (see Section IV. RECLAMATION for additional backfill information). Barr's Technical Review also states that there will not be any negative noise impact from the proposed change.

Many mining operations in Minnesota and Wisconsin mine to and into the groundwater. BRI is proposing to mine just to the groundwater and is not proposing dredging or dewatering operations. BRI will monitor the groundwater level to maintain excavation activity at or above the groundwater level. During reclamation activities BRI will backfill with only non-organic material that is free of contamination.

Excavation will proceed in phases as illustrated on the Phasing Plan, Sheet C-2. Each phase is estimated to represent approximately eight years' worth of mining activity. The expected duration of mining is approximately an additional thirty years, although the actual life of the Site will depend upon market demand. Cross Sections A-A', B-B' and C-C' Sheets C-3 through C-5 illustrate the sand and gravel deposit, maximum mining depth, reclamation grades, and existing grades.

2. Processing

Excavated material is loaded into a feed bin and conveyed to the screening area and wash plant. Material is screened and washed and conveyed into product stockpiles. Oversized rock is screened and conveyed to a stockpile in the processing area to be crushed at a later date. Material is then transported to the northern portion of the Site for additional processing. Material is transported from the active face to the processing area using conveyors and/or off road haul trucks. Crushing operations occur at the Site approximately once per year for a duration of about 3-4 weeks and is performed by an

outside contractor. Processing includes crushing, washing, screening, sorting and blending into a variety of aggregate products. The majority of the material produced is used in the production of asphalt mix at the on-site asphalt plant.

Recycling of concrete and asphalt occurs in the northern portion of the Site. The material is hauled to the Site and stockpiled. These materials are crushed periodically and blended into specific aggregate products. Crushing occurs on the Site as described above. The combined volume of concrete material to be crushed and the crushed concrete stockpile is not allowed to exceed 50,000 cubic yards. Asphalt is crushed and used on-site in various asphalt mixes. Crushing associated with the recycling operation is restricted to no more than 12 weeks of operation during the calendar year and is subject to limited hours of operation as described in item 4 below.

Manufactured organic shingle scrap (MOSS) recycling is no longer processed at the Site.

A washplant is operated full time on the Site. A washplant is a structure that is composed of a series of screens and spray bars. As aggregate is passed through the plant it is sprayed with water to remove fine sand and silt from the aggregate. The washwater contains no chemicals or additives. After the washwater passes through the plant, it is discharged into a series of sedimentation ponds. The sedimentation ponds allow for the fine sediment to settle out of the washwater. Treated washwater is recycled back to the wash plant from the final sedimentation pond for reuse.

The washplant and sedimentation pond area was updated in 2013. A Water Appropriations Permit was obtained from the DNR and a new production well was drilled as part of the washplant updates. A series of sedimentation ponds treat the washplant discharge removing suspended fine sediment and then the treated washwater is recycled back to the plant. The production well supplies make up water to the clean water intake pond and operates for a maximum of 12 hours per day on a seasonal basis.

BRI has provided a voluntary well interference protocol agreement with neighboring properties within ½ mile of the well requesting to be a party thereto. The agreement stipulates procedures to follow if a well interference issue should occur.

Above Ground Asphalt Cement Storage

In 2020 BRI obtained all applicable permits for and constructed an above ground asphalt cement tank storage system. The system includes three 48 feet high 65-80 foot diameter carbon steel above ground tanks and associated piping to store a total of 5.3 million gallons of asphalt cement. The system also includes a secondary containment

system along with a fire protection system. BRI operates the asphalt cement tank system in accordance with all required permits and State and Federal laws.

Typically, the storage tanks will be filled with asphalt cement during the winter months, when market conditions are favorable. Asphalt cement will be transported to the Site in tanker trucks and pumped from the tanker trucks into the storage tanks. During the construction season, asphalt cement will either be pumped from the storage tanks and transferred directly to the adjacent asphalt plant or pumped into tanker trucks for distribution to BRI's other asphalt production facilities.

3. Fencing

Portions of the Site adjacent to steep slopes are fenced with six-foot high chain link fencing. Fencing is illustrated on the Existing Conditions Plan C-1.

4. Hours of Operation

The Site is currently permitted to operate all activities, except crushing concrete and asphalt recycle material, including mining, grading, crushing and screening of aggregate, washing, movement of vehicles into and out of the Site, and operation of the asphalt plant between the hours of 7 a.m. and 7 p.m. Monday through Saturday. An additional hour from 6 a.m. to 7a.m. Monday through Saturday is permitted for internal operations only, including start-up of the asphalt plant and allowing BRI owned vehicles that were parked overnight to exit the Site. Concrete and asphalt recycle crushing activity only occurs between the hours of 7 a.m. – 7 p.m., Monday – Friday, and 9 a.m. – 6 p.m., Saturday. Concrete and asphalt recycle crushing will be limited to no more than 12 weeks during the calendar year and there will be no crushing on Sunday.

The asphalt plant is permitted to operate a maximum of 30 night shifts from the hours of 7 p.m. – 7 a.m., during the construction season each year. Night shifts are required with certain jobs, especially State Highway work. BRI provides the City with written notice prior to each event so a record can be kept to monitor the total number of nights work.

BRI also notifies their closest neighbor, Todd Wicker, prior to night shift work. Mr. Wicker's house is approximately 600 feet from the plant's driveway and approximately 800 feet from the asphalt plant itself. The next nearest occupied residence is approximately 2,000 feet from the plant. BRI has never received any noise or disruption complaints from neighbors regarding night shift operations.

In late 2018 the City of Inver Grove Heights retained Barr Engineering Company (Barr) to perform a noise assessment of the BRI Site to evaluate noise levels from BRI's operations reaching nearby residences. Monitoring for the study was performed in August of 2018. The noise assessment included noise monitoring at the western edge of the Site and an assessment of the data. The report stated that there were no hours where noise levels were above the state residential daytime or nighttime thresholds. Barr concluded in the November 29, 2018 Technical Memorandum that "Monitoring of noise at the western edge of the Bituminous Roadways property indicates that conditions at nearby residences are likely in full compliance with state noise standards. Levels were below the state nighttime noise standards for all hours monitored. Bituminous Roadways' operation on Rich Valley Boulevard does not appear to significantly affect overall noise levels at the residences to the west as the observed cyclical daily noise pattern occurred on days both with and without Bituminous Roadways in operation." The Technical Memorandum for the Bituminous Roadways Noise Assessment, by Barr Engineering Co. dated November 29, 2018 is provided as Attachment 4 in this report. The noise emissions from the Site meet or are below the state nighttime noise standards.

5. Setbacks

Stripping, excavation, processing, stockpiling and sedimentation ponds are setback a minimum of 50 feet from all property lines and gas pipelines, a minimum of 75 feet from the right-of-way line of County Road 71 (Rich Valley Boulevard) and a minimum of 300 feet from adjacent residential structures. Setbacks are indicated on the Phasing Plan, Sheet C-2.

6. Site Access

The main Site is accessed at the north-east corner of the Site off of County Road 71 (Rich Valley Boulevard). The entrance to the Site is paved for at least 75 feet. The haul routes are currently Rich Valley Boulevard north to Cliff Road and Rich Valley Boulevard south to 117th Street. Average daily traffic generated from the Site is approximately 150 truck trips per day. Levels of production are expected to remain fairly consistent over the course of the next permitting period.

The majority of the truck traffic for the asphalt cement tank operation will be generated during the construction off-season during the winter months when the storage tanks are filled. Estimated average daily traffic will be 40 loads (80 trips) per day and 4 loads (8 trips) per hour for up to 25 days during the winter months. Peak hourly traffic generated during the winter months is 8 trips per hour as the filling process can't occur at a faster rate to accommodate more loads. Filling all three tanks will require

approximately 25 ten-hour days of hauling. Traffic generation is based on the capacity of the pump used to unload the trucks which results in about 15 minutes needed to unload each truck. Typically, the tanks will be filled one time per year.

BRI utilizes the north access as the primary access, but keeps the south-east access off of Rich Valley Boulevard as a secondary access to be used intermittently. During the 2012 year renewal period the old farmhouse that was located in the south-east corner of the Site was removed. The driveway associated with this farmhouse remains. The secondary access was previously the driveway for the farmhouse on the Site. The south access has been widened and resurfaced with crushed concrete approximately 200 feet into the Site. The north access is the primary Site access and the southern access is used for up to 10 percent of the Site truck traffic. Haul routes will remain the same as previously permitted and as described above.

7. Landscaping

The setback areas on the Site will be landscaped in accordance with the approved landscape plans (see Figures 3, 3A and 3B). Landscaping includes the establishment of berms along Rich Valley Boulevard and along portions of the southern setback area of the Site. A portion of the berms along the southern setback area and along Rich Valley Boulevard have been constructed and vegetation established.

8. Weed Control

Weeds or other unsightly or noxious vegetation shall be controlled as necessary to maintain a neat appearance of the Site.

9. Wetlands

There are no wetlands located on the Site. There are two low areas on the southern portion of the Site that were indicated as wetland basins in the National Wetland Inventory. A field delineation of the wetland basins was performed by SEH and it was determined that neither area meets the criteria for a jurisdictional wetland determination. A copy of the SEH report is included as Attachment 5.

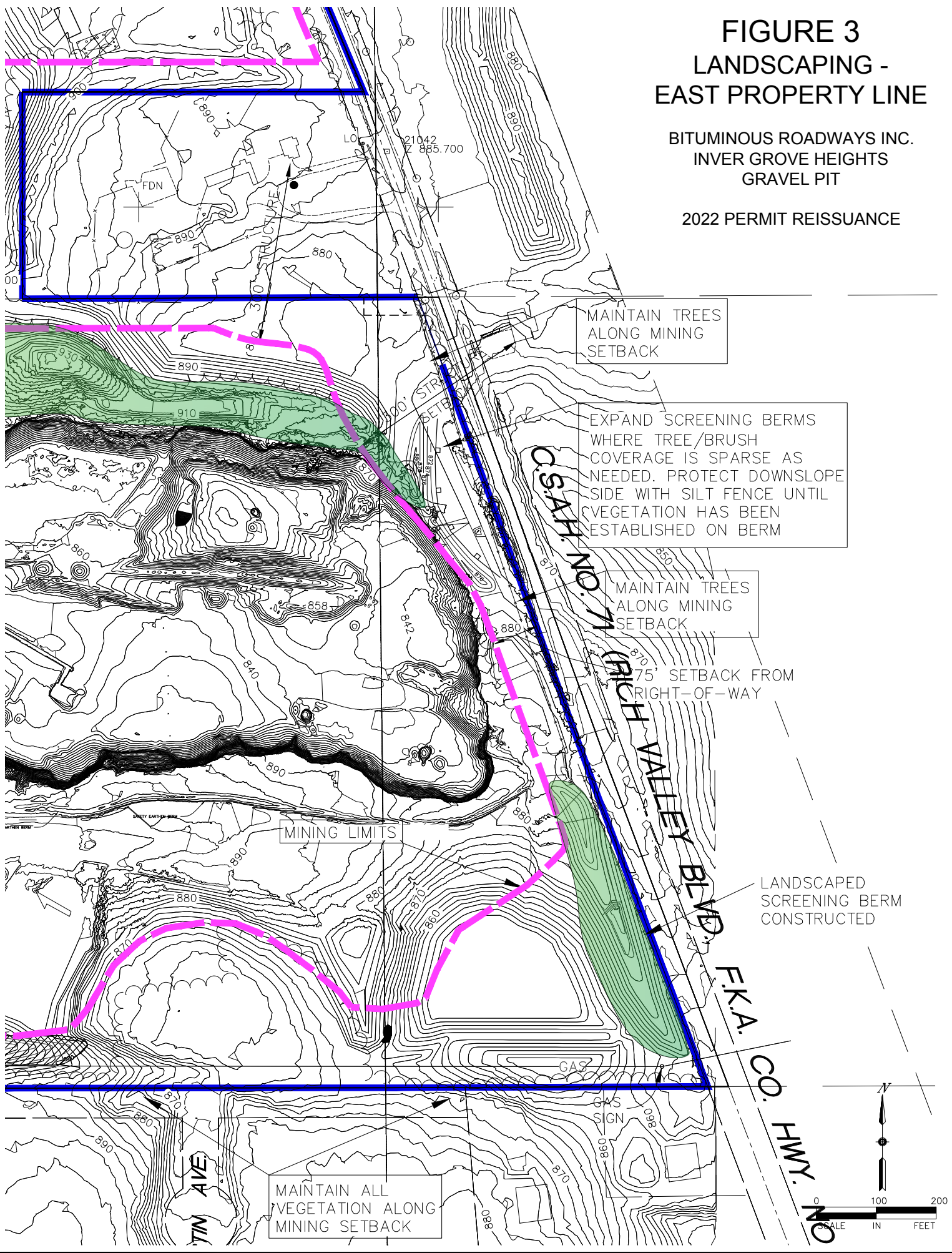
10. Stormwater Management

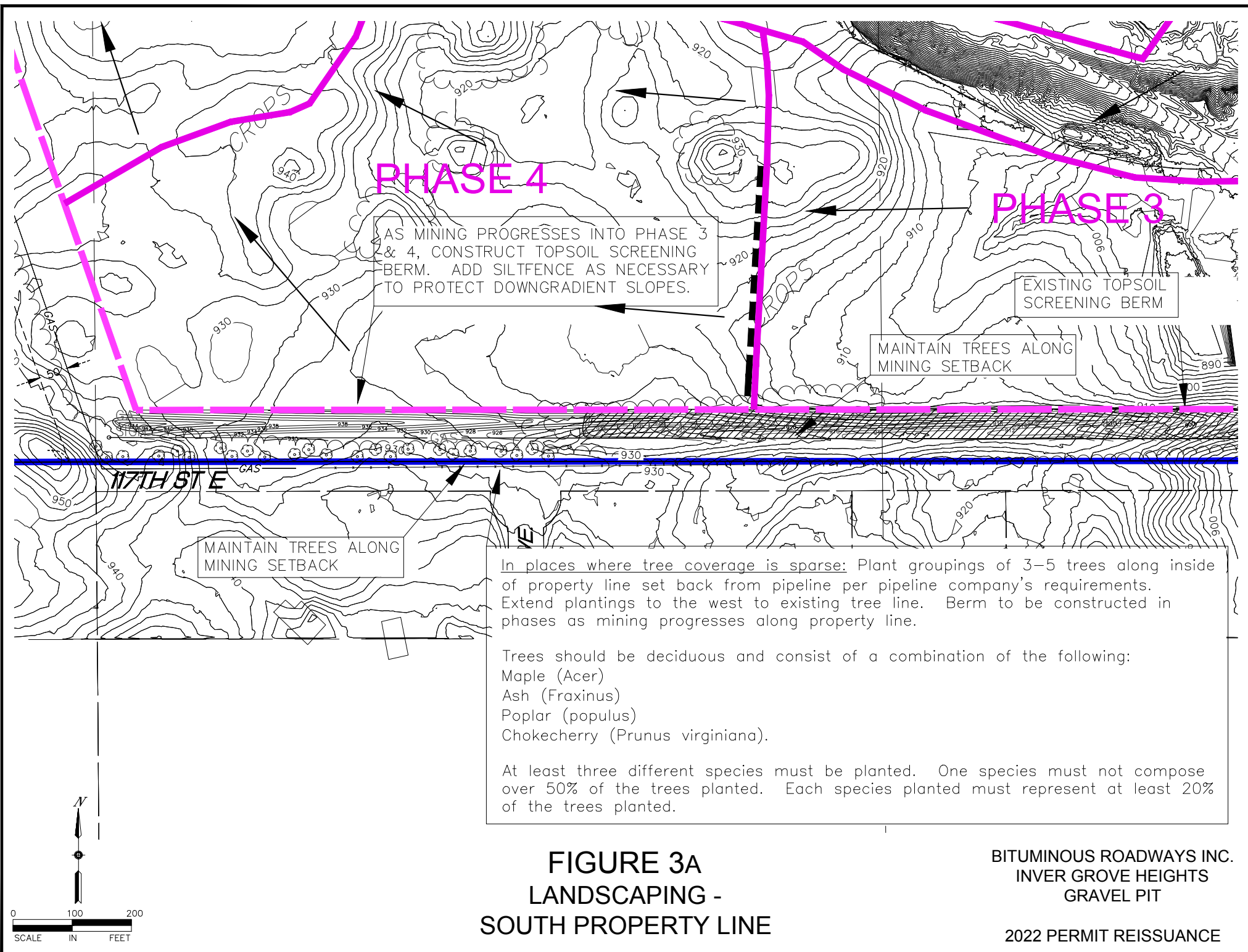
Stormwater calculations for the 2, 10, and 100 year events from pre and post mining conditions, as well as a long term yield model for the Site using precipitation data from the last thirty years to establish high water levels for the proposed future ponding areas were submitted as part of the past permitting applications. These studies are still applicable and are provided in Attachment 6.

FIGURE 3
LANDSCAPING -
EAST PROPERTY LINE

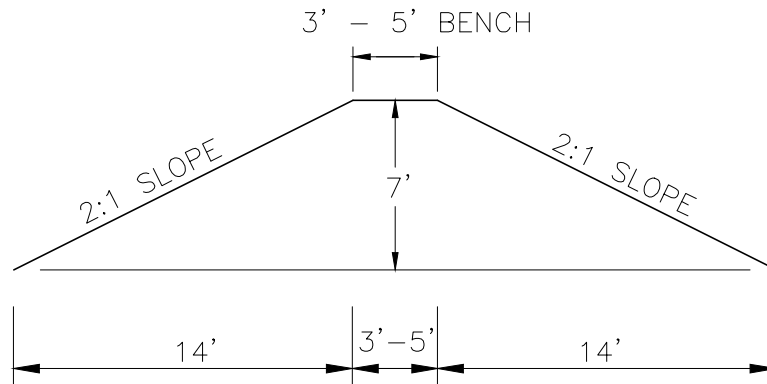
BITUMINOUS ROADWAYS INC.
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GRAVEL PIT

2022 PERMIT REISSUANCE





NO SCALE



SEED BERM ACCORDING TO SPECIFICATIONS:

In areas to be permanently seeded, use native seed mixture equivalent to MNDOT No. 350. Apply seed mixture at a rate of 94.7 kg per hectare (84.5 lbs per acre) in accordance with MNDOT Standard Spec. 2575. Incorporate a Type 3 fertilizer (slow release type with 10 week residual) consisting of 22-5-10 (%N-P-K) into the soil at an application rate of 392 kg per hectare (350 lbs per acre) by disking prior to seeding.

Establish native seed mix in accordance with MNDOT Standard Spec. 2575.3. Use a Truax type, or equal interseeder drill with at least two seed boxes: a small/fine seed box and a large/fluffy seed box. Drill large/fluffy seeds to a final planting depth of 10 mm (1/2 inch) to 25 mm (1 inch) deep from the large/fluffy seed box. Split the drill rates in half and make two passes over the site in order to decrease competition in drill rows. Scatter small/fine seeds over the soil surface by drop-seeding from the small/fine seed box, or broadcast. Coordinate with the seed vendor to keep the large/fluffy seeds separate from the small/fine seeds so that they may be installed from separate seed boxes. Lightly harrow or rake the site following the seeding operation. Pack the site following harrowing in order to ensure a firm seed-bed.

Comply with the requirements of MNDOT Standard Spec. Table 2575-1 for season of planting native seed mixtures. The appropriate dates for spring seeding are from April 15 through July 20. Fall seeding dates are from September 20 to October 20. Dormant seeding dates are from October 20 to November 15. Dormant seeding will only be allowed if the maximum soil temperature at a depth of 25 mm (1 inch) does not exceed 10 degrees C (50 degrees F) in order to prevent germination.

In seeded areas with slopes equal to or flatter than 3:1, apply MNDOT Standard Spec. 3882 Type 1 mulch uniformly over the soil surface by hand or machine within 24 hours after seeding in accordance with MNDOT Standard Spec. 2575.3. Apply mulch at a rate of 4.5 metric tons per hectare (2 tons per acre). Immediately after placement, anchor all mulch material into the soil by crimping (straight disking) in a direction perpendicular to that of the overland storm water flow. Punch the mulch into the soil to a depth of 2 to 3 inches with a disk spacing of 8" or less.

FIGURE 3B SCREENING BERMS

11. Tree Preservation

The existing woods located west of the gas pipeline will not be impacted by mining or reclamation grading. Trees and vegetation within the 300 foot setback from existing structures will also remain undisturbed. Existing trees in the setback area along the southern portion of the Site have been undisturbed and provide screening of Site operations. Additional trees may be planted as the proposed topsoil screening berm along the south property line is expanded to the west in accordance with the previously approved landscaping plans (see Figures 3, 3A and 3B, Landscaping).

12. Dust Control

Dust is controlled at the Site by utilizing the existing paved Site entrance. Interior haul roads are watered as needed in order to minimize dust from vehicular travel within the Site. Screening berms are vegetated.

13. Noise Control

The Site must operate in compliance with State noise standards. Vehicles and equipment are operated with standard noise reduction features such as mufflers. Perimeter berms and operation of equipment in the recessed portion of the Site also help to reduce noise emissions from the Site.

During the original permitting phase of the southern portion of the Site, Barr Engineering modeled anticipated noise generation from the Site based on topography, equipment to be operated and location of adjacent residences or receptors. The modeling results and applicable noise standards were discussed in detail in the EAW. The noise analysis predicted that the Site will operate below noise standards established by the Minnesota Pollution Control Agency for residential areas both during stripping operations which occur at grade and during mining operations when equipment is recessed on the floor of the mining operation and the active bank provides noise mitigation.

Barr's analysis also noted that back up alarms will likely be audible at the nearest residences particularly when there is a light northern wind and little other background noise. Although the noise may be audible, it does not represent a predicted exceedance of state standards. Back up alarms are a requirement of Mining Safety and Health Administration (MSHA). Back up alarms are intentionally loud and audible and are required in order to ensure the protection of on-site workers.

In late 2018 the City of Inver Grove Heights retained Barr Engineering Company (Barr) to perform a noise assessment of the BRI Site to evaluate noise levels from BRI's

operations reaching nearby residences. Monitoring for the study was performed in August of 2018. The noise assessment included noise monitoring at the western edge of the Site and an assessment of the data. The report stated that there were no hours where noise levels were above the state residential daytime or nighttime thresholds. Barr concluded in the November 29, 2018 Technical Memorandum that "Monitoring of noise at the western edge of the Bituminous Roadways property indicates that conditions at nearby residences are likely in full compliance with state noise standards. Levels were below the state nighttime noise standards for all hours monitored. Bituminous Roadways' operation on Rich Valley Boulevard does not appear to significantly affect overall noise levels at the residences to the west as the observed cyclical daily noise pattern occurred on days both with and without Bituminous Roadways in operation." The Technical Memorandum for the Bituminous Roadways Noise Assessment, by Barr Engineering Co. dated November 29, 2018 is provided as Attachment 4 in this report.

14. Lighting

There is no lighting within the active mining area. There are a total of 12 exterior lights associated with security for the asphalt plant and contractors yard. Exterior lights are located as follows:

- 2 - Rainbow shop
- 1 - East scale house
- 3- Top of small asphalt cement tanks at plant
- 2- Top of silos at plant
- 2- Top of large asphalt cement storage tanks
- 2- Top of truck loadout scale

15. Groundwater Monitoring

In accordance with the permit, groundwater monitoring is conducted every other year at the on-Site well (known as the "Rainbow well") and at the Todd Wicker and Robert Plan properties. Monitoring of the on-site surface water ponds is also conducted every other year. The groundwater testing map is provided in Figure 4 of this report. Ground water (well) and surface water pond samples are analyzed for both diesel range organics (DRO) and gasoline range organics (GRO) and for arsenic, barium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, zinc, phenol, pH, electric conductivity and alkalinity. Results are submitted to the City.

The results from the last five years show that sample concentrations for both GRO and DRO in the on-site and neighboring groundwater wells are below the detection limit and reporting limit. Results from the sample concentrations of the on-site stormwater ponds

and wash plant ponds for GRO are below the detection limit and reporting limit. Results from the sample concentrations of the on-site stormwater ponds and wash plant ponds for DRO are above the reporting limit, but below the “action level”, for surface water and drinking water standards, of 1 mg/L at which point a Remedial Investigation (RI) per MPCA Guidance Document 4-01 (Petroleum Remediation Program) would be warranted. The results from all the wells and surface waters show that the concentrations of barium, cadmium, chromium, nickel, selenium, silver, zinc, and phenol were all below the Health Risk Limit (HRL) established by the Minnesota Department of Health. The sample concentrations of arsenic and mercury were below the Maximum Contaminate Level (MCL) (HRLs have not been established for arsenic or mercury), which is a federal standard for the lowest concentration at which a particular contaminant is believed to be a potential health concern. The sample concentrations for lead and copper were both below the “action level” (HRLs or MCLs have not been established for lead or copper).

An existing well associated with the farmstead on the Site has been sealed in accordance with Dakota County Ordinance No. 114 and the Minnesota Department of Health.

16. Volumes

The volume of in-place material to be removed from the Site within all of Phases 1-5 is approximately 8 million cubic yards to the current maximum excavation elevation of 840 feet above msl. Approximately 1.5 million cubic yards have been removed from the Site as part of Phase 1 mining and approximately 1.5 million cubic yards have been removed from the Site as part of Phase 2 to date. BRL is requesting to increase the mining depth by about 40 feet to elevation 800 feet above msl for the remaining mining phases. The volume of additional in-place material is approximately 3.4 million cubic yards from elevations 840-800 feet above msl. The total lifetime volume of in-place material would increase to about 11.4 million cubic yards. The life expectancy of the Site will depend upon the future economy and aggregate demand in the metropolitan area. Reports by the Metropolitan Council, Minnesota Geologic Survey and Minnesota Department of Natural Resources indicate that the supply of aggregate materials in the metropolitan area is rapidly being depleted. However, the vitality of the economy and the construction industry impact market demand which varies from year to year. With the additional 40 feet of mining depth, the remaining mining life of this Site is estimated to be approximately 30 years.

17. Permits

In addition to the local permits required by the City of Inver Grove Heights, which include the Conditional Use Permit and Land Alteration Permit, the Site must operate in compliance with other state and federal regulations. The Site operates under a NPDES Stormwater Permit and Air Emissions Permit issued by the MPCA, a Minnesota DNR Water Appropriations Permit, a Dakota County Hazardous Waste Generators License and Processing License, and a MPCA Permit for Storage of Liquid Substances at a Major Aboveground Storage Tank Facility

All reports which are required to be submitted to the MN DNR for the Water Appropriations Permit including annual water usage report, Dakota County for the Hazardous Waste Generators License and the Processing License, and the MPCA, including annual emissions inventory report, semi-annual deviations report, annual compliance certification report, and annual report will also be submitted to the City. The Site also operates under a Spill Prevention Control and Countermeasures (SPCC) Plan. The SPCC Plan documents practices, personnel, equipment, and resources available to prevent a spill and what actions to take if a spill were to occur.

IV. RECLAMATION

1. Phasing

Reclamation is conducted in phases at the Site. As portions of the mining area are completed, the areas are backfilled, graded, topsoil applied and vegetation established. During the past five year permit period, substantial reclamation activity has been completed in the northern portion of the Site. The Reclamation Plan, Sheet C-6 illustrates the reclamation grades that will be established at the Site upon conclusion of mining. The Phasing Plan, Sheet C-2 illustrates areas where reclamation has been completed. Reclamation activities will leave the Site in a state that will prepare it for final development.

2. Grades and Backfill Material

Areas within the northern portion of the Site have been backfilled, sloped and vegetated. Reclamation activities will continue in areas where mining has been completed. Reclamation activities in these areas will include continued backfilling and sloping.

Along the perimeter of the excavation limits, backfilling will be required to achieve a maximum 4:1 final slope previously approved by the City of Inver Grove Heights. The processing and stockpile area will remain open and active. Reclamation grades for the southern portion of the Site will be graded to a maximum slope of 10:1 as indicated on the Reclamation Plan, Sheet C-6.

Backfill Material:

Clean backfill material will be brought to the Site from local construction projects to be used for establishment of reclamation grades. The majority of materials will be from BRI construction projects. Backfill material may also include on-site excess mining materials unsuitable for sale or use in asphalt mix. All backfill material used in reclamation activities will be clean, compactable, natural earthen material free of debris or contamination.

As recommended in the Barr Technical Review, backfill material will consist of only non-organic compactable soil material that is free of contamination, recycled or salvaged aggregate, asphaltic pavement, crushed concrete, scraps of shingles, debris, rubbish, frozen soil, boulders over 1-inch in diameter, logs, wood chips or other objectionable material. Contaminated soil will not be used as fill or brought to the site. Soils will not be allowed to be imported for reclamation backfilling if the source of imported fill is from a location where soil contamination is known, suspected, or can be expected (e.g., soils from gas stations, certain industrial sites, etc.).

BRI will maintain a manifest from each off-site soil source indicating where soils are imported from. The manifest will include a statement that no contaminants are suspected to be in the soil material, information regarding location of where the soils are placed on Site, and an approximate volume of material imported. Records will be maintained by BRI and made available to the City upon request.

If site grading is performed during cold weather, all snow and ice will be removed from cut and fill areas prior to additional grading. No fill will be placed on frozen subgrades. No frozen soils will be used as fill.

3. Topsoil

Topsoil capable of establishing and supporting vegetation, will be placed as areas are reclaimed. Topsoil will be replaced to a minimum depth of six inches. Backfilled and graded areas will be seeded and mulched to establish vegetation, stabilize slopes and minimize erosion.

4. Removal of buildings

Within three months after completion of the sand and gravel mining operation any buildings or structures which have been established on the Site as an accessory to the mining operation will be removed. Permanent structures which conform to the permanent zoning district requirements in which they are located, may remain on-site.

5. Bond

A reclamation bond has been posted with the City of Inver Grove Heights to ensure that the Site is properly reclaimed upon completion of mining activity. Final use of the property will be consistent with the zoning and subdivision ordinances in effect at the time of final development. According to the City of Inver Grove Heights 2040 Comprehensive Plan dated October 2019 the current land uses are Industrial and Vacant/Agricultural with a sand and gravel overlay and the future land use is designated Rural Density Residential. It is possible that this area will be serviced by sanitary sewer at the time of final development. Even if this area is not within the Metropolitan Urban Service Area (MUSA) at the time of final development, previous drain field design and percolation testing within Inver Grove Heights have shown that septic systems and drain fields can be properly designed in areas previously disturbed by grading and earth moving activities in areas with permeable sand and gravel soils. Another option would be to provide a community drain field design in an undisturbed portion of the Site. In this situation, individual septic tanks could be pumped up to a larger drain field serving all of the residential uses on the Site.

V. PLAN SET

Operations are described in detail within this report. The following plans have been prepared which help to illustrate the Site operations.

1. 2021 Aerial: A-1

2. Existing Conditions: C-1

This plan illustrates pertinent Site features including the Site boundary, existing topography, utilities, easements, wooded areas, and existing on-Site and adjacent buildings.

3. Phasing Plan: C-2

The Phasing Plan illustrates the sequence of mining and reclamation activities which are proposed to occur on the Site.

4. Cross-Sections: C-3, C-4, C-5

Cross Sections have been prepared for the Site and are included as Figures C-3, C-4 and C-5. These cross sections illustrate the existing elevation, proposed reclamation grades, depth of topsoil, maximum mining elevation and extent of sand and gravel deposit on Site.

5. Reclamation Plan: C-6

This plan illustrates the end use grades for the Site, limits of mining, and setbacks. Final grades have been designed at a maximum 10:1 slope for the southern portion of the Site and a maximum 4:1 slope as previously approved for the northern portion of the Site.



10830 NESBITT AVENUE SOUTH
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www.sundecivil.com

BITUMINOUS
ROADWAYS INC.
NVER GROVE HEIGHTS
GRAVEL PIT

2022 PERMIT
REISSUANCE[illegible]

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

Kirsten Pauly

INFORMATION:

PROJECT NO.: 87-185

DRAWN BY: mw

CHECKED BY: kp

APPROVED BY: kp

SCALE: graphic

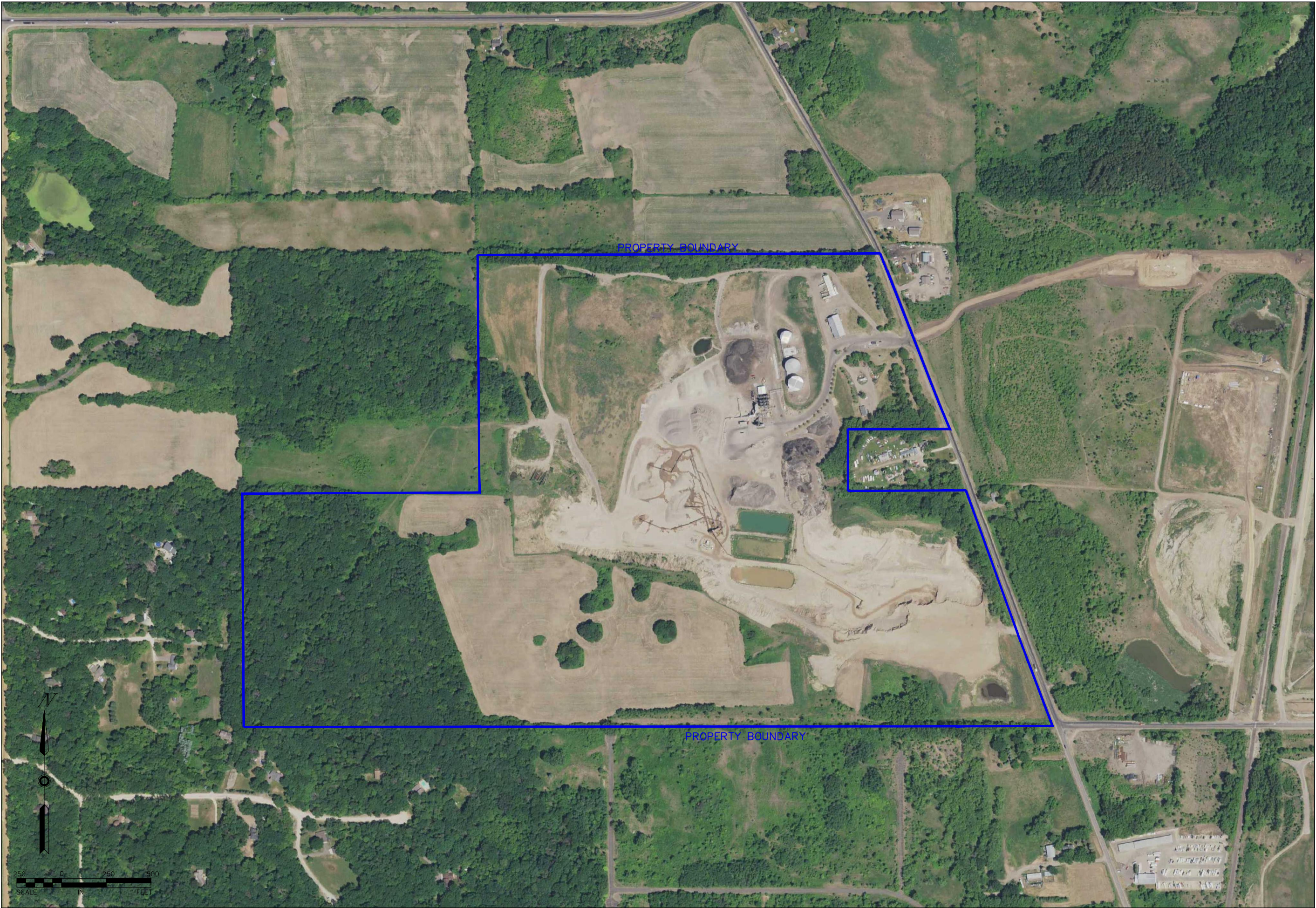
DATE: 08/05/2022

DESCRIPTION:

2021 AERIAL

SHEET NO:

A-1



TOPOGRAPHY IN THE CENTRAL PORTION
OF SITE FROM DRONE SURVEY BY USA
DRONE, DATED 12/20/22.

TOPOGRAPHY OF THE NORTHERN AND
SOUTHERN PORTION OF SITE FROM 2016
LIDAR DATA.

BOUNDARY INFORMATION FROM SUNDE
LAND SURVEYING, LLC.

MINNESOTA NORTHERN
NATURAL GAS COMPANY
12" PIPELINE.
APPROXIMATE LOCATION
ONLY. FIELD VERIFY.

PROPERTY
BOUNDARY

MINING LIMITS
50' SETBACK
FROM PIPELINE

SAFETY FENCE

APPROXIMATE
LOCATION OF
EXISTING TREES

WASHPLANT
OPERATIONS AREA

HIGH
CAPACITY
WELL

APPROXIMATE
LOCATION OF
EXISTING TREES

EXISTING TOPSOIL
SCREENING BERM

LOW AREAS ARE NOT
JURISDICTIONAL WETLANDS
PER WETLAND REPORT BY
SEH DATED MAY 20, 2002.

PLAN WELL

EARTHEN
SAFETY BERM

SLOPED AND VEGETATED

STORMWATER
PONDS

SLOPED AND VEGETATED

EXISTING TOPSOIL
SCREENING BERM
(Approx. 40,000 CY)

ASPHALT CEMENT
TANK STORAGE AREA

METAL BUILDING
SALT STORAGE

"RAINBOW WELL"

EXISTING
DRAINFIELD AND
SEPTIC TANK

PRIMARY
SITE ACCESS

SLOPED AND VEGETATED

BRI WELL

ASPHALT TESTING
BUILDING

EXISTING DRAINFIELD
AND SEPTIC TANK

ASPHALT PLANT
OPERATIONS AREA

WICKER WELL

EXISTING TOPSOIL
SCREENING BERM

WASHPLANT
SUPPLY PONDS

CURRENT CONVEYOR
PLACEMENT FOR
MINING SAND/ROCK

SECONDARY
SITE ACCESS

EXISTING TOPSOIL
SCREENING BERM

ACTIVE
MINING

CSA# NO. 7

ROCK VALLEY BLD. FKA CO. HWY. NO. 5

33

17TH ST EAST

ARNOLD AVE

AUSTIN AVE

N

200 0 200 400
SCALE IN FEET



CONSULTING CIVIL ENGINEERS
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www.sundecivil.com

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REISSUANCE

DATE REVISION

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AND THAT I AM A DULY LICENSED
PROFESSIONAL ENGINEER UNDER THE LAWS
OF THE STATE OF MINNESOTA.

Kirsten Pauly
Kirsten Pauly
DATE: 8/5/2022 REG. NO.: 21842

INFORMATION:

PROJECT NO.: 87-185

DRAWN BY: mw

CHECKED BY: kp

APPROVED BY: kp

SCALE: graphic

DATE: 08/05/2022

DESCRIPTION:

EXISTING
CONDITIONS

SHEET NO.

C-1

TOPOGRAPHY IN THE CENTRAL PORTION OF SITE FROM DRONE SURVEY BY USA DRONE, DATED 12/20/22.

TOPOGRAPHY OF THE NORTHERN AND SOUTHERN PORTION OF SITE FROM 2016 LIDAR DATA.

BOUNDARY INFORMATION FROM SUNDE LAND SURVEYING, LLC.

MINNESOTA NORTHERN NATURAL GAS COMPANY 12" PIPELINE. APPROXIMATE LOCATION ONLY. FIELD VERIFY.

WOODED AREA. NO AGRICULTURAL RUNOFF. NO DIVERSION BERM NEEDED.

DIVERSION BERM

SLOPED AND VEGETATED

STORMWATER PONDING AREA

SLOPED AND VEGETATED

METAL BUILDING SALT STORAGE

"RAINBOW WELL" ACTIVE

PRIMARY ACCESS

SLOPED AND VEGETATED

BRI WELL ACTIVE

ASPHALT PLANT OPERATIONS AREA

SWICKER WELL

N LINE OF NW 1/4 OF SW 1/4 OF SEC. 33, T. 27, R. 22

ROAD LOCATION TAKEN FROM 80018028.DWG BASED ON OLD SECTION BREAKDOWN. ROAD LOCATION NEEDS TO BE VERIFIED.

SECONDARY ACCESS

33

S LINE OF NW 1/4 OF SW 1/4 OF SEC. 33

LOW AREAS ARE NOT JURISDICTIONAL WETLANDS PER WETLAND REPORT BY SEH DATED MAY 20, 2002.

PLAN WELL ACTIVE

PHASE 5

IN-PLACE MATERIAL VOLUME = ±2,133,000 CY*

PHASE 1

PHASE 4

IN-PLACE MATERIAL VOLUME = ±3,181,000 CY*

PHASE 3

IN-PLACE MATERIAL VOLUME = ±1,833,000 CY*

PHASE 2

IN-PLACE MATERIAL VOLUME = ±2,964,000 CY*

RECLAIMED AREA

RECLAIMED AREA

RECLAIMED AREA

RECLAIMED AREA

MINING LIMITS

DIVERSION BERM

DIVERSION SWALE

WASHPLANT LOCATION

HIGH CAPACITY WELL

WASH PLANT

PONDS

BITUMINOUS AGGREGATE MINING

FILL SAND MINING

PRODUCT STOCKPILE AREA

PRODUCT STOCKPILE AREA

PRODUCT STOCKPILE AREA

PRODUCT STOCKPILE AREA

PRODUCT STOCKPILE AREA

PRODUCT STOCKPILE AREA

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Kirsten Pauly
Kirsten Pauly
DATE: 8/5/2022 REG. NO.: 21842

INFORMATION:

PROJECT NO.: 87-185

DRAWN BY: mw

CHECKED BY: kp

APPROVED BY: kp

SCALE: graphic

DATE: 08/05/2022

DESCRIPTION:

PHASING PLAN

SHEET NO.

C-2



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Kirsten Pauly
DATE: 8/5/2022 REG. NO.: 2184

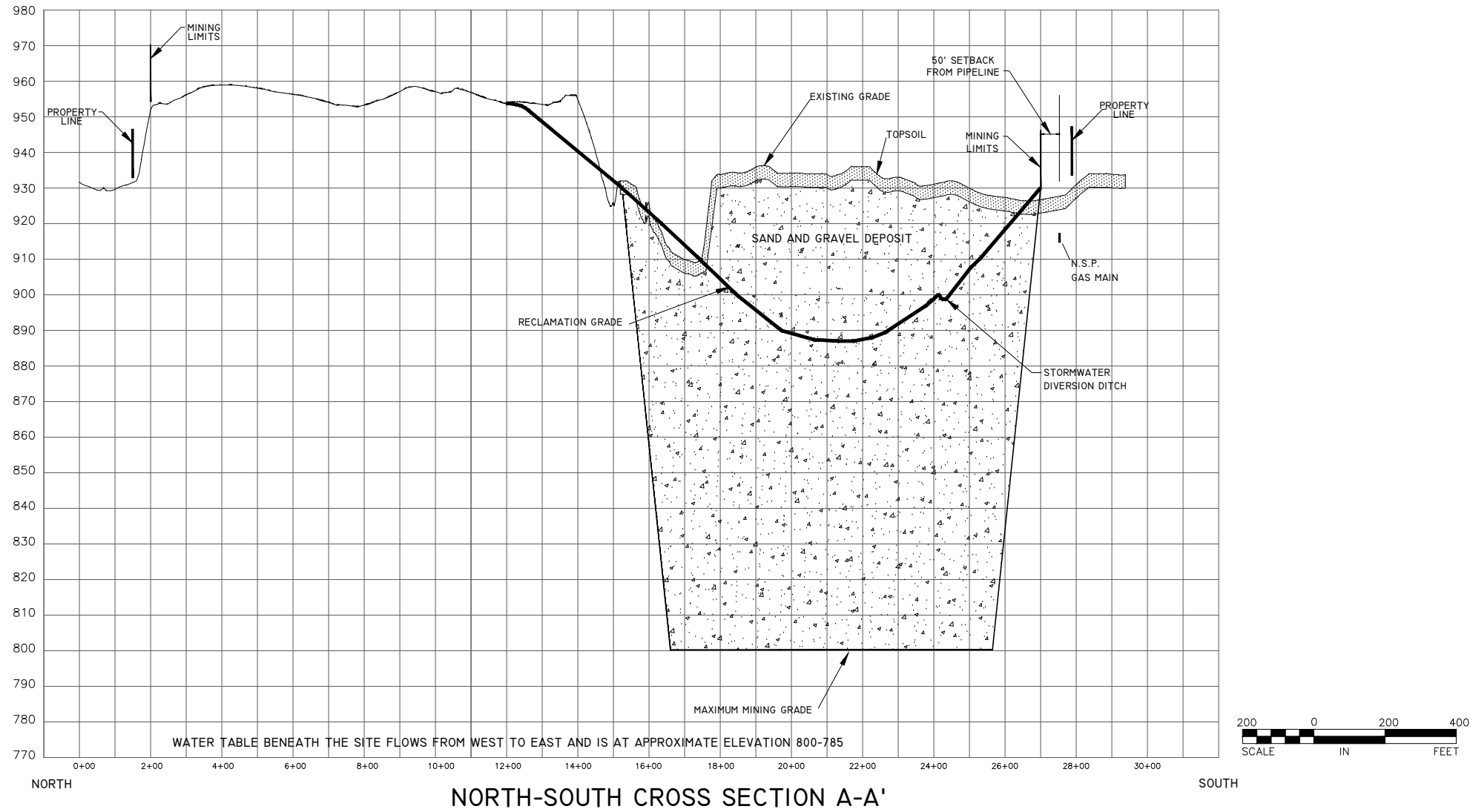
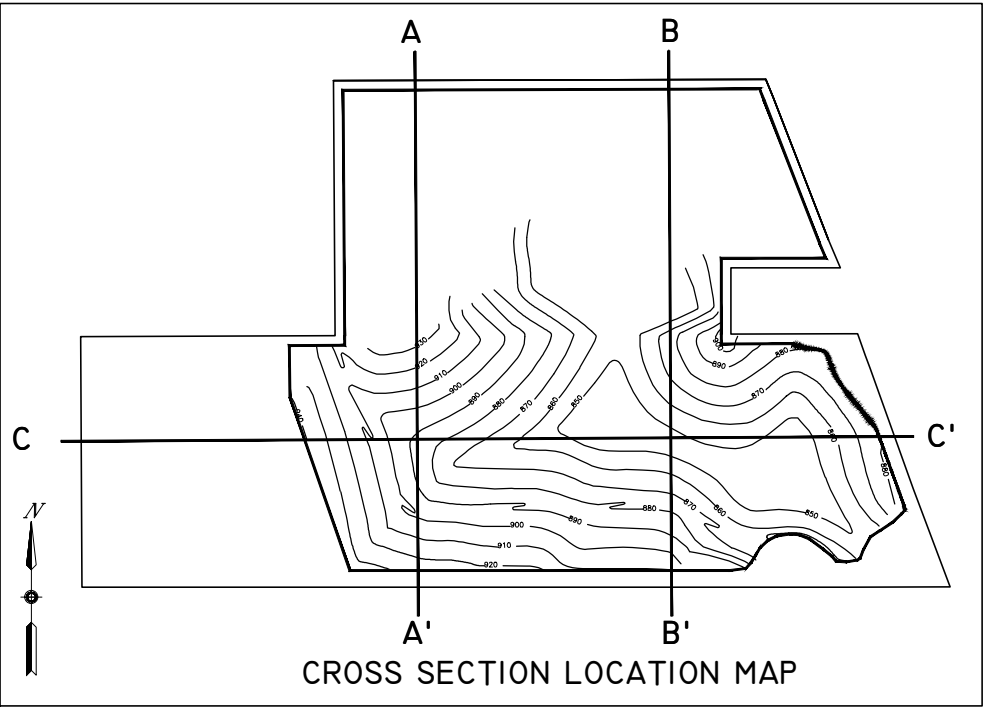
INFORMATION:	
PROJECT NO.:	87-185
DRAWN BY:	mw
CHECKED BY:	kp
APPROVED BY:	kp
SCALE:	graphic
DATE:	08/05/2022

DESCRIPTION:

CROSS SECTION
A-A'

SHEET NO: _____

C-3





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Kirsten Pauly
Kirsten Pauly
DATE: 8/5/2022 REG. NO.: 21842

INFORMATION:

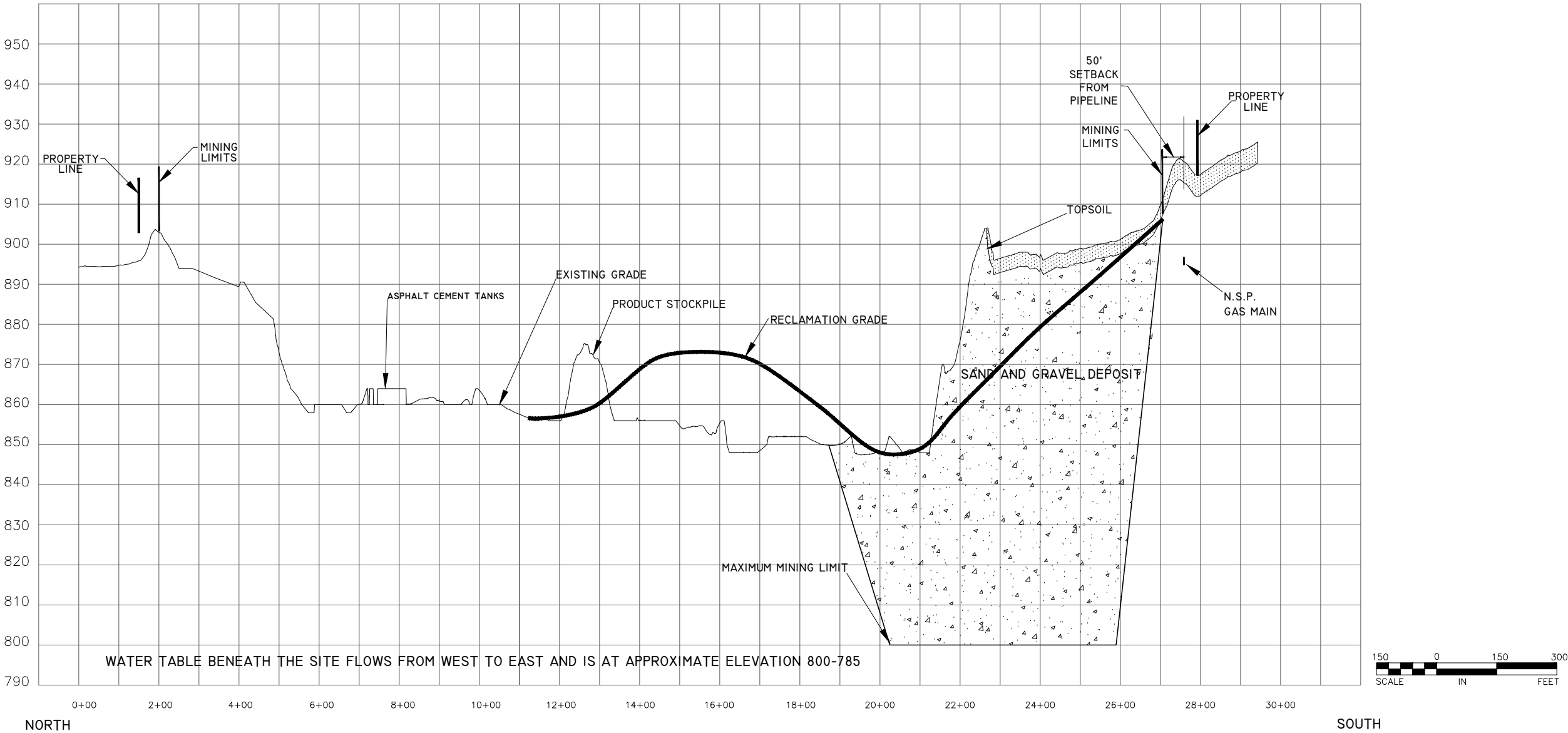
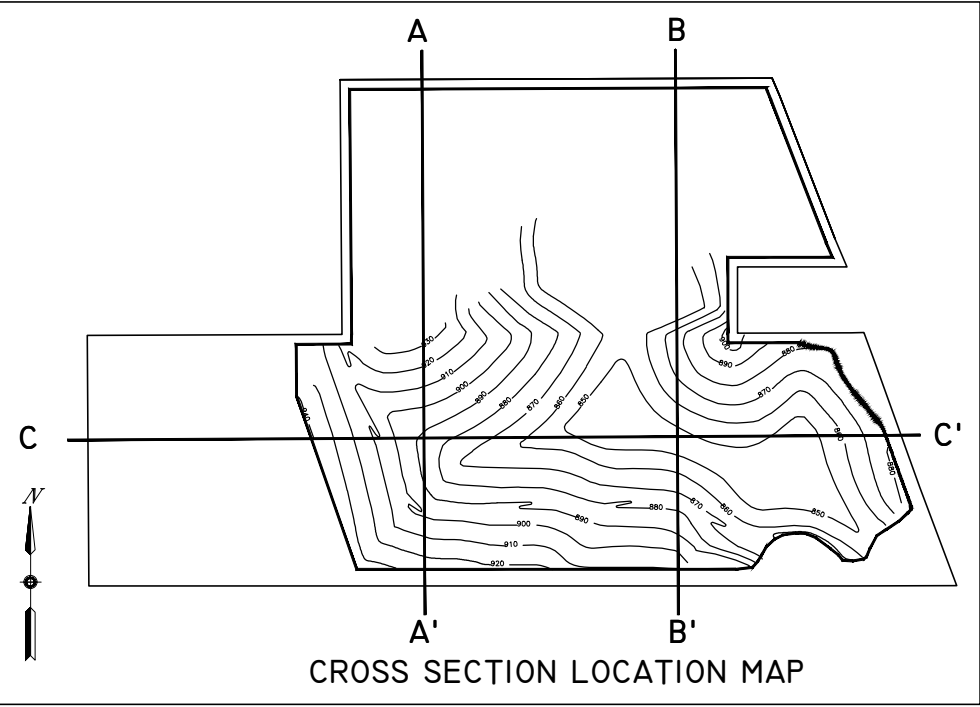
PROJECT NO.:	87-185
DRAWN BY:	mw
CHECKED BY:	kp
APPROVED BY:	kp
SCALE:	graphic
DATE:	08/05/2022

DESCRIPTION:

CROSS SECTION
B-B'

SHEET NO:

C-4





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ROADWAYS INC.
NVER GROVE HEIGHTS
GRAVEL PIT

2022 PERMIT
REISSUANCE[illegible]

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Kirsten Pauly
Kirsten Pauly
DATE: 8/5/2022 REG. NO.: 2184

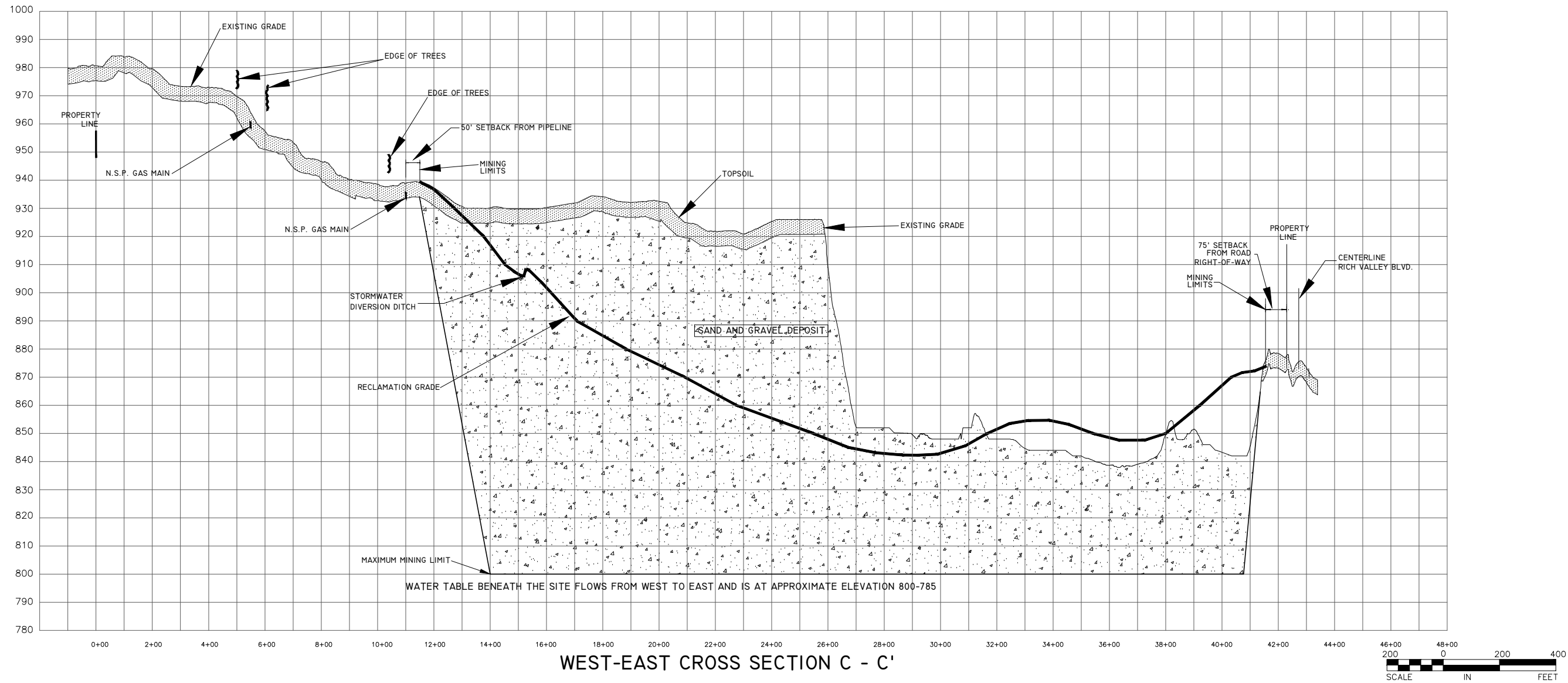
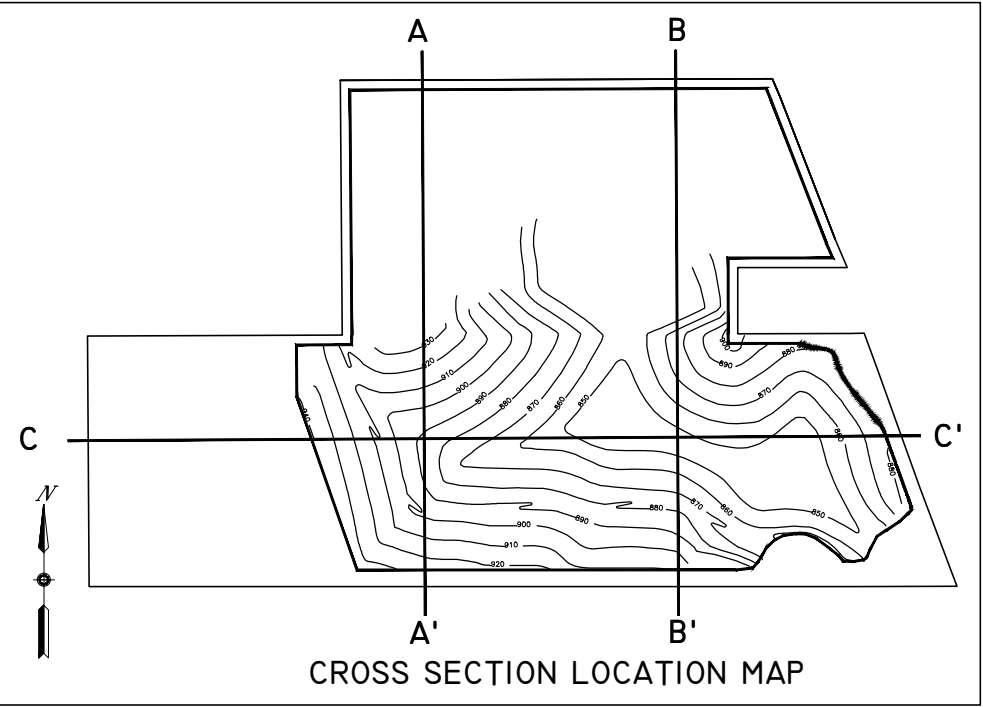
INFORMATION:	
PROJECT NO.:	87-185
DRAWN BY:	mw
CHECKED BY:	kp
APPROVED BY:	kp
SCALE:	graphic
DATE:	08/05/2022

DESCRIPTION:

CROSS SECTION
C-C'

SHEET NO: _____

C-5





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DATE	REVISION
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NOTES:

1. Topography in the central portion of site from drone survey by USA Drone, dated 12/20/22.
2. Topography of the northern and southern portion of site from 2016 LIDAR data.
3. Boundary information from Sunde Land Surveying, LLC.
4. Reclamation
Grades: Reclamation grading will consist of backfilling and grading excavated areas with spoil materials unsuitable for sale or use in asphalt mix. Clean soil fill may also be brought to the site to be used for establishment of reclamation grades. All backfill used in reclamation activities is clean fill and natural earthen material free of debris or contamination.

Along the perimeter areas, backfilling will be required to achieve the final slopes that were previously approved by the City of Inver Grove Heights. The processing and stockpile area will remain open and active. Reclamation grades for the southern portion will be graded to a maximum slope of 10:1 as indicated on the Reclamation Plan.

Topsoil and Seeding: Topsoil capable of establishing and supporting vegetation, will be placed as areas are reclaimed. Topsoils will be replaced to a minimum depth of 6 inches. Reclaimed areas will be seeded and mulched to establish vegetation, stabilize slopes and minimize erosion.

Removal of Buildings: Within three months after completion of the sand and gravel mining operation any buildings or structures which have been established on the site as an accessory to the mining operation will be removed. Permanent structures which conform to the permanent zoning district requirements in which they are located, may remain on site.

Bond: A reclamation bond has been posted with the City of Inver Grove Heights to insure that the site is properly reclaimed upon completion of mining activity.

Final Use: Final use of the property upon reclamation will be consistent with the zoning and subdivision ordinances in effect at the time of final development. Community septic systems may be constructed in the future site development.

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OF THE STATE OF MINNESOTA.

Kirsten Pauly
DATE: 8/5/2022 REG NO: 288

INFORMATION:

PROJECT NO.: 87-185

DRAWN BY: mw

CHECKED BY: kp

APPROVED BY: kp

SCALE: graphic

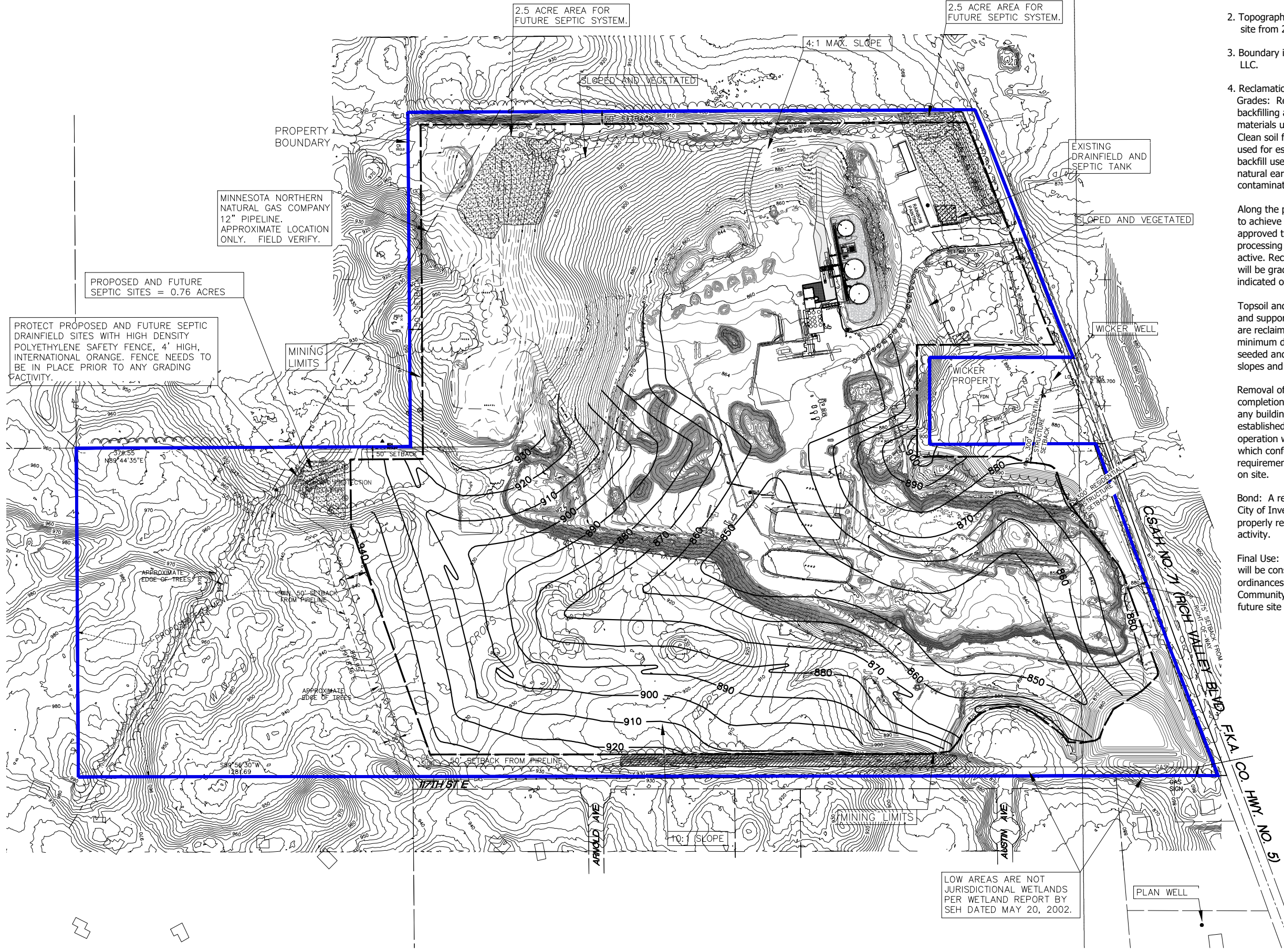
DATE: 08/05/2022

DESCRIPTION:

RECLAMATION PLAN

SHEET NO: _____

C-6



TOPOGRAPHY IN THE CENTRAL PORTION
OF SITE FROM DRONE SURVEY BY USA
DRONE, DATED 12/20/22.

TOPOGRAPHY OF THE NORTHERN AND
SOUTHERN PORTION OF SITE FROM 2016
LIDAR DATA.

BOUNDARY INFORMATION FROM SUNDE
LAND SURVEYING, LLC.

MINNESOTA NORTHERN
NATURAL GAS COMPANY
12" PIPELINE.
APPROXIMATE LOCATION
ONLY. FIELD VERIFY.

PROPERTY
BOUNDARY

STORMWATER
PONDS. WATER
TEST ID "D"

SLOPED AND VEGETATED

EXISTING TOPSOIL
SCREENING BERM
(Approx. 40,000 CY)

METAL BUILDING
SALT STORAGE

RAINBOW WELL TEST ID "A"
(MN UNIQUE WELL NO.
608018)

EXISTING
DRAINFIELD AND
SEPTIC TANK

PRIMARY
SITE ACCESS

LOCATION WHERE MINOR
AMOUNT OF FOUNDRY SAND
USED AS FILL (HAS REMAINED
IN PLACE SINCE 1998)

ASPHALT TESTING
BUILDING

EXISTING DRAINFIELD
AND SEPTIC TANK

ASPHALT PLANT
OPERATIONS AREA

WICKER
PROPERTY

WICKER WELL TEST ID "B"
(MN UNIQUE WELL NO.
847817)

EXISTING TOPSOIL
SCREENING BERM

WASHPLANT
SUPPLY PONDS.
WATER TEST ID "E"

CURRENT CONVEYOR
PLACEMENT FOR
MINING SAND/ROCK

OLD FARMSTEAD WELL.
SEALED 2000 WELL
SEALING No. 163359

SECONDARY
SITE ACCESS

OLD FARMSTEAD WELL.
SEALED IN NOV. 2022.
WELL SEALING No. 347873

EXISTING TOPSOIL
SCREENING BERM

EARTHEN
SAFETY BERM

L. PLAN WELL
SEALED 2018

R. PLAN WELL
TEST ID "C"
(MN UNIQUE
WELL. NO.
207296)

LOW AREAS ARE NOT
JURISDICTIONAL WETLANDS
PER WETLAND REPORT BY
SEH DATED MAY 20, 2002.

HIGH CAPACITY
WELL
(UNIQUE
WELL NO.
780331)

APPROXIMATE
LOCATION OF
EXISTING TREES

EXISTING TOPSOIL
SCREENING BERM

WASHPLANT
OPERATIONS AREA

APPROXIMATE
LOCATION OF
EXISTING TREES

SAFETY FENCE

MINING LIMITS

50' SETBACK
FROM PIPELINE

APPROXIMATE
EDGE OF TREES

APPROXIMATE
EDGE OF TREES

379.55
N89°44'35"E

S89°56'30"W
1281.69

17TH ST EAST

ARNOLD AVE

AUSTIN AVE

CSA# NO. 7 (ROCK VALLEY BLD. FKA CO. HWY. NO. 5)

N

200 0 200 400
SCALE IN FEET

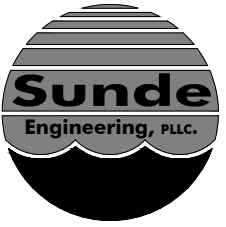
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T. , R. , S.

DRAWING: \\kirstensoldpc\DWG\Bituminous Roadways IGH\2022 Permit Reissuance\2022-11-16 Revisions\C1 - Existing Conditions.dwg

LAYOUT: C-1

XREF: 2000005A001-ESMT_05162011; XREF: 2022 basemap surface contours; XREF: USA Drone Topo



CONSULTING CIVIL ENGINEERS
10830 NESSBITT AVENUE SOUTH
BLOOMINGTON, MINNESOTA 55437
(952) 881-3344 TELEPHONE
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www.sundecivil.com

BITUMINOUS
ROADWAYS INC.
INVER GROVE HEIGHTS
GRAVEL PIT

2022 PERMIT
REISSUANCE

DATE	REVISION
11/17/2022	Site Clarifications
3/9/2023	Add Unique Well Numbers/Sealing Records

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

Kirsten Pauly
Kirsten Pauly
DATE: 3/9/2023 REG. NO.: 21842

INFORMATION:

PROJECT NO.: 87-185

DRAWN BY: mw

CHECKED BY: kp

APPROVED BY: kp

SCALE: graphic

DATE: 08/05/2022

DESCRIPTION:

EXISTING
CONDITIONS

SHEET NO.

C-1

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. 1343

AN ORDINANCE AMENDING TITLE 10, CHAPTER 4 OF THE INVER GROVE
HEIGHTS CITY CODE

CASE NO. 12-17CZA

The City Council of Inver Grove Heights ordains as follows:

SECTION I. Ordinance No. 1037 adopted July 8, 2002, entitled, "AN ORDINANCE AMENDING, RESTATING, AND RECODIFYING SECTIONS 405, 425, 515, 505, 516, 517, 518, 519, 520, 525, 535, 540, 545, 546, AND 550 OF THE INVER GROVE HEIGHTS CITY CODE" being also known as the City Zoning Ordinance is hereby amended to rezone to Temporary Sand and Gravel (S & G) for a period of five (5) years to following described property located within the City of Inver Grove Heights, Minnesota, to wit:

That part of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 32, Township 27, Range 22, lying westerly of Rich Valley Boulevard; except that part described as follows: Commencing at the SE corner of said S $\frac{1}{2}$ NE $\frac{1}{4}$; thence west along the south line thereof, a distance of 592.43 feet; thence north 344.9 feet; thence east 570 feet to the centerline of Rich Valley Boulevard; thence southeasterly along said centerline, a distance of 67 feet to the east line of said S $\frac{1}{2}$ NE $\frac{1}{4}$; thence south 281.85 feet to the point of beginning. Part of PID # 20-03200-011-05, and

The Northeast Quarter of the Southwest Quarter and the North One-Half of the Southeast Quarter, Section 32, Township 27, Range 22, and all of that tract of land lying West of Highway 5 in the Northwest Quarter of

the Southwest Quarter , Section 33, Township 27, Range 22; subject to an easement to Minnesota Northern Natural Gas Company, as described in Deed recorded in Book 193 of Deeds, page 374. PID No. 20-03200-010-75, 20-03200-020-50.

SECTION II. The Zoning Map of the City of Inver Grove Heights referred to and described in said Ordinance No. 1037 as that certain map entitled "Inver Grove Heights Zoning Map, June 24, 2002," shall not be republished to show the aforesaid rezoning, but the Clerk shall appropriately mark the said zoning map on file in the Clerk's Office for the purpose of indicating the rezoning hereinabove provided for in this ordinance and all of the notations, references and other information shown thereon are hereby incorporated by reference and made a part of this ordinance.

SECTION III. This Ordinance shall be in full force and effect from and after its publication according to law, and shall be subject to the following conditions:

1. The Temporary Sand and Gravel (S&G) Zoning shall remain in place on the property for a period of five (5) years to expire on (council approval date), 2022.
2. The operation of the sand and gravel operation approved herein shall comply with all provisions of Inver Grove Heights City Code, Title 10-13G, Sand and Gravel Overlay District, except as specifically modified herein.
3. The following plans, on file with the Planning Division, shall constitute the "approved plans" referenced therein:
 - Existing conditions dated 8/18/17
 - Phasing Plan dated 8/18/17
 - Final Land Use Plan dated 4/25/02
 - Cross Section Plans (3 sheets) dated 8/18/17
 - Reclamation Plan dated 8/18/17
 - Landscaping Plan - east property line dated 2017
 - Landscape Plan - south property line dated 2017
 - Water Testing Map - dated 9/5/17

All aspects of the operation of the site shall comply with the approved plans.

4. The location of the asphalt plant shall remain in its existing position and shall not be relocated unless this sand and gravel ordinance is amended.
5. "Operation" as it relates to hours of operation, shall include, but is not limited to, all mining and grading operations, washing, the operation of

the asphalt plant on the site, and movement of vehicles and equipment in and out of the site. Hours of operation on the site shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday, except hours of operation may begin at 6:00 a.m. Monday - Saturday for internal operations only, including start up of the asphalt plant and allowing BRI owned vehicles that were parked overnight to exit the site. The crushing of concrete which shall be regulated by Condition #7. The asphalt plant shall be allowed to operate a maximum of 30 night shifts (7:00 p.m. to 7:00 a.m.) during the construction season each year. Bituminous Roadways shall provide the city with written notice prior to each event, including confirmation of contact with the nearest neighbor so a record can be kept to monitor total hours used each season.

6. Crushing of concrete on site shall be permitted provided the following conditions are met:
 1. All crushing operations shall be conducted in the current location in the existing site.
 2. The stockpile of concrete to be crushed and the stockpile of already crushed concrete shall not in the aggregate exceed a total of 50,000 cubic yards.
 3. The height of the stockpiles shall not exceed 25 feet.
4. Crushing shall occur on not more than 12 weeks during the calendar year. No crushing shall occur on Sunday; crushing shall only occur between the hours of 7:00 a.m. and 7:00 p.m. Monday - Friday and 9:00 a.m. to 6:00 p.m., Saturday.
7. Bituminous Roadways may temporarily store Manufactured Organic Shingle Scrap (MOSS) in open storage areas provided the areas in the aggregate do not exceed one (1) acre in size and provided the location and storage configuration is approved by the Fire Marshal and Director of Community Development. MOSS storage areas may be relocated as operations on the site change subject to the approval of the Fire Marshal and the Director of Community Development. The City may impose reasonable conditions relating to dust control, fire prevention and size, height and configuration of the storage piles.
8. The final disposal of MOSS on the site shall be prohibited.
9. As part of the approval granted herein, the applicant may use used concrete and asphalt products as a part of the operation. Stockpiling area for these materials shall be as noted on the approved plans.

10. Bituminous Roadways shall prohibit all drivers of trucks from using Rich Valley Boulevard north of Cliff Road except in those instances where materials are being taken to a project located within the City's regulatory authority. Bituminous Roadways shall post an advisory to all drivers to the same effect at exits from the site.
11. The site shall be kept clear, at all times, of windblown debris.
12. The foundry sand in the southeast berm shall be left undisturbed.
13. Bituminous Roadways shall bring no additional foundry sand onto the site.
14. The berms which cover the foundry sand shall be maintained in vegetative cover to control erosion of the foundry sand.
15. The stockpiled MOSS, shingle scrap, recycled asphalt, and concrete pavement will not be disposed at the site.
16. Stock piles of recycled asphalt, MOSS, shingles, and concrete shall be limited in size to amount that will be used that year.
17. Backfill material shall be either clean fill material that was stripped off the site or other clean fill material which is brought in from offsite.
18. Spent bag house bags will be disposed of in a lined landfill permitted or approved to accept such materials.
19. A restoration bond shall be in an amount to cover the costs of restoration of the site, as determined by the City Engineer, prior to City Council approval.
20. Bituminous Roadways shall obtain and maintain the necessary licenses and approvals from Dakota County and Minnesota Department of Natural Resources. Terms and conditions of the license and approval shall be hereby incorporated into this City approval.
21. Bituminous Roadways shall obtain and maintain the necessary Minnesota Pollution Control Agency permits including two air quality permits and one industrial storm water permit. The terms and conditions of those permits shall be hereby incorporated into this City approval.
22. All reports which are required to be submitted to Dakota County under a Hazardous Waste Generators License and a Processing License shall also

be submitted to the City, including the required annual and quarterly reports.

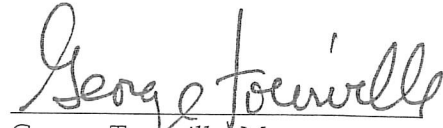
23. All reports which are required to be submitted to the Minnesota Pollution Control Agency shall also be submitted to the City, including annual emissions inventory report, semi-annual deviations report, annual compliance certification report, and annual report.
24. Monitoring shall be conducted at the single water well that consists of arsenic, barium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, zinc, DRO, GRO, phenol, pH, electric conductivity and alkalinity. The monitoring shall occur with half the wells every other year. Parameters and protocols shall be as agreed to by Dakota County, the City and Bituminous Roadways.
25. Monitoring of the storm water ponds and wells shall be conducted every other year and shall be tested for the same elements as listed in condition #24 per the proposed testing schedule identified on the Water Testing Map.
26. All buildings shall be removed from the site within three (3) months of the closure of the facility.
27. Bituminous Roadways shall enter into a Host Community Agreement with the City of Inver Grove Heights including the payment of host community fees, within three (3) months of the State Legislature providing the City with the Authority to enter into such an agreement.
28. Restoration shall be conducted in phases at the site. As portions of the mining area are completed, the areas will be backfilled, graded, topsoil applied and vegetation established.
29. The operator is responsible for obtaining all required permits for the wash water well from the appropriate state and or county agencies and must meet all DNR requirements, obligations and protocols for a well appropriations permit, including responsibilities and protocols for any remedial actions and those responsibilities and protocols for any compensation or damages from the loss of well use affected neighboring properties. Any change or any application for an appropriation permit for an aquifer different than the one that has been identified would require an amendment to the conditional use permit.
30. Bituminous Roadways shall provide a voluntary well interference protocol agreement for neighboring properties within ½ mile of the well

requesting to be a party thereto. The agreement shall be prepared by Bituminous Roadways and shall stipulate procedures to follow should well problems occur. The agreement between the parties is strictly voluntary and not required for the well to be operational.

31. The southern access to the site shall be allowed as a secondary driveway for the operation provided it is used by no more than 10% of the truck traffic for the site.

Enacted and ordained into an Ordinance this 9th day of October, 2017.

Ayes: 5
Nays: 0


George Tourville, Mayor

ATTEST:



Michelle Tesser, City Clerk

Request for Council Action

SUBJECT: **Resolution Accepting Utility Rate Study Final Reports**

MEETING DATE: May 22, 2023

ITEM TYPE: Regular Business

CONTACT: Kris Wilson, City Administrator, 651.450.2511
 Brian Connolly, Public Works Director, 651.450.2571
 Amy Hove, Finance Director, 651.450.2521

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, accepting the final reports of the 2022 Utility Rate Study.

BACKGROUND

Throughout 2022, and into early 2023, the City worked with consultant AE2S to conduct a comprehensive Utility Rate Study for the City's water, sewer and stormwater systems.

Periodic reports and discussion with Council focused primarily on the City's water and sewer rate structure, rate amounts for 2023, and the structure and amounts for utility connection fees paid as part of the development process. The final work of AE2S went beyond this, to project rate increases necessary over the next 10 years in order to support the level of infrastructure maintenance and replacement projected to be needed and to make several recommendations regarding the City's utility fund structure and target fund balances.

During the May 22 Council meeting, staff would like to review these final components of the consultant's work related to the water and sewer utilities with Council, as it will provide a starting point for discussions of 2024 utility rates and also inform several fund closures and transfers that staff will be seeking Council approval for in the near future.

It should also be noted that stormwater rates and capital investment needs were also examined to an extent, but quickly became more complex and involved than originally anticipated. To prioritize the project budget and timeline, detailed efforts were focused in on the City's water and sewer utilities, while much of the stormwater study and analysis was postponed for future study.

Projected Need for Capital Reinvestment & Corresponding Rate Projections

A key component of the rate study effort was to forecast long-term replacement and renewal needs for the City's existing utility infrastructure, with a focus on risk assessment and management based on a variety of factors, including age, material composition, past maintenance activities, and anticipated future maintenance needs. To accomplish this, a substantial amount of existing data was compiled by City and AE2S staff, including a full review of the infrastructure assets within the City's Geographic Information System (GIS) database. It was important to ensure accurate data was being utilized, and City staff from multiple divisions and departments, including GIS, finance, utilities, streets, and engineering, all had a key part in data extraction and participating in the quality review

and risk assessment component of this study effort. These "behind the scenes" efforts are summarized in the attached "Asset Management Risk Report", and are the basis for the utility-specific capital investment and utility rate recommendations included in the final technical reports for the water and sewer utilities.

The results of AE2S's Revenue Adequacy analysis can be found starting on page 11 of the attached Water Report and page 8 of the Sewer Report. Both project significant rates increases being necessary over the next 10 years in order to fund the totality of our utility systems, which include:

- Recurring operating and maintenance expenses
- Adequate reserve funding
- Fully funding current and future debt service
- Provide for long-term renewal/replacement needs and target levels of capital reinvestment

Staff will present a more thorough overview of the study's findings in this area at the Council meeting on Monday.

Recommendations for Fund Structure

At the start of the study, the City was maintaining multiple utility funds, structured around the source of revenue into each fund. Recommendations contained in the attached reports call for reducing the number of funds and structuring them around their uses (i.e. operating costs and capital costs) rather than their revenue sources.

OLD STRUCTURE	
Fund # 501: Water Utility Fund	Revenue into this Fund came from water utility fees paid by current customers. Expenses out of this Fund included ongoing operating costs, such as wages and benefits, supplies and services, etc., and various capital expenditures.
Fund # 403: Water Connection Fund	Revenue into this Fund came from connection fees paid by development occurring outside the Northwest Area (NWA) of the city. Funds were used for various capital expenditures.
Fund # 511; NWA Water Connection Fund	Revenue into this Fund came from connection fees paid by development occurring inside the NWA. Funds were used for various capital expenses.

NEW STRUCTURE	
Fund # 510: Water Operating Fund	This Fund would be used to cash flow the ongoing operation and regular maintenance of the utility, while maintaining a modest fund balance, equal to the cost of 90-days of operations.

Fund # 511: Water Capital Fund	This Fund would be used to support and plan for capital investment and reinvestment needs of the system over a multi-year period.
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The same fund structure existed for the City's Sewer Utility and the recommendation is to make the same changes / consolidation down to two funds for sewer as for water.

Staff is strongly supportive of these recommended changes, and with Council support, will prepare Resolutions to close/consolidate funds and make the necessary transfers, for consideration at the Council's June 12 meeting.

FISCAL IMPACT

Adopting the attached Resolution, accepting the final reports of this study, has no immediate financial impact. The reports would be used as a guide for setting future water and sewer rates, but each year the Council will be asked to consider utility rates and factor in new or changing circumstances or information. Similarly, acceptance of the report does not bind the Council to a particular level of capital reinvestment each year. Rather the reports are intended to serve as a guide or benchmark for staff and elected officials moving forward for developing long-term Capital Improvement Plans, and in annual reviews of utility rates.

RECOMMENDATION

Staff recommends adoption of the attached Resolution, accepting the final reports of the 2022 Utility Rate Study.

ATTACHMENTS

1. Resolution - Accepting Final Reports of 2022 Utility Rate Study
2. Final Report on Water Capital Planning and Rate Study
3. Final Report on Sewer Capital Planning and Rate Study
4. Final Utility System Risk Analysis Report 5-22-23

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

RESOLUTION NO. _____

RESOLUTION ACCEPTING FINAL REPORTS OF THE 2022 UTILITY RATE STUDY

WHEREAS, at its March 14, 2022 meeting, the City Council awarded a contract to Advanced Engineering and Environmental Services (AE2S), LLC to perform a Comprehensive Utility Capital Planning and Rate Study; and

WHEREAS, over the last 14 months, AE2S has completed the contracted work in collaboration with City staff from multiple departments; and

WHEREAS, various findings and recommendations of the study were presented to and discussed with the City Council over the course of multiple meetings in calendar year 2022; and

WHEREAS, the final reports summarizing the work of AE2S have been hereby presented to the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS, that the Final Report on Water Capital Planning and Rate Study, the Final Report on Sewer Capital Planning and Rate Study, and the Final Utility System Risk Analysis are hereby accepted by the City of Inver Grove Heights, and

BE IT FURTHER RESOLVED, that City staff are directed to utilize and incorporate the analysis, findings and recommendations contained within these reports when developing initial proposals for water and sewer utility rates in future years.

Adopted by the City Council of the City of Inver Grove Heights on this 22nd day of May, 2023.

Brenda Dietrich, Acting Mayor

ATTEST:

Rebecca Kiernan, City Clerk

SUMMARY MEMORANDUM

To: City of Inver Grove Heights, MN

From: AE2S Nexus
Jacob D. Strombeck, PE

Re: **Water Capital Planning and Rate Study**

Date: May 22, 2023

INTRODUCTION

The City of Inver Grove Heights retained AE2S Nexus to complete a Comprehensive Utility Capital Planning and Rate Study. Goals of the study included:

- Fair, equitable, and sufficient rate projections for the Water and Sanitary Sewer Utilities.
- Development of a rate structure that is reasonable to administer and easily articulated to policymakers and customers.
- Reserve funding recommendations that achieve adequate system renewal and replacement.

The focus of this memo will be recommendations for Water rate structure revisions, 2023 Water rate setting, and future rate projections developed as part of a 10-year Revenue Adequacy evaluation.

Key Water Fund considerations include:

- Rate structure includes some potential inequities regarding tier structure and sizing, flow in the fixed charge, and irrigation rates.
- Complex utility fund structure that includes three separate Water Utility funds, including Water Operating (501), Water Connection Fund (403), and Northwest Area Water Fund (511).
- Utility financial plans have been on autopilot and require a full review, including renewal and replacement revenue requirements and sufficient capital planning.

REVENUE REQUIREMENTS FORECASTING

Based on a detailed review of the City's Water Utility budget and funds, future years revenue requirements were developed for a 10-year planning horizon (2023-2032). Projected revenue requirements included operations and maintenance expense, the City's programmed CIP from 2023-2027, recommendations for future capital funding levels, existing and proposed debt service obligations, reserve funding, and future expense indexation/escalation considerations.

In consideration of capital funding levels, a desktop renewal forecasting and reserve funding analysis based on a comprehensive review of the City's Water Utility Horizontal (i.e. pipelines) fixed asset database was performed. This analysis determined how to appropriately plan for capital spending and/or contributions to reserves considering system age, asset type, materials, size, and forecasted renewal rates. Horizontal assets were analyzed using a water system renewal and replacement financial forecasting model based on statistical infrastructure failure rate distributions. Ultimately, the analysis provided information regarding annual budgetary amounts which is translated into the financial models as the capital reserve/reinvestment target. The goal is to spend or save at least the target amount. For the purpose of the financial model and setting rates to accomplish the targeted reserve/reinvestment, the funds are assumed to be spent each year. More information on the renewal forecasting model can be found in the Risk Report for the Water and Sewer Rate Study.

The resulting recommended capital reserving/reinvesting target for horizontal assets is \$2.3M annually in 2022 dollars. To minimize near term rate impacts, the study team recommended a phased-in approach to reach the full target funding level, with 40% of the horizontal asset reinvestment target planned for in 2023 growing to 100% by 2029. Regarding vertical asset planning, an average of the programmed 2023-2027 "non-pipeline" Capital Improvements Plan was used as the Target funding level, which equates to \$1.43M (plus indexing starting in 2028). This combined total capital reserve/reinvesting target ranges from \$2.4M in 2023 to \$5.1M by 2032. This combined value represents the minimum reserve/reinvestment amount recommended for the Water Utility.

Figure 1 presents the results of the Revenue Requirements Forecasting Analysis, with total annual Water revenue requirements expected to grow from \$5.3M in 2023 to \$9.1M in 2032. Key items of note include:

- **Operation and Maintenance Expense:** Expected to grow from \$2.9M in 2023 to \$3.8M in 2032. Assumptions include:
 - 2022 Budget as a basis.
 - General Inflation and Labor: Seven percent in 2023, five percent in 2024 and three percent annually thereafter.
 - Annual index rate for Chemicals and Power: Three percent annually.

Summary Memorandum
Re: Water Capital Planning and Rate Study
May 22, 2023

- **Debt Service P&I:** The water utility retired its most recent debt in 2022. The current CIP calls for the issuance of \$2.5M in debt for upgrades to the water treatment plant in 2024. Assuming a 20-year repayment term at 5 percent interest, annual debt payments of \$200,606 were assumed to commence in 2025.
- **Programmed Capital:** Includes planned capital expenditures from 2023 to 2027, averaging \$2.6M annually.
- **Unprogrammed Capital:** Includes additional capital funding to reach the outlined capital reinvestment targets, above what is already planned for on the 5-year CIP.

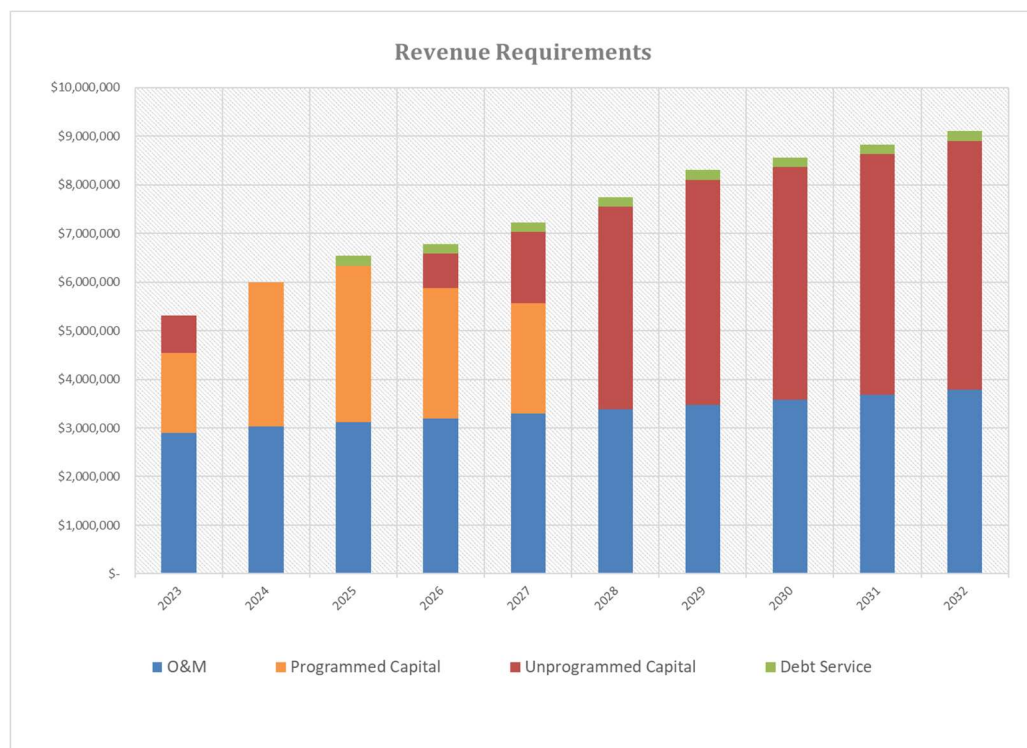


Figure 1: Projected Water Revenue Requirements

2022 RATE STRUCTURE

The 2022 Water rate structure included a fixed rate component and a three-tiered volumetric inclining block structure for all users classes. This approach is beneficial to an overall conservation strategy, as it sends a price signal as users increase their usage, while providing multiple tiers to give customers the ability to control cost. The fixed monthly charge for Residential and Senior Residential users included 6,000 gallons of water use per quarter, and the fixed charge for Multi-Family Residential and all non-residential use included 2,000 gallons of water use per month. Volumetric water use is charged based on either quarterly or monthly thousand gallons metered. Irrigation meters are billed according to the rate schedule with which the irrigated property is associated.

Residential and Senior Residential users are billed on a quarterly basis, while Multi-Family and all non-residential user classes are billed on a monthly basis. The 2022 rate structure is shown in Table 1 and Table 2.

Table 1: 2022 Residential Rate Structures

	Fixed Charge per Unit	Volumetric Charge per thousand gallons
Residential Fixed \$ (per quarter)	\$24.50 (includes 6,000 gallons)	
Senior Residential Fixed \$ (per quarter)	\$12.03 (includes 6,000 gallons)	
6,001-20,000 gallons (per quarter)		\$2.84
20,001-40,000 gallons (per quarter)		\$3.27
40,001+ gallons (per quarter)		\$3.54
Multi-Family/Mobile Home (per unit per month)	\$8.17 (includes 2,000 gallons)	
2,001-7,000 gallons (per month)		\$2.84
7,001-13,000 gallons (per month)		\$3.27
13,001+ gallons (per month)		\$3.54

Summary Memorandum
 Re: Water Capital Planning and Rate Study
 May 22, 2023

Table 2: 2022 Non-Residential Rate Structure

	Fixed Charge per Unit	Volumetric Charge per thousand gallons
Commercial/Institutional/Industrial (per month)	\$8.17 (Includes 2,000 gallons)	
2,001-7,000 gallons (per month)		\$2.84
7,001-13,000 gallons (per month)		\$3.27
13,001 + gallons (per month)		\$3.54

RATE STRUCTURE PERFORMANCE

Industry-standard cost of service analysis (COSA) was utilized to evaluate the fairness, equitability, and performance of the 2022 rate structure as compared to the City's overall financial goals. Peak day water use plays a significant role in allocating water use amongst the classes. Table 3 summarizes peak day water use factor including and excluding outdoor water use measured using irrigation meters. These peak to average day water use factors drive several of the observations resulting from the COSA, noted below.

Table 3: Maximum Day Water Use Peaking Factors

	Peaking Factor including Irrigation	Peaking Factor excluding Irrigation
Single Family Residential/Senior	2.10	--
Multi-Family Residential	1.29	1.16
Commercial	2.20	1.25
Institutional	1.81	1.56
Industrial	3.86	2.51

COSA Observations

- **Irrigation water users are not generating revenue commensurate with the cost of service.** Under the 2022 rate structure, water metered through an irrigation meter is priced according to the same rate structure as for the property it serves. Under that approach, the first units of irrigation water are charged the same rate as indoor water use. Outdoor water use typically drives peak day use and its production is therefore generally a higher cost than average day water use, thus requiring a different rate structure than that associated with indoor water use.

Industry standard generally dictates that outdoor water use should not be charged at the same rate as indoor water use, particularly in areas where conservation is a priority. It is common for irrigation rate structures to match the rates on the upper tiers associated with indoor water use. Figure 2 illustrates the change in tier structure for irrigation accounts from 2022 to 2023.

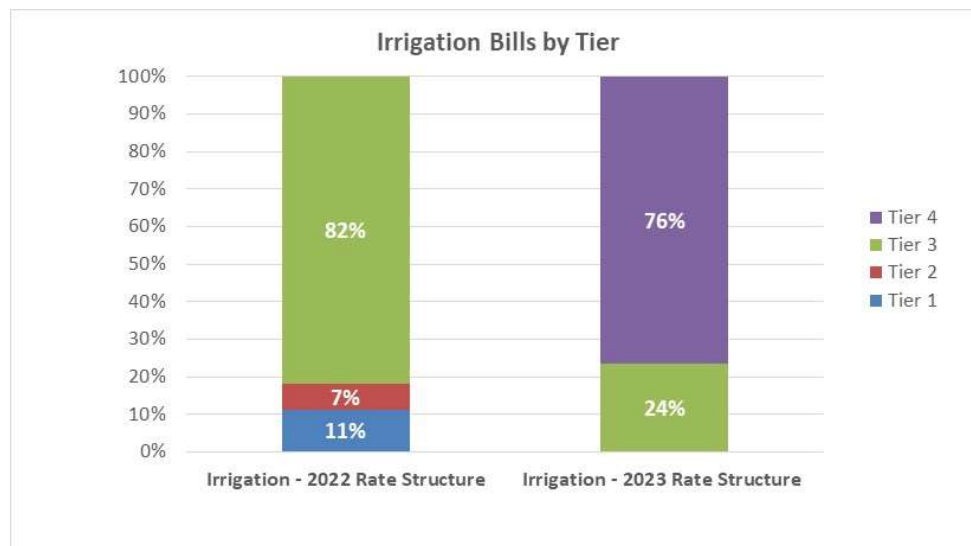


Figure 2: Distribution of Irrigation Bills under 2022 Rate Structure

- Single Family Residential users are not generating revenue commensurate with cost.** Under the 2022 rate structure, the tier size and rates are the same for all user classes. This user class does not have irrigation meters, so outdoor water use is combined with indoor water use. Table 3 shows that the peaking factor for Single Family users (2.10) is significantly higher than the peaking factors (excluding irrigation) for all other classes except the Industrial class. The higher peaking factor generally signals a higher unit cost, so it stands to reason that a class-specific approach to pricing is warranted to recover adequate revenue from the Single Family user class.
- Non-Residential User Classes are generally providing revenue commensurate with cost.** Under the existing approach of maintaining consistent charges per rate tier for all user classes, equitability for non-residential users will be maintained or improved by expanding the volume of water allowed in each tier.
- The 2022 Fixed Charge does not adequately cover standard fixed minimum costs plus the cost of 2,000 gallons of usage per month.**

RATE STRUCTURE RECOMMENDATIONS

Based on the results of the analysis, 2023 Water Rate Structure recommendations were as follows:

- Modify the fixed charge to exclude 2,000 gallons per month. By charging for the first 2,000 gallons per month within Tier 1, users are charged only for the water they use. This will improve equitability and simplify the structure. As a result, all flow will be charged volumetrically, and the monthly or quarterly fixed charge can be slightly reduced.
- Maintain consistency between the Single Family Residential and Multi-Family Residential user classes so that all residential water use is subject to the same charges. Adjust the tier sizes to account for the flow that was formerly associated with the base charge.
- Create separate volumetric tier structures better suited to actual water use patterns for Non-Residential users. This will help correct the cost of service inequities.
- Create a separate two-tier structure for the Irrigation user class, linking the rate for the first tier of Irrigation water use to the Tier 3 rate for all user classes, and second Irrigation tier rate to the Tier 4 rate for all other user classes.

The recommended rates and tier structures for 2023 are shown in Table 4. The projected distribution of bills by tier under the adjusted tier structures is illustrated in Figure 3. The City Council adopted the recommended 2023 rate structure by resolution on November 28, 2022, with rates commencing on January 1, 2023.

In addition to the rate structure changes, the overall goal was to yield a 5 percent revenue increase in 2023. The 2023 rates were designed to generate 25.5 percent of revenue from the fixed charge in 2023, and gradually increase the fixed charge beyond 2023 to reach the industry recommended target of 30 percent of revenue from fixed charge. This phased approach was implemented to minimize the year over year bill impacts to small volume users.



Summary Memorandum
Re: Water Capital Planning and Rate Study
May 22, 2023

Table 4: 2023 Rate Structure – All Users

	Fixed Charge per Unit	Volumetric Charge per thousand gallons
Residential Fixed \$ (per quarter)	\$18.00	
Senior Residential Fixed \$ (per quarter)	\$9.00	
0-6,000 gallons (per quarter)		\$1.16
6,001-21,000 gallons (per quarter)		\$2.90
21,001-39,000 gallons (per quarter)		\$3.48
39,001+ gallons (per quarter)		\$4.18
Multi-Family/Mobile Home (per unit per month)	\$6.00	
Multi-Family/Mobile Home: 0-2,000 gallons (per month)		\$1.16
Multi-Family/Mobile Home: 2,001-7,000 gallons (per month)		\$2.90
Multi-Family/Mobile Home: 7,001-13,000 (per month)		\$3.48
Multi-Family/Mobile Home: 13,001+ gallons (per month)		\$4.18
Commercial/Institutional/Industrial (per month)	\$6.00	
0-7,000 gallons (per month)		\$1.16
7,001-20,000 gallons (per month)		\$2.90
20,001-80,000 gallons (per month)		\$3.48
80,001 + gallons (per month)		\$4.18
Irrigation (per month)	\$6.00	
0-7,000 gallons (per month)		\$3.48
7,001 + gallons (per month)		\$4.18

REVENUE ADEQUACY AND FUTURE RATE PLANNING

Revenue Adequacy is the forward-looking estimation of what revenue will be required to operate, maintain, reinvest, and expand the system over a defined period compared to the projected revenues that will be generated through growth in users and user flows. This analysis allows for the understanding of the fiscal sustainability of the system and to determine the short-term and long-term adequacy of the existing rates, and to propose potential rate adjustments to target revenues in line with the overall revenue requirements and reserve funding goals.

Financial Model and Assumptions

A ten-year financial model was developed for the Water Utility. The model was built using the City's current operations and funding policies, based upon financial information provided by City staff. The model was used to project the net revenue requirements (total revenue requirements less miscellaneous operating and non-operating revenue), revenue generated from proposed rates, and the corresponding revenue surplus or deficiency. The revenue adequacy assumptions utilized in this Study are noted below:

Revenue Requirements

- **Total annual revenue requirements**, including O&M, Capital, and Debt Service, are expected to grow from \$5.3M in 2023 to \$9.1M in 2032 (as discussed above and presented in Figure 1).

Reserve Assumptions

- **Operating Reserve:** Funded to a targeted level of 180 days O&M expense (approximately \$1.4M in 2023).
- **Capital Reserve Fund:** Target funding level is based on the outlined Capital Reserve/Reinvestment Target (which ranges from \$2.4M in 2023 to \$5.4M by 2032), therefore there is not a set fund balance target. As previously noted, the model assumes the Capital Reserve/Reinvestment target is spent each year, however these funds may be carried-over from year-to-year and held in a reserve fund.

Revenue Assumptions

- **Fixed Rate Revenue:** Revenue generated from the fixed rates is based on number of accounts. Account numbers were increased by 0.55 percent annually through 2032, which is consistent with historical population growth.

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- **Volumetric Rate Revenue:** Revenue generated from volumetric rates was based on projected billed flow. Billed flow is projected to grow by 0.55 percent annually, consistent with account growth projections.
- **Connection Fee Revenue:** Baseline (2022 & 2023) connection fee revenue based on historical actual connection fee revenue from 2015-2020 (excluding high, anomaly, collections in 2021), reduced proportionally to reflect a projected 0.55% annual growth rate versus 2015-2020 actual growth rate of 0.79%. Increases to connection fee revenue for 2024 and beyond are set to match projected utility rate/revenue increases.
- **Other Revenue:** Investment interest, Other Reimbursements, and SA Delinquent revenues were held constant at 2022 budget.

Utility Cash Balance Assumptions

- Total cash of \$11,750,308 was used as the starting cash in the model based on the following 2021 year-end cash balances:
 - Water Utility Fund (501) = \$6,758,204
 - Water Connection Fund (403) = \$1,124,117
 - NWA Water Fund (511) = \$3,867,987
- It was assumed that the Water Utility Fund (501), renamed to "Water Operating Fund (510)", would carry a balance equivalent to the Operating Reserve Target (90 days O&M expense).
- The model assumes the remaining funds from the Water Operating Fund (520) above the operating reserve target, would be combined with the Water Connection Fund (403) and NWA Water Fund (511) balances, to create one fund called the "Water Capital Fund (511)" eliminating the NWA Water Fund (512).

Revenue Adequacy Results

The results of the 10-year Revenue Adequacy indicate annual rate increases ranging from 3.5% to 10.0%, as shown in Table 5, are projected to meet fund objectives for the 2023 to 2032 planning horizon. The recommended rate strategy included variations in the increases between fixed and volumetric rates, with a goal to gradually work towards the industry recommended target of 30 percent of revenue from the fixed charge. Rate increases at this level are anticipated to:

- Fully fund long-term increases to recurring operating and maintenance expense
- Maintain adequate reserve funds at appropriate target levels now and into the future
- Fully fund future debt service and maintain adequate debt service coverage

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- Provide for identified long-term renewal/replacement needs/capital reinvestment targets.
- Work to maintain equitability between user classes based on projected cost versus revenue comparisons.

Figure 3 presents the resulting projected revenues versus revenue requirements and recommended rate increases for the 2023-2032 planning horizon and Figure 4 presents the resulting fund balances at the end of each year, along with projected annual revenue surplus (deficiency) and projected annual rate revenue increase. It should be noted that revenue and expense requirements for any utility can vary significantly over the course of 10 years. Therefore, it is recommended that the City review the associated projections on an annual basis and adjust the rate plan, as appropriate.

Table 5: 2023-2032 Projected Rate Increases

	2023 Implemented	2024	2025	2026	2027
Annual Revenue Increase %	4.1%	9.1%	10.2%	10.2%	10.2%
Fixed Rate Increase %	-	10.0%	10.0%	10.0%	10.0%
Volumetric Rate Increase %	-	10.0%	10.0%	10.0%	10.0%
% of Revenue from Fixed Charge	25%	26%	26%	26%	26%
	2028	2029	2030	2031	2032
Annual Revenue Increase %	10.2%	10.2%	10.2%	4.9%	4.9%
Fixed Rate Increase %	10.0%	10.0%	8.0%	8.0%	8.0%
Volumetric Rate Increase %	10.0%	10.0%	3.5%	3.5%	3.5%
% of Revenue from Fixed Charge	26%	26%	26%	27%	28%



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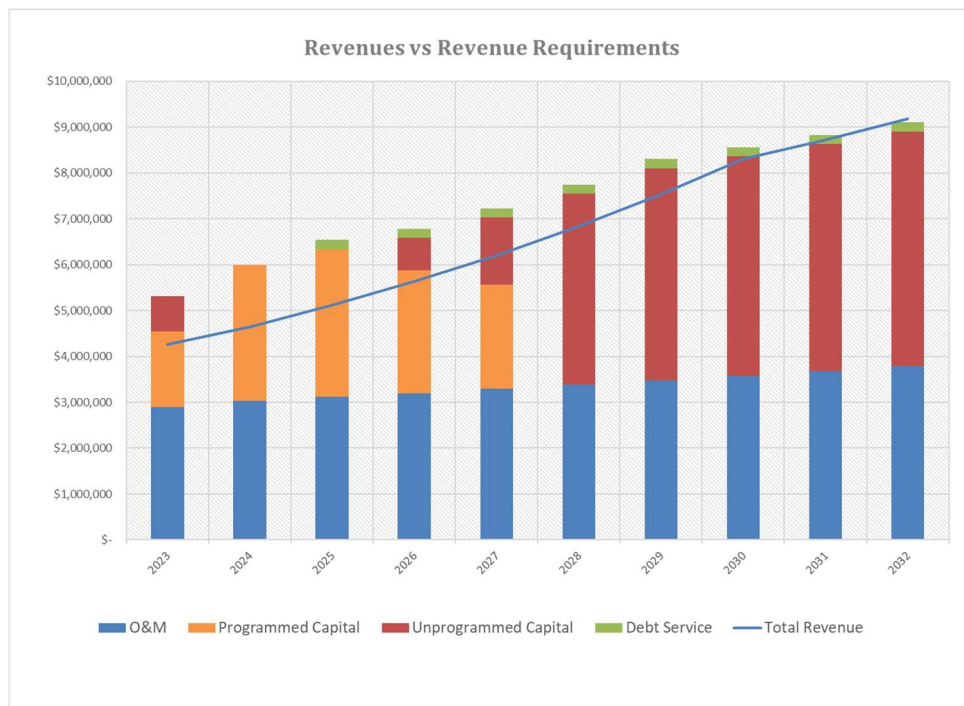


Figure 3: Revenues versus Revenue Requirements

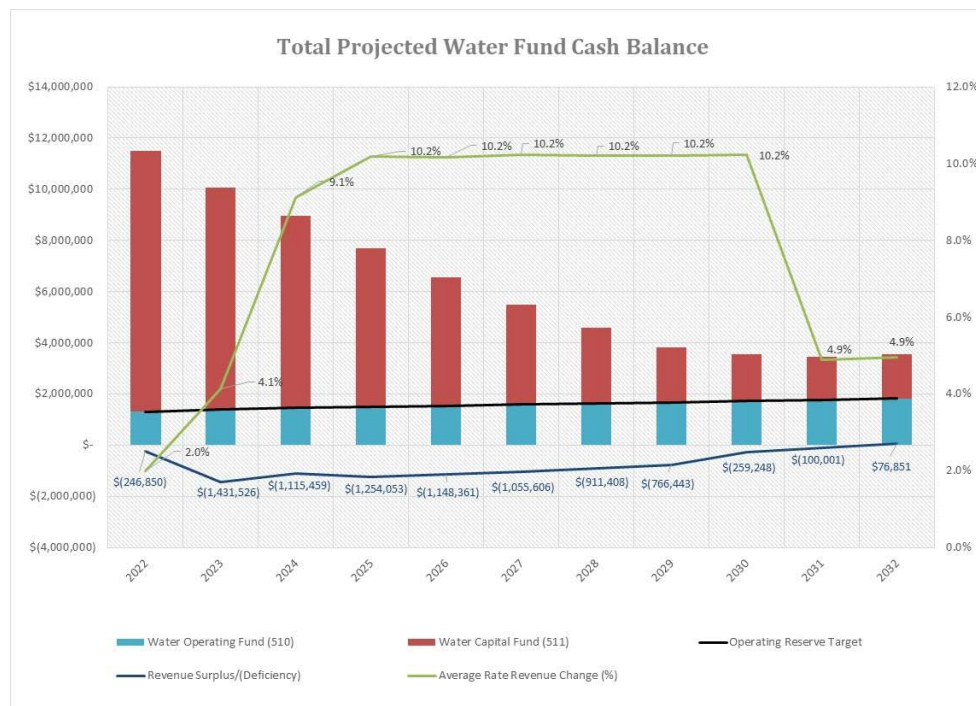


Figure 4: Projected Water Fund Cash Balance

BILL IMPACTS AND BENCHMARKING

To provide perspective on the magnitude of the 2023 implemented rates in Table 4, bill impacts for 2022 rates compared to 2023 rates have been estimated for average billed water volumes. Table 6 presents the projected Single Family and Multi-Family Residential monthly bills at 2022 rates for the amount of water volume listed compared to the monthly bill at 2023 rates. Table 7 summarizes monthly bill impacts for non-residential users. Note that due to changes to the tier size for non-residential users, some users will see a decrease in 2023; however, as long as rate changes are applied consistently to all tiers going forward, future bill impacts will be the same for all users within a class.

Table 6: Single Family and Multi-Family Residential Bill Impacts

Volume	Monthly Bill at 2022 Rates*	Monthly Bill at 2023 Rates*	Monthly \$ Change	2023 % Increase
2,000 gallons	\$8.98	\$9.13	\$0.15	+1.7%
4,000 gallons	\$14.66	\$12.61	(\$2.05)	-14.0%
6,000 gallons	\$20.34	\$18.41	(\$1.93)	-9.5%
10,000 gallons	\$33.42	\$32.33	(\$1.09)	-3.3%

* Includes \$0.81 per month MN State Testing Fee

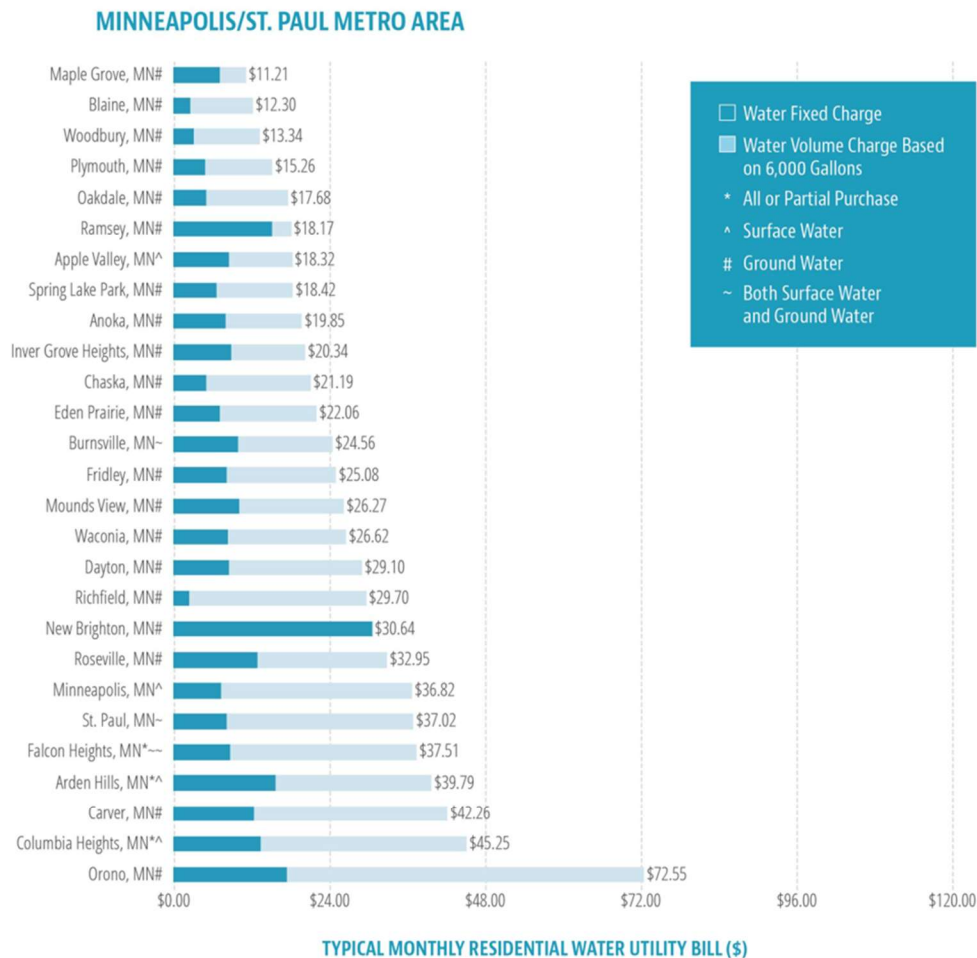
Table 7: Commercial/Institutional/Industrial Bill Impacts

Volume	Monthly Bill at 2022 Rates	Monthly Bill at 2023 Recommended Rates	Monthly \$ Increase	% Increase
7,000 gallons	\$22.37	\$14.12	(\$8.25)	-36.9%
30,000 gallons	\$102.17	\$86.62	(\$15.55)	-15.2%
80,000 gallons	\$279.17	\$260.62	(\$18.55)	-6.6%
200,000 gallons	\$703.97	\$762.22	\$58.25	+8.3%
400,000 gallons	\$1,411.97	\$1,598.22	\$186.25	-13.2%

Figure 5 compares the Residential water utility billing from all Minneapolis/St. Paul Metro Rate Survey participants in 2022 based on 6,000 gallons per month of billed flow. At 2023 rates, the cost for 6,000 gallons of water for Residential Users in Inver Grove Heights increases from \$20.34 to \$20.73, an increase of \$0.39 per month. At 2023 rates, Inver Grove Heights would maintain its same position on the chart in Figure 6, assuming rates remained relatively steady for

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participating communities.



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Figure 5: Typical Monthly Residential Water Utility Bill (2022)

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ADDITIONAL NEXT STEPS

As previously noted, the City Council adopted the recommended 2023 rate structure by resolution in November of 2022, with rates commencing on January 1, 2023. Along with the recommendations included herein, the following bullet points summarize the recommended next steps for the City:

- **Review Water Revenue Adequacy Annually.** The City has undertaken this project to obtain a financial tool to assist in management financial health of the Water Utility. Although the projections herein contain proposed rate adjustments through 2032, a change in actual revenues or expenses from those projected could significantly impact the Utility. As a result, it is strongly recommended that the City closely monitor revenues and expenses as compared to those projected in the rate model, adjusting as necessary, and update the projected rate adjustments based on the desired objective of achieving consistent revenue adequacy and meeting cash reserve target balances.
- **Complete a Water Connection Fee Study.** During this study effort, Water Connection Fees were reviewed and initial recommendations for clean-up of the structure were made. However, through this review, the resulting recommendation was to complete a full connection fee study in order to equitability and accurately update this structure.

SUMMARY MEMORANDUM

To: City of Inver Grove Heights, MN

From: AE2S Nexus
Jacob D. Strombeck, PE

Re: **Sewer Capital Planning and Rate Study**

Date: May 22, 2023

INTRODUCTION

The City of Inver Grove Heights retained AE2S Nexus to complete a Comprehensive Utility Capital Planning and Rate Study. Goals of the study included:

- Fair, equitable, and sufficient rate projections for the Water and Sanitary Sewer Utilities.
- Development of a rate structure that is reasonable to administer and easily articulated to policymakers and customers.
- Reserve funding recommendations that achieve adequate system renewal and replacement.

The focus of this memo will be recommendations for Sewer rate structure revisions, 2023 Sewer rate setting, and future rate projections developed as part of a 10-year Revenue Adequacy evaluation.

Key Sewer Fund considerations include:

- Sewer treatment service is received through the Metropolitan Council
- Somewhat complex rate structure that includes flow in the fixed charge and a surcharge for Northwest Area (NWA) Accounts.
- Growth of Northwest Development Area was slower than projected, therefore Sewer Connection Fee revenue in the NWA is not covering cost of NWA sewer debt.
- A Surcharge was applied to NWA users rate structure to help offset revenue shortfalls from connection fees in NWA, however there is no concrete basis for the surcharge and causes some ratepayer inequities.

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- Complex utility fund structure that includes three separate Sewer Utility funds, including Sewer Operating (502), Sewer Connection Fund (404), and Northwest Area Sewer Fund (512).
- Utility financial plans have been on autopilot and require a full review, including renewal and replacement revenue requirements and sufficient capital planning.

REVENUE REQUIREMENTS FORECASTING

Based on a detailed review of the City's Sewer Utility budget and funds, future years revenue requirements were developed for a 10-year planning horizon (2023-2032). Projected revenue requirements included operations and maintenance expense, the City's programmed CIP from 2023-2027, recommendations for future capital funding levels, existing and proposed debt service obligations, reserve funding, and future expense indexation/escalation considerations.

In consideration of capital funding levels, a desktop renewal forecasting and reserve funding analysis based on a comprehensive review of the City's Sewer Utility Horizontal (i.e. pipelines) fixed asset database was performed. This analysis determined how to appropriately plan for capital spending and/or contributions to reserves considering system age, asset type, materials, size, and forecasted renewal rates. Horizontal assets were analyzed using a sewer system renewal and replacement financial forecasting model based on statistical infrastructure failure rate distributions. Ultimately, the analysis provided information regarding annual budgetary amounts which is translated into the financial models as the capital reserve/reinvestment target. The goal is to spend or save at least the target amount. For the purpose of the financial model and setting rates to accomplish the targeted reserve/reinvestment, the funds are assumed to be spent each year. More information on the renewal forecasting model can be found in the Risk Report for the Water and Sewer Rate Study.

The resulting recommended capital reserving/reinvesting target for horizontal assets is \$785,100 annually in 2022 dollars. In order to minimize near term rate impacts, the study team recommended a phased-in approach to reach the full target funding level, with 73% of the horizontal asset reinvestment target planned for in 2023 growing to 100% by 2032. Regarding vertical asset planning, an average of the programmed 2023-2027 "non-pipeline" Capital Improvements Plan was used as the Target funding level, which equates to \$281,100 (plus indexing starting in 2028). This combined total capital reserve/reinvesting target ranges from \$894K in 2023 to \$1.5M by 2032. This combined value represents the minimum reserve/reinvestment amount recommended for the Sewer Utility.

Figure 1 presents the results of the Revenue Requirements Forecasting Analysis, with total annual revenue requirements expected to grow from \$5.5M in 2023 to \$7.1M in 2032. Key items of note include:

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- **Operation and Maintenance Expense:** Expected to grow from \$3.6M in 2023 to \$4.9M in 2032. Assumptions include:
 - 2022 Budget as a basis.
 - General Inflation and Labor: Seven percent in 2023, five percent in 2024 and three percent annually thereafter.
 - Annual index rate for Chemicals and Power: Three percent annually.
 - Annual index rate for Sewer Service from Metropolitan Council: 5.5 percent annually
- **Debt Service P&I:** Assumed NWA debt service is paid with Sewer Utility funds and is \$1.04M annually through the 2031, dropping down to \$681K in 2032 as the first of three loans expires. All loans will be paid off by 2036.
- **Programmed Capital:** Includes planned capital expenditures from 2023 to 2027, averaging \$1.0M annually.
- **Unprogrammed Capital:** Includes additional capital funding to reach the outlined capital reinvestment targets, above what is already planned for on the 5-year CIP.

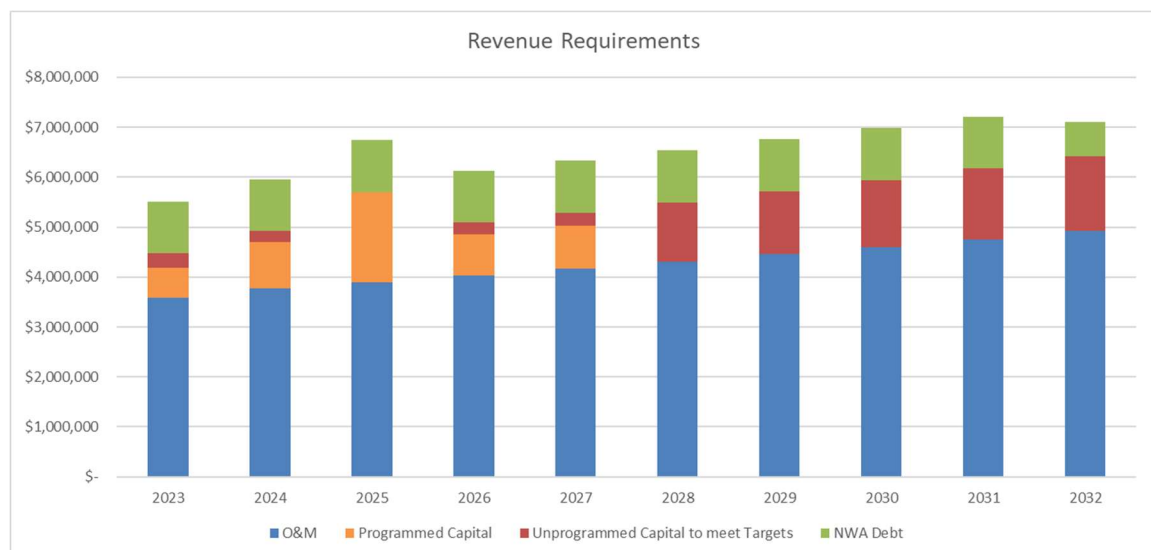


Figure 1: Projected Revenue Requirements

2022 RATE STRUCTURE

The 2022 Sewer rate structure applied consistent rates across all user classes, with the exception of a surcharge on NWA accounts. The rate structure consisted of a fixed monthly or quarterly charge and a volumetric rate per kgal. The fixed monthly charge included 2,000 gallons per month (or 6,000 gallons per quarter) and the volumetric rate bills per kgal over 2,000 gallons per month. The 2022 rate structure is shown in Table 1 and Table 2.

Table 1: 2022 Rate Structure – Outside the NWA

	Fixed Charge per Unit	Volumetric Charge per kgal
Residential (per quarter)	\$39.54 (includes 6,000 gallons)	\$4.99 per kgal (over 6,000 gallons)
Multi-Family/Mobile Home (per unit per month)	\$13.18 (includes 2,000 gallons)	\$4.99 per kgal (over 2,000 gallons)
Commercial/Institutional/Industrial (per month)	\$13.18 (Includes 2,000 gallons)	\$4.99 per kgal (over 2,000 gallons)

Table 2: 2022 Rate Structure – Inside the NWA

	Fixed Charge per Unit	Volumetric Charge per kgal
Residential (per quarter)	\$51.54 (includes 6,000 gallons)	\$6.99 per kgal (over 6,000 gallons)
Multi-Family/Mobile Home (per month)	\$17.18 (includes 2,000 gallons)	\$6.99 per kgal (over 2,000 gallons)
Commercial/Institutional/Industrial (per month)	\$17.18 (Includes 2,000 gallons)	\$6.99 per kgal (over 2,000 gallons)

RATE STRUCTURE PERFORMANCE

Upon review of the 2022 rate structure, user base make-up, sewer utility revenue requirements and revenue collections, consistent rates across user classes were determined to be fair and equitable and is a common approach for utilities with outside treatment service. The charge for sewer treatment service from the Metropolitan Council is 100 percent flow based and the City's overall homogeneous make-up of user classes (no large industries or large variations in usage

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patterns across user classes) support consistent rates across user classes. The flow included to the fixed rate (2,000 gallons per month) causes some inequity for those users that use less than 2,000 gallons per month and adds complexity to rate structure/billing process. The surcharge applied to the NWA accounts also causes equitability concerns.

Regarding total revenue collections, the total budgeted 2022 Sewer rate revenues are in-line with budgeted 2022 revenue requirements, with the exception of NWA debt. The City's current approach to meet this shortfall is transfers from other funds and/or spend down of reserve cash. The long-term strategy to meet this obligation will be addressed as part of the Revenue Adequacy analysis and future rate planning. The current split between fixed rate and volumetric rate revenue collections is on target with industry recommendations of at least 30 percent of revenue from the fixed charge. Under the 2022 rate structure, sewer rates collect approximately 51 percent of rate revenue from the fixed charges. Existing rate revenue projections are presented in Table 3.

Table 3: Existing Rate Revenue*

	Estimated 2022
Fixed Rate Revenue	\$2,124,097
Volumetric Rate Revenue	\$2,011,287
Total Rate Revenue	\$4,135,384

**Excludes revenues from Eagan and South St. Paul*

RATE STRUCTURE RECOMMENDATIONS

Based on the results of the analysis, 2023 Sewer Rate Structure recommendations were as follows:

- Maintain a consistent rate structure across all user classes.
- Remove flow included to the fixed charge. This will improve equitability and simplify the structure. As a result, all flow will be charged volumetrically, and the monthly or quarterly fixed charge will be reduced.
- Eliminate NWA surcharges. Generally, NWA users receive same service as other users in the City, therefore rate surcharges create equitability concerns. The surcharge generates about \$60,000 in revenue annually which applied towards NWA Sewer debt. The annual payment of NWA debt is just over \$1 million annually; therefore the surcharge generates approximately 6 percent of the total payment. Given the surcharge generates a relatively small amount of revenue, eliminating the surcharge would eliminate the inequity of the rate structure without significantly compromising revenue collections.

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In addition to the rate structure changes, the overall goal was to yield a 6 percent revenue increase in 2023, primarily to account for 5.5 percent increase from the Metropolitan Council for sewer treatment service. In addition, the 2023 rates were designed to generate 25 percent of revenue from the fixed charge in 2023, and gradually increase the fixed charge beyond 2023 to reach the industry recommended target of 30 percent of revenue from fixed charge. This phased approach was implemented to minimize the year over year bill impacts to small volume users. The resulting recommended 2023 rate structure is shown in Table 4. The City Council adopted the recommended 2023 rate structure by resolution on November 28, 2022, with rates commencing on January 1, 2023.

Table 4: 2023 Rate Structure – All Users

	Fixed Charge per Unit	Volumetric Charge per kgal
Residential (per quarter)	\$20.70	\$4.85 per kgal
Multi-Family/Mobile Home (per month)	\$6.90	\$4.85 per kgal
Commercial/Institutional/Industrial (per month)	\$6.90	\$4.85 per kgal

REVENUE ADEQUACY AND FUTURE RATE PLANNING

Revenue Adequacy is the forward-looking estimation of what revenue will be required to operate, maintain, reinvest, and expand the system over a defined period compared to the projected revenues that will be generated through growth in users and user flows. This analysis allows for the understanding of the fiscal sustainability of the system and to determine the short-term and long-term adequacy of the existing rates, and to propose potential rate adjustments to target revenues in line with the overall revenue requirements and reserve funding goals.

Financial Model and Assumptions

A ten-year financial model was developed for the Sewer Utility. The model was built using the City's current operations and funding policies, based upon financial information provided by City staff. The model was used to project the net revenue requirements (total revenue requirements less miscellaneous operating and non-operating revenue), revenue generated from proposed rates, and the corresponding revenue surplus or deficiency. The revenue adequacy assumptions utilized in this Study are noted below:

Revenue Requirements

- Total annual revenue requirements, including O&M, Capital, and Debt Service, are expected to grow from \$5.5M in 2023 to \$7.1M in 2032 (as discussed above and presented in Figure 1).

Reserve Assumptions

- **Operating Reserve:** Funded to a targeted level of 90 days O&M expense (approximately \$900K in 2023).
- **Capital Reserve Fund:** Target funding level is based on the outlined Capital Reserve/Reinvestment Target (which ranges from \$894K in 2023 to \$1.5M by 2032), therefore there is not a set fund balance target. As previously noted, the model assumes the Capital Reserve/Reinvestment target is spent each year, however these funds may be carried-over from year-to-year and held in a reserve fund.

Revenue Assumptions

- **Fixed Rate Revenue:** Revenue generated from the fixed rates is based on number of accounts. Account numbers were increased by 0.55 percent annually through 2032, which is consistent with historical population growth.
- **Volumetric Rate Revenue:** Revenue generated from volumetric rates was based on projected billed flow. Billed flow is projected to grow by 0.55 percent annually, consistent with account growth projections.
- **Connection Fee Revenue:** Baseline (2022 & 2023) connection fee revenue based on historical actual connection fee revenue from 2015-2020 (excluding high, anomaly, collections in 2021), reduced proportionally to reflect a projected 0.55% annual growth rate versus 2015-2020 actual growth rate of 0.79%. Increases to connection fee revenue for 2024 and beyond are set to match projected utility rate/revenue increases.
- **Other Revenue:** Investment interest and other sewer services/charges were held constant at 2022 budget. Increases to revenue from Eagan and South St. Paul are set to match projected utility rate/revenue increases.

Utility Cash Balance Assumptions

- Total cash of \$5,156,503 was used as the starting cash in the model based on the following 2021 year-end cash balances:
 - Sewer Utility Fund (502) = \$5,245,892
 - Sewer Connection Fund (404) = \$1,670,546

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- NWA Sewer Fund (512) = (\$1,759,935)
- It was assumed that the Sewer Utility Fund (502), renamed to "Sewer Operating Fund (520)", would carry a balance equivalent to the Operating Reserve Target (90 days O&M expense).
- The model assumes the remaining funds from the Sewer Operating Fund (520) above the operating reserve target, would be combined with the Sewer Connection Fund (404) and NWA Sewer Fund (512) balances, to create one fund called the "Sewer Capital Fund (521)," eliminating the NWA Sewer Fund (512).

Revenue Adequacy Results

The results of the 10-year Revenue Adequacy indicate annual rate increases ranging from 2.0% to 7.0%, as shown in Table 5, are projected to meet fund objectives for the 2023 to 2032 planning horizon. The recommended rate strategy included variations in in the increases between fixed and volumetric rates, with a goal to gradually work towards the industry recommended target of 30 percent of revenue from the fixed charge. Rate increases at this level are anticipated to:

- Fully fund long-term increases to recurring operating and maintenance expense
- Maintain adequate reserve funds at appropriate target levels now and into the future
- Fully fund future debt service and maintain adequate debt service coverage
- Provide for identified long-term renewal/replacement needs/capital reinvestment targets.

Figure 2 presents the resulting projected revenues versus revenue requirements and recommended rate increases for the 2023-2032 planning horizon and Figure 3 presents the resulting fund balances at the end of each year, along with projected annual revenue surplus (deficiency) and projected annual rate revenue increase. It should be noted that revenue and expense requirements for any utility can vary significantly over the course of 10 years. Therefore, it is recommended that the City review the associated projections on an annual basis and adjust the rate plan, as appropriate.

Table 5: 2023-2032 Projected Rate Increases

	2023 Implemented	2024	2025	2026	2027
Annual Revenue Increase %	6.6%	6.8%	6.8%	5.1%	3.3%
Fixed Rate Increase %	-	7.0%	7.0%	6.0%	5.0%
Volumetric Rate Increase %	-	6.0%	6.0%	4.0%	2.0%
% of Revenue from Fixed Charge	25%	25%	25%	26%	26%
	2028	2029	2030	2031	2032
Annual Revenue Increase %	3.1%	3.1%	3.1%	3.1%	2.8%
Fixed Rate Increase %	4.0%	4.0%	4.0%	4.0%	3.0%
Volumetric Rate Increase %	2.0%	2.0%	2.0%	2.0%	2.0%
% of Revenue from Fixed Charge	27%	27%	27%	28%	28%

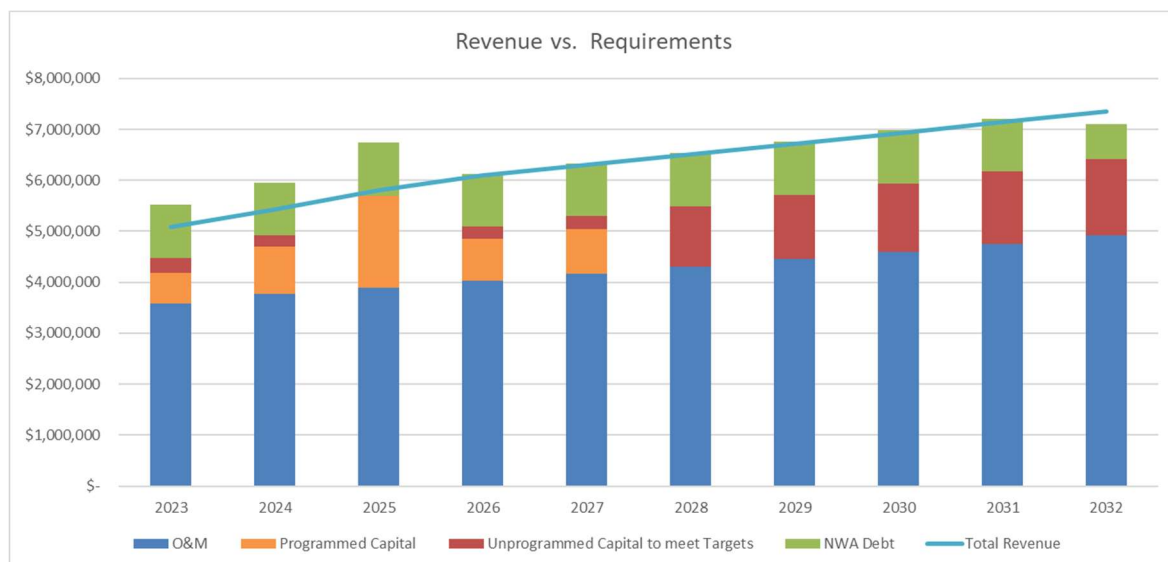


Figure 2: Revenues versus Revenue Requirements

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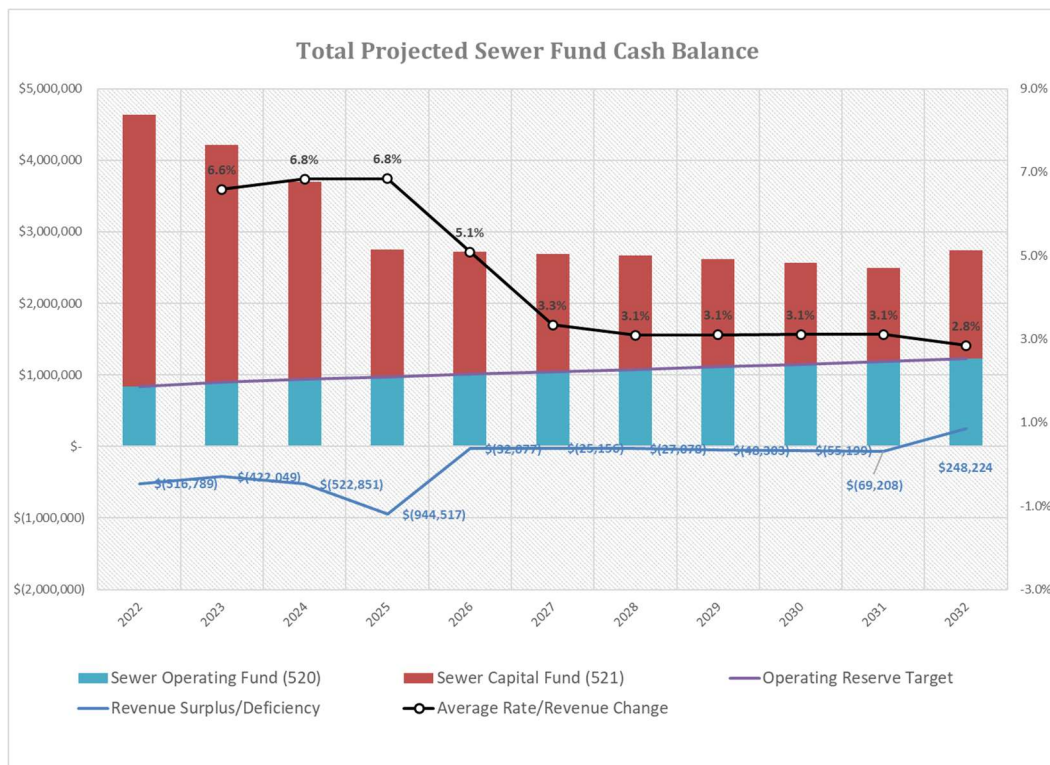


Figure 3: Projected Sewer Fund Cash Balance

BILL IMPACTS AND BENCHMARKING

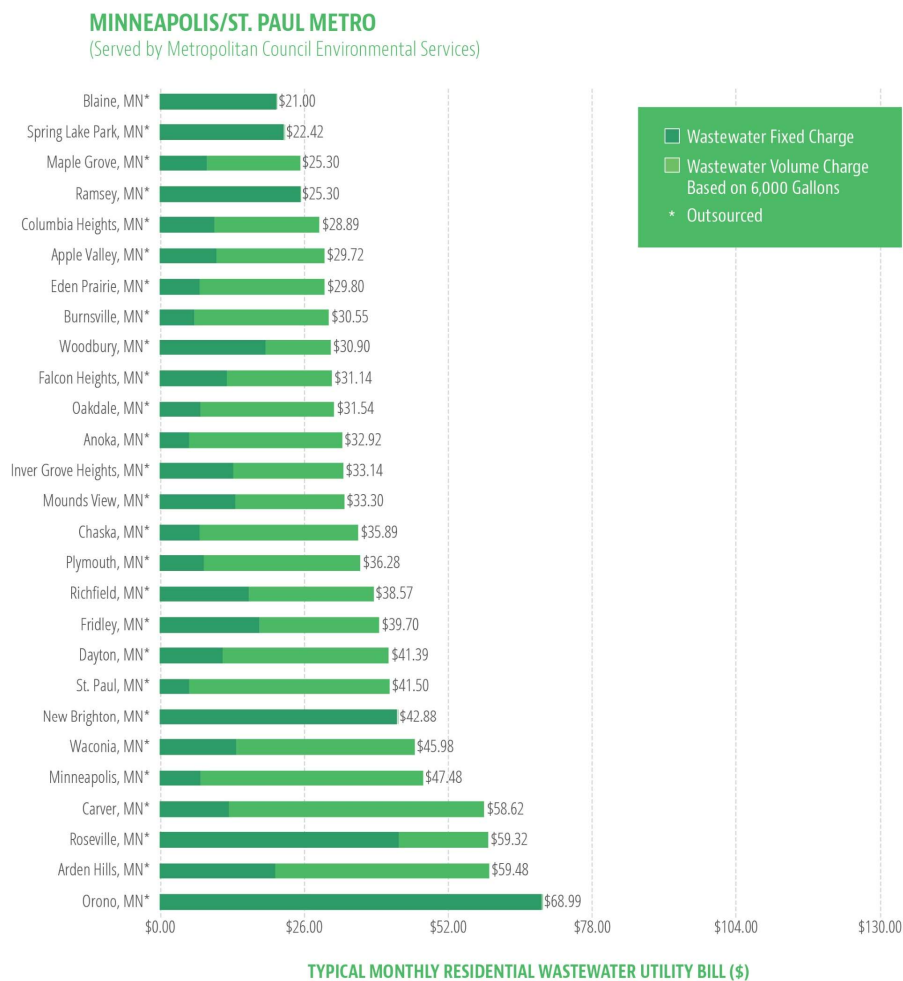
To provide perspective on the magnitude of the 2023 Implemented rates in Table 4, bill impacts for 2022 rates compared to 2023 rates have been estimated for average billed sewer volumes. Table 6 presents the projected monthly bills at 2022 rates for the amount of sewer volume listed compared to the monthly bill at 2023 rates for users outside the Northwest Area.

Table 6: 2023-2032 Projected Rate Increases

Volume	Monthly Bill at 2022 Rates	Monthly Bill at 2023 Rates	Monthly \$ Increase	% Increase
2,000 gallons	\$13.18	\$16.60	\$3.42	26%
4,000 gallons	\$23.16	\$26.30	\$3.14	14%
6,000 gallons	\$33.14	\$36.00	\$2.86	9%
10,000 gallons	\$53.10	\$55.40	\$2.30	4%

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Figure 4 compares the water utility billing from all Minneapolis/St. Paul Metro Rate Survey participants in 2022 based on 6,000 gallons per month of billed flow. At 2023 rates, the cost for 6,000 gallons of billed sewer flow in Inver Grove Heights increases from \$33.14 to \$36.00, an increase of \$2.86 per month for users outside the Northwest Area. At 2023 rates, Inver Grove Heights would move down the chart in Figure 4 to somewhere between Chaska and Plymouth, assuming rates remained relatively steady for participating communities.



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Figure 4: Typical Monthly Residential Sewer Utility Bill (2022)

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ADDITIONAL NEXT STEPS

As previously noted, the City Council adopted the recommended 2023 rate structure by resolution in November of 2022, with rates commencing on January 1, 2023. The following bullet points summarize the recommended next steps for the City:

- **Review Water Revenue Adequacy Annually.** The City has undertaken this project to obtain a financial tool to assist in management financial health of the Sewer Utility. Although the projections herein contain proposed rate adjustments through 2032, a change in actual revenues or expenses from those projected could significantly impact the Utility. As a result, it is strongly recommended that the City closely monitor revenues and expenses as compared to those projected in the rate model, adjusting as necessary, and update the projected rate adjustments based on the desired objective of achieving consistent revenue adequacy and meeting cash reserve target balances.
- **Complete a Sewer Connection Fee Study.** During this study effort, Sewer Connection Fees were reviewed and initial recommendations for clean-up of the structure were made. However, through this review, the resulting recommendation was to complete a full connection fee study in order to equitability and accurately update this structure.



CITY OF INVER GROVE HEIGHTS ASSET MANAGEMENT RISK REPORT



Risk Report

May 2023

Presented to:

City of Inver Grove Heights

AE2S Project No.: P05273-2022-001

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1.0 Introduction

Inver Grove Heights is committed to preparing today for the infrastructure renewal and replacement needs that the future will bring. To adequately plan for the future renewal and replacement of utilities, it's critical to understand what condition the infrastructure is currently in. AE2S worked with the City to develop a risk model of the horizontal utilities, including water distribution, and sanitary sewer collection. The goal of the risk model is to prioritize future utility renewal and replacement activities based on their current condition, expected remaining useful life, and the severity of impacts to the City if failure occurred. The following sections in this report summarize the approach used in developing the Inver Grove Heights risk models, and the recommended actions based on the results.

2.0 Risk Assessment Framework

The purpose of this section is to explain the risk assessment process performed for the City's water and sewer systems. The assets evaluated through this process are horizontal assets (water and sewer mains). The risk assessment results in a documented and consistent method for assessing the risk associated with potential pipe failures. The risk assessment process is not intended to be a one-time, static approach for assessing water system failure risks. It is intended to be revisited and refined over time as improvements are conducted and additional asset condition data is collected.

The risk assessments include data from the City's GIS geodatabase and draft 2023-2027 CIP plan. InfoAsset Planner® (Version 2019.1) software is used for development of the risk assessment model. InfoAsset Planner® is a fully GIS integrated water and wastewater infrastructure assessment software application. The risk assessment framework utilized for this project incorporates consequence of failure (COF) and likelihood of failure (LOF) criteria for each asset type to fully understand the components that contribute to asset risk.

2.1 Develop Criteria

The first step of the risk assessment is to select the criteria to be included in the assessment. The developed criteria are grouped into two categories – Consequence of Failure (COF) and Likelihood of Failure (LOF). These two categories form the basis of risk and are important to fully understand how asset risk levels are determined.

Figure 1 shows a simplified equation for how risk was calculated for each asset type. It's simplified because it does not show all the specific COF and LOF criteria included when calculating risk. The 'union' symbol between COF and LOF represents the combination of the data sets in both categories; COF and LOF can be multiplied or added together when calculating risk within InfoAsset Planner®. For this assessment, COF and LOF were multiplied together to calculate risk for all asset types.



Figure 1 – Simplified Equation for Calculating Asset Risk

2.2 Likelihood of Failure (LOF) Criteria

LOF is defined as the likelihood or probability that a negative event (most commonly an infrastructure failure; could be either a structural or performance failure) will occur. All system components will eventually experience issues as time progresses. The LOF parameter of the risk equation provides an understanding of which assets are most likely to fail and why. For example, mains that have previously experienced breaks are more likely to experience another break versus a main that has never experienced a failure. Furthermore, a cast-iron main without cathodic protection installed in an area where the soil is highly corrosive is more likely to experience a corrosion-based failure versus a PVC main installed in the same area. Evaluating multiple relevant LOF criteria sets provides a comprehensive approach in determining which assets are most likely to fail. The LOF criteria developed for each asset type are provided in their respective sections outlined in this report.

2.3 Consequence of Failure (COF) Criteria

COF is defined as the consequence or impact a system would experience during a negative event (most commonly an infrastructure failure). While all system components are important, some are

more critical than others based on a variety of factors including customers served, critical facilities, physical location, etc. For example, a 24" transmission main, with no redundancy that provides service to 50% of the customer base is more critical than an 8" main with redundancy that only provides service to a few homes. Both system components are important, but there is a greater consequence of losing the 24" main versus the 8" main. For these reasons, COF criteria were developed to understand the consequence magnitude for all system components. The COF criteria developed for each asset type are provided in their respective sections outlined in this report.

2.4 Weighting Factors

Not all criteria for this assessment are considered equal. Like system components, some of the COF and LOF criteria developed are more important than others. The weighting factors assigned to the criteria serve as scaling factors (multipliers) to specify the relative importance of each criterion. Table 1 provides a summary of the weighting factors that are assigned to the criteria for the risk assessment.

Table 1 – Criteria Weighting Factors

Criteria Weighting Factor	Description
5	Critically Important
4	Very Important
3	Moderately Important
2	Somewhat Important
1	Minimally Important

2.5 Conduct Risk Assessments

Once the criteria are established and weighted, the risk assessment can be performed. Each asset receives an LOF and a COF score based on the criteria established and the respective criteria weight. Those LOF and COF scores can be analyzed independently to determine which assets are most likely to fail or bear the largest consequences of failure. However, combining the two scores with a matrix provides the most comprehensive risk analysis.

A matrix, provided in Figure 2, considers the combination of LOF and COF scores and illustrates the risk grade assigned to each asset.

	LOF – Low	LOF – Medium	LOF- High
COF – High	Medium	High	Extreme
COF – Medium	Low	Medium	High
COF– Low	Negligible	Low	Medium

Figure 2 – Risk Matrix

As shown in Figure 2, an asset must have a high consequence of failure and a high likelihood of failure to be classified as extreme risk to the system. The matrix boundaries utilized for the risk assessments presented in this report are shown in Table 2. The matrix boundary percentages represent the ratio of each individual asset's LOF or COF score divided by the maximum LOF or COF score of the entire system. For example, if the highest LOF score were 100, any assets with an LOF score above 70 would be considered "High LOF".

Table 2 – Risk Matrix Boundaries

Consequence of Failure		Likelihood of Failure	
Low	<30%	Low	<30%
Medium – Low	30 – 40%	Medium – Low	30 – 40%
Medium – High	40 – 50%	Medium – High	40 – 50%
High	>50%	High	>70%

3.0 Water Mains

Water mains are a critical asset for the City, and unfortunately performing thorough condition assessments of each water main is difficult and generally cost prohibitive for smaller pipes. Information such as pipe material, installation date, and break history are used to infer the current condition of each pipe. The following sections explain the LOF and COF criteria used to assess the risk associated with each water main.

3.1 Likelihood of Failure Criteria

The following tables summarize how the LOF criteria were evaluated for water mains which include:

- Pipe Material
- Pipe Life Expectancy

- Soil Corrosivity
- Pipe Breaks

Pipe material is an important LOF criteria used to assess water main risk. There are mixed feelings in the industry as to which pipe material is superior. For the risk assessment, materials susceptible to corrosion damage were assigned a higher LOF score than plastic materials, as shown in Table 3.

Table 3 – Pipe Material LOF

Pipe Material	LOF Score
Cast Iron Pipe (CIP)	7
Corrugated Metal Pipe (CMP)	5
Reinforced Concrete Pipe (RCP)	5
HDPE	4
Ductile Iron Pipe (DIP)	2
PVC	1

The next LOF criteria used in the risk assessment is Pipe Life Expectancy, as shown in Table 4. The number of years a pipe is expected to function without failure is its Life Expectancy. The longer the life expectancy, the lower the risk score, as there is a lower likelihood of the pipe failing in the near future. Life Expectancy is based on material specific life expectancy curves which consider the age of the pipe.

Table 4 – Pipe Life Expectancy LOF

Pipe Life Expectancy (Years)	LOF Score
5	10
10	9
15	8
20	7
25	6
30	5
35	4
40	3
45	2
>45	1

USDA soil data (Web Soil Survey) was utilized to assess the soil corrosivity to steel. The risk of corrosion pertains to potential soil-induced electrochemical or chemical action that corrodes or

weakens uncoated steel. The rate of corrosion of uncoated steel is related to factors such as soil moisture, particle-size distribution, acidity, and electrical conductivity of the soil. The risk of corrosion is expressed as low, moderate, or high as shown in Table 5 with more corrosive soil yielding a higher LOF score. As local soil data becomes more available, local test data should be used in place of the USDA soil data. Even in locations where plastic pipe is utilized, fittings and valves can be affected by corrosive soil, leading to leaks and shortened life spans.

Table 5 – Pipe Corrosion LOF

Soil Corrosivity	LOF Score
High	10
Moderate	5
Low	1

Table 6 summarizes how the Pipe Break work orders are used to assess likelihood of failure. Pipes with a higher count of work orders receive a higher LOF score.

Table 6 – Pipe Break LOF

Count of "Pipe Break" Work Orders	LOF Score
4	10
3	8
2	7
1	6

3.2 Likelihood of Failure Weighting Factors

As explained in Section 2.4, input from the City combined with engineering parameters were used to develop the LOF weighting factors. LOF criteria and their respective weighting factors for water mains are summarized in Table 7. The weighting factor is a multiplier for the LOF score of each asset within the respective category. For example, if a pipe received a LOF score of 5 for the soil corrosivity, the multiplier of 3 would be applied and the overall LOF contribution of soil corrosivity for that pipe would be 15 ($3 \times 5 = 15$).

Table 7 – Water Main LOF Criteria

Likelihood of Failure Criteria	Weighting Factor
Pipe Material	2
Pipe Life Expectancy	4
Soil Corrosivity	3
Pipe Breaks	5

3.3 Consequence of Failure Criteria

The following tables summarize how the pipe COF criteria were evaluated which include:

- Pipe Diameter
- Pipe Address Count

Larger pipe diameters generally correspond to transmission mains that serve as the backbone of the distribution system. As shown in Table 8, the larger the pipe diameter, the larger the assumed consequence of failure.

Table 8 – Pipe Diameter COF

Pipe Diameter	COF Score
30	10
24	9
16	8
14	7
12	6
10	5
8	4
6	3
4	2
3	1

The number of services associated with each pipe was used to assign the pipe COF criteria shown in Table 9. Pipes with more service connections will result in larger outages and make a pipe more critical to city infrastructure.

Table 9 – Pipe Address Count COF

Service Connection Count	COF Score
1	1
2	2
3	3
4	4
5	5
6	6
8	7
10	8
13	9
> 13	10

3.4 Consequence of Failure Weighting Factors

Each of the water main COF criteria previously explained were assigned a weighting factor, as summarized in Table 10. The weighting factor is a multiplier for the COF score of each asset within the respective category. For example, if a pipe received a COF score of 5 for the service connection count, the multiplier of 3 would be applied and the overall COF contribution of flow rate for that pipe would be 15 ($3 \times 5 = 15$).

Table 10 – Water Main COF Criteria

Consequence of Failure Criteria	Weighting Factor
Pipe Diameter	2
Pipe Address Count	3

3.5 Water Mains Risk Results

As explained in the beginning of the chapter, each of the weighted LOF scores are summed to calculate the total Likelihood of Failure. Similarly, each of the weighted COF scores are summed to calculate the total Consequence of Failure. These two sums are multiplied to calculate the total risk score for each asset.

Elevated risk does not automatically indicate asset replacement is needed. A very high consequence of failure and moderate likelihood of failure could result in an asset being included in the top assets by risk score, but not result in recommended replacement. The action plans associated with each of these assets should assess whether the likelihood of failure would prompt capital replacement, or increased monitoring/inspection. To this extent, a simple decision tree (Figure 3) was utilized to provide guidelines for prioritizing the order in which assets with elevated risk are addressed.

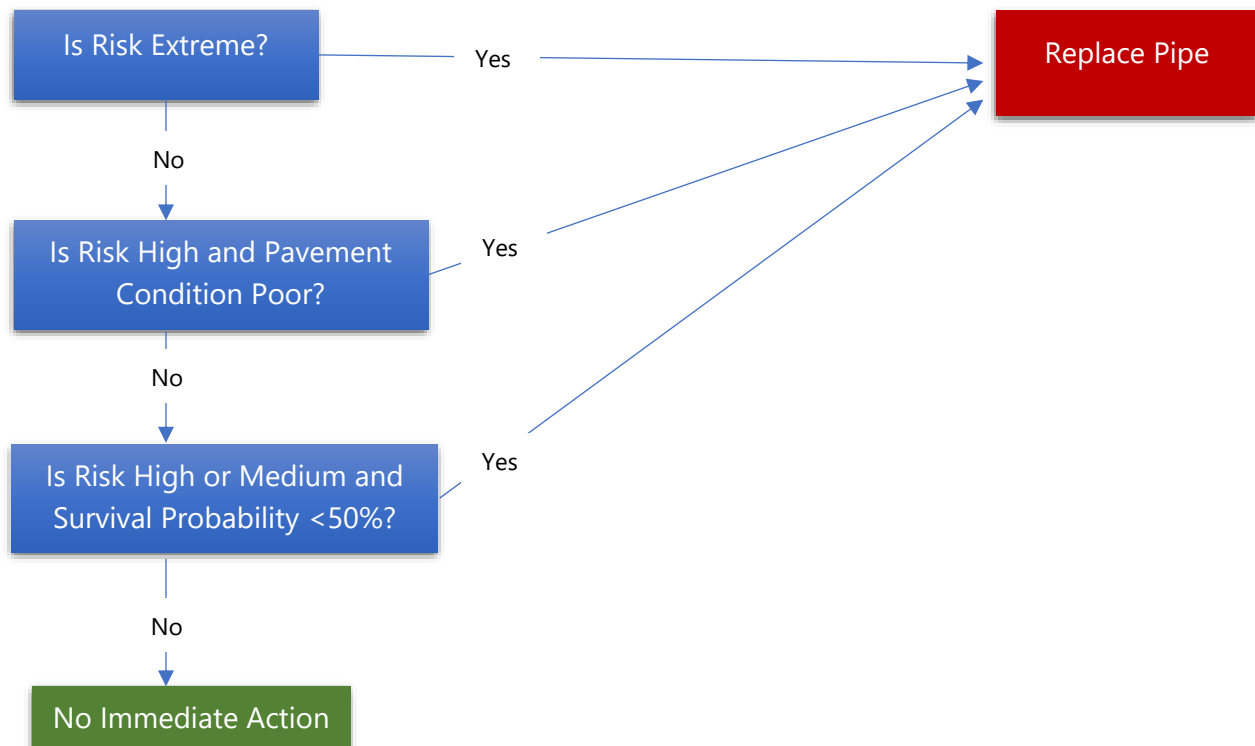


Figure 3 – Pipe Replacement Decision Tree

In the decision tree, the assets are first separated into categories of Extreme, High, Medium, Low, or Negligible Risk. Assets with extreme risk are recommended for replacement.

Next, a pavement condition score is used to determine the priority of high risk assets. High risk assets with low pavement conditions result in the recommendation of replacement. For high or medium risk assets that have an acceptable pavement condition, a survival probability less than 50% is used to identify the assets that pose an elevated risk of near-term failure. In the high/medium risk category, the elevated LOF score results in the recommendation of “Replace Pipe”. A lower LOF score results in the recommendation of “No Immediate Action”.

Pipes recommended for replacement are broken into three categories, near term, short term, and long term. The grouping of these pipes into three categories is intended to help the city prioritize projects and distribute renewal and replacement costs over manageable periods of time. The

suggested budget for renewal and replacement activities in each timeframe is listed below in Table 11.

Table 11 – Water Mains Replacement Schedule

R&R Timing	Timeline	Length (ft)	Expected Cost
Near Term	YR 1 - 5	44,000	\$6,878,000
Short Term	YR 6 - 10	96,000	\$16,034,000
Long Term	YR 11 - 20	104,000	\$16,797,000

The costs shown in Table 11 are based on unit prices from recent street replacement projects in neighboring communities, as shown in Table 12.

Table 12 – Water Main Replacement Unit Prices

Diameter (in)	Cost/Foot
8	\$150
10	\$160
12	\$175
16	\$185
18	\$250
20	\$250
24	\$275
30	\$600
36	\$600

4.0 Sewer System Risk Assessment

The sewer collection system is just as critical to protecting public health and safety as the water distribution system. Unlike the water system however, it is much simpler to assess the current condition of each sewer collection main using CCTV inspections. In addition to the pipe condition records provided by the City, additional factors such as pipe material, and life expectancy were used to assess the risk associated with each sewer main. The following sections explain the LOF and COF criteria used to conduct the risk analysis.

The risk score for the sewer system was calculated using the same method described in Section 2.1. Specific LOF and COF parameters and their weighting factors analysis are described in the following sections.

4.1 Sewer Gravity Main Likelihood of Failure Criteria

LOF criteria for Sewer Gravity Mains include:

- Pipe Life Expectancy
- Problem Pipe (identified from CCTV data, provided by the City)
- Pipe Slope
- Pipe Material

Pipe Life Expectancy was calculated using the same method as Water Mains and Sewer Force Mains. A detailed description of this method can be found in Section 3.1. Pipe Life Expectancy is the number of years the pipe is expected to function successfully without failure. The scores assigned in the risk model for the Life Expectancy criteria can be seen in Table 13.

Table 13 – Life Expectancy LOF

Pipe Life Expectancy (Years)	LOF Score
5	10
10	9
15	8
20	7
25	6
30	5
35	4
40	3
45	2
>45	1

Pipes with known failure issues were designated as “Problem Pipes” in the City’s GIS database. This was derived from work order history and previous breaks. These pipes were assigned a higher LOF score, as seen in Table 14.

Table 14 – Problem Pipe LOF

Problem Pipe	LOF Score
No	0
Yes	5

Pipe Slope is also a contributing factor to a pipe’s likelihood of failure. Pipes with steep slopes, or pipes that have very flat slopes are more susceptible to maintenance issues. Steep pipes often have higher velocities increasing wear and risk of scouring, and flat pipes can backup if flows are low. The breakdown of the Pipe Slope LOF is shown in Table 15.

Table 15 – Pipe Slope LOF

Pipe Slope	LOF Score
0 (no data)	5
0 – 0.001	10
0.001 – 0.002	9
0.002 – 0.003	5
0.003 – 0.005	3
0.005 – 0.01	1
0.01 – 0.06	3
0.06 – 0.08	4
0.08 – 0.1	9
0.1 – 100	10

Pipe Material is also an important LOF consideration. Pipe material standards and technologies change over time, and many common pipe materials have become outdated and pose higher risks of failure. The sewer gravity main materials used by the city are listed in Table 16 with their corresponding LOF score.

Table 16 – Pipe Material LOF

Pipe Material	LOF Score
Cast Iron Pipe (CIP)	10
Ductile Iron Pipe (DIP)	5
High Density Polyethylene (HDPE)	3
PVC	1
Reinforced Concrete Pipe (RCP)	10
Vitrified Clay Pipe (VCP)	4

4.2 Likelihood of Failure Weighting Factors

The weighting factors (multipliers) for the Sewer Gravity Main LOF criteria presented in this chapter are summarized in Table 17.

Table 17 – Sewer Gravity Mains LOF Criteria

Likelihood of Failure Criteria	Weighting Factor
Life Expectancy	4
Problem Pipe	3
Pipe Slope	1
Pipe Material	1

4.3 Sewer Gravity Mains Consequence of Failure Criteria

COF criteria for Sewer Gravity Mains includes:

- Pipe Size
- Service Connection Count
- Pipe Depth

Pipe Size is an important COF parameter, as larger pipes have the potential to release larger volumes if they break or backup. The COF scores for the different pipe sizes of sewer gravity mains are listed in Table 18.

Table 18 – Pipe Size COF

Pipe Diameter (in)	COF Score
6	1
8	2
10	3
12	4
15	5
16	6
18	7
27	8
30	9
36	10

Pipe Address Count marks the number of addresses a given pipe serves. Pipes with a higher address count have a higher COF score, as ore customers would be impacted if that pipe were to fail. Table 19 illustrates the boundaries used for Pipe Address Count.

Table 19 – Service Connection Count COF

Service Connection Count	Weighting Factor
1	1
2	2
3	3
4	4
6	5
8	6
10	7
13	8
19	9
> 19	10

4.4 Consequence of Failure Weighting Factors

COF criteria and their respective weighting factors for Sewer Gravity Mains are summarized in Table 20.

Table 20 – Sewer Gravity Mains COF Criteria

Consequence of Failure Criteria	Weighting Factor
Pipe Size	2
Service Connection Count	3
Pipe Depth	4

4.5 Sewer Gravity Main Risk Results

As explained in the Water Mains Risk Results section, each of the LOF scores are summed to calculate the total Likelihood of Failure. Similarly, each of the COF scores are summed to calculate the total Consequence of Failure. These two sums are multiplied to calculate the total risk score.

As discussed in previous sections of the report, elevated risk does not automatically indicate asset replacement is needed. Furthermore, infrastructure renewal activities such as pipe slip lining are cost effective solutions for extending the lifespan of existing sewer pipes. The

budgetary cost estimates included in this report for addressing high risk sewer mains assume slip lining will be the preferred rehabilitation approach over the next 20 years.

A similar project prioritization approach to that presented for the water system (shown in Figure 3) was used for sanitary sewer. Even though slip lining does not require open trenching, projects with poor pavement conditions were prioritized for the near term slip lining projects. After separating the assets into the categories of Extreme, High, Medium, Low or Negligible Risk based on their total risk scores, project timing was delineated as follows:

- Extreme risk pipes are prioritized for slip lining in years 1-5
- High risk pipes with poor pavement condition are also prioritized for slip lining in years 1-5.
- The remaining high risk pipes are placed in the short term priority, with slip lining in years 6-10.
- The medium risk pipes that also have an estimated survival probability less than 50-percednt are placed in the long term priority, with slip lining scheduled in years 11-20.

The breakdown of total pipe lengths and replacement costs is shown in Table 21.

Table 21 – Sewer Gravity Mains Replacement Schedule

R&R Timing	Timeline	Length	Expected Cost
Near Term	YR 1 - 5	35,000	\$2,676,000
Short Term	YR 6 - 10	68,000	\$5,241,000
Long Term	YR 11 - 20	138,000	\$10,578,000

5.0 Sewer Force Mains

Sewer force mains were evaluated using similar criteria to the gravity mains. The exception is the removal of unapplicable criteria such as pipe slope and number of services connected to the pipe segment. The selected LOF and COF parameters and their weighting factors are described in the following sections.

5.1 Sewer Force Main Likelihood of Failure Criteria

LOF criteria for Sewer Force Mains include:

- Life Expectancy
- Pipe Material
- Problem Pipe

Pipe Life Expectancy was calculated using the same method as described in Section 3.1. Pipe Life Expectancy is the number of years the pipe is expected to function successfully without failure. The LOF scores for pipe Life Expectancy can be seen in Table 22.

Table 22 – Life Expectancy LOF

Pipe Life Expectancy	LOF Score
5	10
10	9
15	8
20	7
25	6
30	5
35	4
40	3
45	2
>45	1

The LOF scores for sewer force main pipe materials are listed below in Table 23.

Table 23 – Pipe Material LOF

Pipe Material	LOF Score
Cast Iron Pipe (CIP)	10
Ductile Iron Pipe (DIP)	5
HDPE	3
PVC	1
Vitrified Clay Pipe (VCP)	4

5.2 Likelihood of Failure Weighting Factors

LOF criteria and their respective weighting factors for Sewer Force Mains are summarized in Table 24.

Table 24 – Sewer Force Mains LOF

Likelihood of Failure Criteria	Weighting Factor
Life Expectancy	4
Problem Pipe	3

5.3 Sewer Force Main Consequence of Failure Criteria

The consequence of failure criteria is limited to pipe diameters in this analysis. Table 25 shows the COF scores for the different sewer force main pipe diameters in the system.

Table 25 – Pipe Size COF

Pipe Diameter (in)	COF Score
2	1
4	2
6	4
8	6
>8	8

5.4 Consequence of Failure Weighting Factors

The Sewer Force Main COF weighting factors are shown in Table 26.

Table 26 – Sewer Force Mains COF Criteria

Consequence of Failure Criteria	Weighting Factor
Pipe Diameter	2

5.5 Sewer Force Main Risk Results

As explained in the Water Mains Risk Results section, each of the LOF scores are summed to calculate the total Likelihood of Failure. Similarly, each of the COF scores are summed to calculate the total Consequence of Failure. These two sums are multiplied to calculate the total risk score.

As discussed in previous sections of the report, elevated risk does not automatically indicate asset replacement is needed. Furthermore, infrastructure renewal activities such as pipe slip lining are cost effective solutions for extending the lifespan of existing sewer pipes. The budgetary cost estimates included in this report for addressing high risk sewer force mains assume slip lining will be the preferred rehabilitation approach over the next 20 years.

A similar project prioritization approach to that presented for the water system (shown in Figure 3) was used for sanitary sewer. Even though slip lining does not require open trenching, projects with poor pavement conditions were prioritized for the near term slip lining projects. After separating the assets into the categories of Extreme, High, Medium, Low or Negligible Risk based on their total risk scores, project timing was delineated as follows:

- Extreme risk pipes are prioritized for slip lining in years 1-5
- High risk pipes with poor pavement condition are also prioritized for slip lining in years 1-5.
- The remaining high risk pipes are placed in the short term priority, with slip lining in years 6-10.
- The medium risk pipes that also have an estimated survival probability less than 50-percent are placed in the long term priority, with slip lining scheduled in years 11-20.

The breakdown of total pipe lengths and replacement costs is shown in Table 27.

Table 27 – Sewer Force Mains Replacement Summary

Priority Level	Timeline	Length	Expected Cost
Near Term	YR 1 - 5	2,000	\$151,000
Short Term	YR 6 - 10	0	\$0
Long Term	YR 11 - 20	450	\$32,000

6.0 Conclusion

The infrastructure renewal and replacement budgets outlined in this memo provide the framework for the City to approach utility management from a risk-centric risk approach. If the City wishes to refine the risk analysis and delineate specific project extents to be addressed in each planning period, this can provide a transparent, defensible, and repeatable method for prioritizing utility capital improvement projects.