



Inver Grove Heights City Council
Monday, November 27, 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, November 27, 2023, will be provided to the Council at or before the November 27, 2023 meeting.

1. Call to Order

2. Roll Call

3. Presentations

4. Consent Agenda

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

- A.** Minutes of the September 11, 2023 City Council Meeting
- B.** Approval of Disbursements
- C.** Personnel Actions
- D.** 2024 Pay Plan for Full-Time and Benefits-Eligible Part-Time Non-Union Employees
- E.** 2024 Pay Plan for Seasonal, Temporary, On-Call and Non-Regular Status Employees
- F.** Adoption of Paid Time Off Policy to Comply with State Earned Sick and Safe Leave Law
- G.** Amendment to Public Purpose Expenditure Policy Regarding Employee Recognition
- H.** Resolution Accepting Donation to the Police Department for K9 Program
- I.** Resolutions Approving a Joint Powers Agreement (JPA) with Dakota County and Awarding a Final Design Contract for City Project No. 2023-08
- J.** Resolution Approving an Updated Special Assessment Policy
- K.** Change Order No. 2 for Project 2023-09D - Dawn Way Area Street Rehabilitation
- L.** Resolution Approving Hardship Assessment Deferrals for City Project No. 2023-09D - Dawn Way Area Street Rehabilitation
- M.** Approval of Storm Water Facilities Maintenance Agreement for 6567 Alverno Ln

- N. Resolution Authorizing Submission of Public Comments on Pine Bend Landfill's Environmental Assessment Worksheet and Air Quality Permit for 2022 Request for Major Modification of Permit #SW-45
- O. Resolution Authorizing Submission and Execution of the 2024 Dakota County Community Waste Abatement Grant Application and Contract
- P. Resolution Declaring Surplus Property and Authorizing Sale
- Q. Resolutions Accepting Bids, Awarding a Contract and Approving Budgets for Skyview Park (Project No. 2024-01) and Oakwook Park (City Project No. 2024-02) Tennis Court Reconstruction
- R. 2024-26 Service Agreement with ISD 199 for Active Adult Program Services
- S. Approval of Various Resolutions, Releases, and Related Documents for the Plats of Robert Curve 4th & 5th Additions
- T. Resolution Approving a Wetland Replacement Plan for Robert Curve 4th & 5th Additions
- U. Resolution Related to 3M and DuPont Settlements

5. Public Hearing

- A. Public Hearing for 2024 Liquor License Renewal Applications and Approval of Change in Managers or Officers
- B. Public Hearing for 2024 Tobacco Sales License Renewal Applications

6. Regular Business

- A. Rental Housing Licenses
- B. Variance to Allow a Porch Within the Front Setback at 6930 Carmen Avenue
- C. 3rd Reading of Ordinance Establishing Development Fees for 2024
- D. Continued 3rd Reading of Ordinance Establishing Licensing Requirement for Short-Term Rentals
- E. 2nd Reading of Ordinance Amending Weed and Grass Regulations
- F. 1st Reading of Ordinance Allowing Shipping Containers in Certain Zoning Districts
- G. Direction to Staff Regarding City Attorney Contract
- H. Closed Session Pursuant to Minn. Stat. Sec. 13D.05, subd. (3)(c)(3)

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

INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, SEPTEMBER 11, 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, September 11th, 2023, in person. Mayor Dietrich called the meeting to order at 6:04 p.m. The Pledge of Allegiance was recited.

2. ROLL CALL:

Present In-Person: Mayor Dietrich; Council Members: Murphy, Gliva, T’Kach, Scales; City Administrator Wilson, City Attorney McCauley Nason, City Clerk Kiernan, Finance Director Hove, Assistant Finance Director Hosszu, Environmental Specialist Sutherland, City Engineer Merchlewicz, Human Resources Manager Shefchik, Communications Manager Looze, Police Chief Chiodo, Parks and Recreation Director Lares, Public Works Director Connolly

3. PRESENTATIONS:

A. Proclamation Congratulating the River Heights Chamber of Commerce on their 120th Anniversary

Mayor Dietrich presented a Proclamation to congratulate the River Heights Chamber of Commerce on their 120th Anniversary.

The Mission of the River Heights Chamber of Commerce is to foster and promote the interests of local business community through advocacy, partnership, member services, networking events, and educational and workforce seminars and resources.

The River Heights Chamber of Commerce is supported by the financial and volunteer resources of businesses located and operating in the cities it serves.

The City Council of Inver Grove Heights extends its sincere congratulations to the River Heights Chamber of Commerce on the remarkable accomplishment of its 120th Anniversary and thanks them for their valuable contribution to the business and civic life of our community. Proclaimed this 11th day of September, 2023.

Mayor Dietrich presented Chairman Joe Harms with the plaque.

4. CONSENT AGENDA:

A. Minutes of the August 14, 2023 City Council Meeting

B. Approval of Disbursements. **Resolution 2023-192**

C. Personnel Actions

D. Approval of New Massage Business and Therapist License

E. Renewal of Rubbish Hauler License

F. Resolution 2023-193 Accepting Work and Approving Final Contractor Payment for City Project No. 2023- 09A – Crack Seal

G. Resolution 2023-194 Accepting Work and Approving Final Contractor Payment for City Project No. 2023- 09B – Seal Coat

H. Resolution 2023-195 Accepting Work and Approving Final Contractor Payment for City Project No. 2020-12 - Argenta Trail Drainage

I. Resolution 2023-196 & 2023-197 Awarding Contract and Approving Budget for City Project No. 2023- 18 - South Grove Ultra-Thin Bonded Wear Course

J. Resolution 2023-198 Approving Contract with AE2S, LLC for Citywide Lead Service Line Inventory (City Project No. 2023-17)

K. Resolution 2023-199 Approving Submission of Public Comments on the Metropolitan Solid Waste Management Policy Plan 2022-2042

L. Resolution 2023-200 Approving Natural Resource Management Plan for Seidls Lake Park

M. Authorization to Submit CVB Grant Application for 2024 Recovery Grant From Explore MN

N. Order Assessment Hearings, Declare Costs to be Assessed, and Order Preparation of Proposed Assessments for 2023 Pavement Management Projects 2022-09 I, J and L. **Resolutions 2023-201, 2023-202, 2023-203, 2023-204, 2023-205, 2023-206**

O. Resolution 2023-207 Authorizing Release of Non-Public Appraisal Data

Councilmember T’Kach requested pulling Agenda Item 4K.

Motion by Scales, second by Murphy, to approve the Consent Agenda as presented with exception to Agenda Item 4K.

Ayes: 5

Nays: 0 Motion carried.

Agenda Item 4K. Resolution 2023-199 Approving Submission of Public Comments on the Metropolitan Solid Waste Management Policy Plan 2022-2042

Councilmember T’Kach stated this is in regard to items staff will be submitting to the Minnesota Pollution Control Agency (MPCA) regarding the Metropolitan Solid Waste Management Policy Plan. She mentioned that staffs’ comments are appropriate and work well for the city. She said as a community that is home to three landfills, she believes they want to make sure to hold the state accountable for putting into place the legislative and financial resources that are needed to reflect the waste hierarchy about how to manage waste from source reduction and waste prevention down through waste to energy and landfilling. There are public and environmental health consequences in waste. She said if wanting to do that, a comment should be added as follows: “The City of Inver Grove Heights as a community that receives vast quantities of garbage generated in and around the metro area, encourages the MPCA and Dakota County to adequately fund and put into place the legislative and financial resources needed to ensure that the number one strategy of the waste hierarchy is prioritized over the other strategies of the waste hierarchy including recycling, waste to energy, and landfilling”.

City Administrator Kris Wilson stated there were no issues from a legal perspective. She said Environmental Specialist Ally Sutherland, has worked on the initial draft with the Environmental Advisory Commission.

Environmental Specialist Ally Sutherland provided the following background:

- The MPCA prepares a plan that is included in the Council packets.
- It is prepared every 6 years. Dakota County plans and updates along with a stakeholder process.

This is when the city also weighs in on the plan.

- The framework determines how to manage solid waste within the 7-county area over the next 20 years.
- Includes 70 broad strategies for counties to choose from and incorporate into their Solid Waste Management Plan.
- Public comments are currently being accepted through September 17th.

- Once the State plan is approved, Dakota County will go through their stakeholder engagement process (Inver Grove Heights also weighs in).
- Waste Hierarchy:
 - Reduce, Reuse, Recycle, and Organics Recycling (most preferred)
 - Landfill (least preferred)

She mentioned what Councilmember T'Kach was referencing is that funding not only go to disposal methods, but also to prioritizing funding toward reducing and reusing strategies.

Mayor Dietrich asked if there were any implications to adding the language.

Environmental Specialist Sutherland replied there was not; she believes it makes sense. She stated that SCORE is funding the legislature provides annually to counties to implement these strategies. SCORE funding does not designate how to use them proportionally; it says it can be used towards any eligible activities. Organics was the only portion set aside. She believes it makes sense for the city to make a comment such as the one recommended by Councilmember T'Kach. The plan's objective goes up to a 5% increase and states changes such as less landfilling. She said it makes sense to request that funding follows that from the legislature.

Councilmember Murphy said 5% does not seem like a lot in waste reduction. He supports adding the language.

Motion by T'Kach, second by Scales, to add comments to the current staff comments such as: "The City of Inver Grove Heights as a community that receives vast quantities of garbage generated in and around the metro area, encourages the MPCA and Dakota County to adequately fund and put into place the legislative and financial resources needed to ensure that the number one strategy of the waste hierarchy is prioritized over the other strategies of the waste hierarchy including recycling, waste to energy, and landfilling", along with what was referenced by the Environmental Specialist for Resolution 2023-199, Approving Submission of Public Comments on the Metropolitan Solid Waste Management Policy Plan 2022-2042.

Ayes: 5

Nays: 0 Motion carried.

5. Public Hearing:

6. Regular Business:

A. Adoption of Preliminary 2024 Budgets & Tax Levy for Taxes Payable 2024. Resolutions 2023-208, 2023-209, 2023-210, 2023-211

Finance Director Amy Hove discussed 2024 Budgets and the Tax Levy for taxes payable 2024.

Council actions needed:

- Adopt Citywide Preliminary Tax Levy
 - By September 30th, the Council is required to adopt a preliminary levy. When passing a final levy in December, the levy cannot be any higher than what is passed but can be lowered. The proposed notice will be based on the preliminary levy set this evening.
- Adopt Preliminary General Fund Budget
- Adopt Special Taxing District Preliminary Levies
- Set the date, time, and place for the statutorily required public meeting on the city's proposed budget and levy.

2024 Budget - Included in Base (4.8%)

- 3% wage increase, plus step increases for all full-time staff.
- 10% to the city's costs for employee health insurance.
- 5% increase in the Pavement Management Levy.
- Slight increases to the amount of the levy transfer to the EDA and Parks Capital Replacement Fund.
- Reduced revenue assumptions from permits due to lower level of building and development projections.
- Obligation for tax abatement levy for the Crossings apartment building.
- Ongoing SAFER Savings Plan; increase of \$200,000 for 2024.

Additional needs/challenges to consider:

- Staffing levels have not always kept up with the workloads and demands of a growing city.
- Some pay structures are not as competitive to keep people in part time, seasonal, and temporary positions. Adjust pay structures.
- Costs of goods and supplies have increased significantly.
- City has deferred maintenance on facilities and infrastructure.

1st Draft presented at the July 31, Council Work Session:

- 2023 approved budget passed in November 2022: \$30,334,795
- Draft received on July 31st showed a total levy of \$33 million dollars; an 8.9% increase

City Administrator and Department Heads came up with reductions:

- Updated information/improved estimates
- Other funding sources for one-time costs
- Some use of fund balances (EDA & Technology)
- Reducing requested amounts to better follow historical needs
 - Total of \$654,052 in reductions

City Administrator Recommendations for Additions for New Staff:

- Park Maintenance Worker
- Street Maintenance Worker - funding 20% General Fund, 80% Stormwater Fund
- Finance Utility Billing Coordinator
- 1 full time Firefighter
 - Total of \$365,000
 - Proposed 7.9% preliminary levy includes funding for the 4 positions

City Administrator Recommendations Levy Scenario - September 5th Work Session:

- First Draft Budget = 8.9%
- With \$654,000 in cuts, brings the preliminary levy down to 6.7%
- With cuts and layering in 4 additional staffing for \$365,000, brings the levy to 7.9%
 - Total proposed levy: \$32,741,394

Comparison of Dakota County Cities Preliminary Levies:

- Varies from 1.19% in South St. Paul, to 13.37% in Rosemount
- Lakeville, Rosemount, and South St. Paul all have mitigating factors with their levy
- Average of all Dakota County cities: 8.18%

Impact on Median Valued Homestead Property:

- Scenarios were run from 7.7% to 8.9%
- 7.9% is the Work Session figure
- Levy increase of \$2.4 million dollars over last years
- Tax rate of 50.434
- Average increase for a median valued property = \$86.00

- Median valued property for 2024 is \$343,000

Motion by Gliva, second by T’Kach, to set the city’s total Preliminary 2024 Levy. Resolution 2023-208

Ayes: 5

Nays: 0 Motion carried.

Finance Director Amy Hove presented on the Preliminary General Fund Budget: Budgets are preliminary, they can be revised until final adoption and are not locked in at this time. One item to note: Public Works shows zero; this was budgeting for the Public Works Director expenses relating to conferences and travel. This has been reallocated across other Public Works Divisions. The 2024 Preliminary Budget Proposed: \$32,964,994

Bill Pringle, 1805 63rd Street, asked if snow removal was included in the increase.

Public Works Director Brian Connolly replied snow removal is under street maintenance and parks.

Mr. Pringle asked if that would cover roads, park trails, and sidewalks.

Public Works Director Connolly replied yes, the portions that are planned to be plowed.

Motion by Gliva, second by Scales, to approve the Preliminary 2024 General Fund Budget. Resolution 2023-209

Ayes: 5

Nays: 0 Motion carried.

Finance Director Hove stated the city has three (3) Special Taxing District Levies.

- Stormwater Special Taxing District Levy
 - Established under MN Statute 444
 - Used to fund storm sewer improvements
 - Contains approximately 3,000 parcels
 - 10-Year Term (2018-2027)
 - Annual Levy of \$79,394

This amount does not change, it is the same throughout the 10-year repayment cycle. The city did this in lieu of assessing individual parcels within these areas

Motion by Scales, second by T’Kach, to approve the Special Taxing District Levies as presented. Resolution 2023-210

Ayes: 5

Nays: 0 Motion carried.

Finance Director Hove requested approval of the Time, Date, and Place for the statutorily required public meeting on the city’s proposed budget and levy. (Formerly known as the Truth in Taxation meeting). This notice information is placed on the proposed property tax notices.

Monday, December 4th, 2023 at 6:00 p.m.

City Council Chambers – 8150 Barbara Avenue, Inver Grove Heights

Motion by Murphy, second by T’Kach, to approve the public meeting (Truth in Taxation) for Monday, December 4th, 2023 at 6:00 p.m. as presented. Resolution 2023-211

Ayes: 5

Nays: 0 Motion carried.

Finance Director Hove invited the public to comment on any of the budget work sessions at any time.

B. Second Reading of Ordinance Amending Snow Removal Provisions of the City Code

Motion by Scales, second by T’Kach, to receive two (2) emails into the record.

Ayes: 5

Nays: 0 Motion carried.

Public Works Director Brian Connolly presented the 2nd Reading of the Snow Removal Ordinance:
Background:

- Winter Maintenance Policy revisions and a 1st Reading of the Sidewalk Snow Removal Ordinance was presented to the City Council on August 14, 2023.
- Staff reviewed recommendations and Council discussed modifications on the city’s past sidewalk and trail snow removal practices.
- Council requested staff provide notice to impacted properties and notify property owners of the proposed Ordinance changes.
 - Staff established a GIS web page and posted information on the website
 - Notices were sent out to 541 potentially impacted property owners
- The Winter Maintenance Policy was initially adopted in January 2011
- Goal of the Policy: Address snow and ice removal objectives and establish procedures for winter weather events
- Noted shortcomings in the 2011 policy:
 - Has not been updated to reflect changes in staffing, equipment, and infrastructure expansion
 - Lacks procedures for use of staffing across divisions
 - Lacks clarity for sidewalk and trail snow removal responsibility
 - City does not clear snow unilaterally from all public sidewalks
- Current Sidewalk Ordinance dates back to 1974
- Key Ordinance Details:
 - Places responsibility for sidewalk maintenance and repair on abutting property owners. (City does do maintenance on sidewalks along with street/capital improvement projects)
 - Ordinance states responsibility for maintenance (heaving/broken) is the property owner’s responsibility.
 - Identifies what a “nuisance” is on public sidewalks such as ice, dirt, and rubbish. (Does not state snow).
 - Identifies triggers for abatement of nuisances and tracking/payment of costs.
- Noted Shortcomings:
 - Does not address “snow” removal specifically
 - This was adopted at a time the city had substantially less infrastructure and very few public sidewalks and trails

Importance of Updates:

Winter Maintenance Policy: Impacts city maintenance processes and practices.

Snow Removal Ordinance: Impacts private property owners, detailing their responsibilities for the maintenance of abutting sidewalks.

The policy and ordinance are intertwined; changes in one impacts the other.

Having clarity in the policy and ordinance affords Code Enforcement and Public Works staff to effectively address complaints and maintenance activities equitably across the community.

System Statistics:

- 150 miles of city streets to plow/maintain
- 270 cul-de-sacs
- 78 miles of sidewalks and trails
 - City staff currently clears snow from 50 miles of sidewalks/trails along public roadways (64%)
 - 27 miles along city roadways
 - 5 miles in city parks
 - 18 miles along with County and MnDOT roadways (Maintenance Agreement to plow)

Proposed Changes in Sidewalk Plowing:

- Remove 4.2 miles of sidewalk from the current plowing routine:
 - South Grove (0.1 mile), portion of 63rd Street (east of Babcock Trail, 0.5 miles), 55th Street (west of Babcock Trail, 500 feet), Blaine Avenue (north of Seidl's Park, 0.5 miles), Argenta Trail/Yankee Doodle Road (west of Trunk Highway 55, 0.8 miles), Arbor Pointe (College Trail east of Cahill Avenue, Bechtel Avenue/Brewster Avenue/85th Street, Branson Drive, 2.3 miles).
 - Mainly residential parcels, some are adjacent to commercial properties.
- Add 4.25 miles of new County Trail:
 - Argenta Trail/70th Street/65th Street (working with the City of Eagan to determine what they would be plowing)

The parks department determines which trails to plow/not plow.

In the northwest area, nearly every street has sidewalks, most are residential. The city has not plowed them. The city takes responsibility for anything abutting city property.

City Code Modifications:

- Title 5, Chapter 9, Section 6(A):
Public Nuisance Code. Added definition regarding what is considered "Immediate Abatement."
 - Situation with plowing/snow removal, due to immediate danger to health, safety, and welfare. General clause.
- Title 7, Chapter 1, Section 2:
 - Adds term of "snow" to the current "ice, dirt, and rubbish on sidewalks" clause. Makes clarification of abatement requirements and costs.
 - Allows the streets superintendent and designated staff (code compliance coordinator) to provide notice and coordinate corrective action as necessary.

City Code Modifications: Enforcement:

- Current Code Requirements: 24 hours to remove ice, dirt, and rubbish.
- Proposed Code Clarifications:
 - 24 hours to remove snow, ice, dirt, and rubbish
 - Provide notice of non-compliance and 24 hours to correct the issue
 - If after 24 hours the issue is not addressed, the city can abate the issue and charge the property owner
- Soft Enforcement in 2023/2024:

- Focus on education of property owners regarding code
- Provide more leeway for compliance/correction
- Only abate if considered an emergency or the property owner is non-responsive/uncooperative

Property Owner Feedback:

Notices were sent to 541 property owners the week of August 21, 2023

- Emails/comments were received from three different property owners (1 phone call/2 emails)
- All correspondence was from residential properties
- Noted property owner's objections were to the recommendations for clearing responsibilities (for differing reasons).

Next Steps:

- Take Council feedback
 - Additional modifications can be made to the Ordinance language at Council's request
 - Any policy related items can be coordinated into the current draft
 - Staff can consider implementation of revised/updated sidewalk/trail plowing maps
 - Updates are tied to the Winter Maintenance Policy
 - If Council wishes to have more input, that can be taken into advisement this year and future years
 - Implementing Council changes and requests into the ordinance
- Proposed follow up date for adoption of the updated Winter Maintenance Policy and Snow Removal Ordinance would be October 9th, for the Third Reading and Summary Publication.

Action Requested: Council is asked to act on the Second Reading of the proposed Ordinance revisions related to snow removal. Staff recommends approval of the Second Reading.

Mayor Dietrich appreciated the education initiative for residents for the first season.

Councilmember Murphy commented that in 2025 and after, in a worst-case scenario, residents would have 48 hours to clear their sidewalks.

Public Works Director Connolly replied correct.

Councilmember T'Kach asked if this speaks to the winter of 2023/2024 or 2024/2025.

Public Works Director Connolly replied the soft enforcement would be done in 2023/2024. If things go well, it will be tightened up each year thereafter.

Jeff Jones, 4556 Blaylock Way, lives on the north end of Blaine, one of the routes eliminated. He has lived there since winter 2004; the sidewalks have always been done by the city. The area is 4/10 of a mile from Seidl's Lake Park to the north end of Blaine. Blaine is a main thoroughfare. 3.7 miles from the north end of Blaine to 80th Street, the sidewalks are done. The proposed map would stop about 100 feet short. It would knock 4/10 of a mile off of 3.7 miles. With the two associations there are likely 260 units/600 voters. People use the area. He said he tried to look at the cost savings, but it said, "not available." He was unsure of the amount; it didn't make sense. He referenced the 24-48 hours to clear and asked what they were being charged if they don't do it. He questioned if they were not already getting assessed for the sidewalks on the main thoroughfare.

Public Works Director Connolly replied that staff could check into the cost savings. It is system-based plowing. It has to do with ability of service and how many walks they can get to. The reason it stopped at Seidl's Park is because that is a city parcel, the city has responsibility. The other reason is because Blaine Avenue dead ends in a homeowner's association. He was unsure

on the charge for failure to comply. The fee schedule is based on actual remediation costs, it would vary. For example, two inches versus two feet of snow. The city is not set up to abate. It is the cost and time to hire a contractor to abate the issue.

Mr. Jones asked if this has been a problem for the last 19 years. He questioned why the city wants to stop clearing the sidewalks; if it just became a problem, has always been a problem, or if it is a cost saving measure. He asked if getting 48 hours to get snow off a sidewalk, why the city gets 4-5 days, or whatever is convenient. He said some people are on vacation, some are older. The reason he moved into a townhome was, so he didn't have to snow shovel anymore.

Bill Pringle, 1805 63rd Street, said it was mentioned during the preliminary budget discussion that new staff was approved in parks maintenance and streets maintenance. Both positions would be clearing streets. He noticed this year's street maintenance was \$3,316 and next year's budget was \$3,373. It did not go down. Street maintenance is not going down, staff is going up. He noticed they are removing 4.2 miles of sidewalks from plowing private residences and adding 4.25 miles of new county trail. He asked why they were taking from one and doing for another. He said there is no change in the number of miles being done, two staff members have been approved, maintenance went up, and there were no budget cuts. He did not understand why they are losing the privilege of the city clearing their private sidewalks. He asked the Council to consider this, it does not make any sense to him. He referenced the letter to residents stating there were no specifics as to why they were getting rid of the snow removal.

Mayor Dietrich stated one of the reasons was that staff is trying to clean up a very archaic code. When people call, the department does not know what to do with it because it is not consistent.

Public Works Director Connolly shared there is no fiscal discussion, it is based on policy and what the practice has been. It is a matter of not having enough staff or equipment to be able to do as much as they are doing. He agreed there were more trails coming online that they may be taking responsibility for. This would put the focus on trails that are on primary roadways and state aid routes. Many county roads are adjacent to city property or are back yard frontage that people are not expected to clear. Staff looks at areas where plowing is already being done in residential neighborhoods and where there are areas in homeowner associations that may already be partially or fully plowed.

City Administrator Kris Wilson stated the city is not being consistent, not treating all residents with sidewalks in front of their homes consistently. Some have them plowed by the city, others do not. They are not talking about cuts. If treating all of the city fairly, there would be a greater increase in staff and equipment in order to do a consistent job. This would require a higher property tax levy to be applied to all in the city including those who do not have sidewalks. The city is trying to have current staff and equipment spread as far and as efficiently as possible and be fair to those in different parts of town. There is a lack of fairness that would have a significant cost if going in the direction of doing all.

Mr. Pringle asked how they could vote on this before the budget is approved. If the budget is approved with two workers, there is additional staff. He questioned if this wasn't being done out of order.

Cindy Schmidt, 1915 55th Street East, read from a letter she sent to all Councilmembers. She stated 55th Street East is the only entrance/exit to Lake Cove Apartments which has 487 units with thousands of people. When proposing the street, they were told there would be a sidewalk. There has never been a sidewalk, people walk on the grass. She said they have had problems with theft and trespassing;

problems with people living in Lake Cove. When the sidewalk was placed, she asked Steve Dodge who would be legally and physically responsible for the sidewalk. The reply was that the city is responsible, the city would have total responsibility if sued. She did not get that in writing and did not believe she needed to, this was an integrity and business issue. She mentioned that the only reason the sidewalk is there was for Lake Cove. She does not use it, but her husband clears it; for her it's a liability. She said she would have used an attorney back then over the sidewalk had she not been promised that the city would be legally responsible if she were sued. It's 500 feet, but it's the people that walk-in front of her house using it that is her concern. She said it wasn't fair for the city to change it.

John Kindem, 8674 Collin Way, said the list of streets and the map are different. Their street wasn't listed but is on the map. He lives in a cul-de-sac, it's an HOA on a private road. They pay for all plowing for the area, there are no sidewalks. He said they are inheriting a sidewalk. He asked if there was a legal responsibility if someone falls and gets hurt on the sidewalk. They have insurance for their property but not the sidewalk.

Chuck Brostrom, 4585 Blaine, shared from Seidl's Lake Park north to the end of the cul-de-sac, is the end of the driving lane. There is a well-worn path that intersects 21st Avenue in South St. Paul. There is a lot of foot traffic going up and down Blaine Avenue to get to 21st and to Southview Boulevard where city buses run. A lot come south in the morning to go to Gertens and the restaurants. A lot of people use the area. There is value for people that walk all year long.

Heather Thornton, 7621 Addison Path, asked how the city would become aware of someone who isn't removing snow or ice and how the homeowner would be notified. She said doesn't like gray areas, that is how it ends in confusion such as this. She suggested during the interim, they move to a two strikes and then a fine. It would be more clearly defined than having an education year and then hardening it. She said it would be nice to have something more concrete to help with the change.

Mayor Dietrich asked Public Works Director Connolly if the Council can be kept updated on the responses and staff recommendations back to residents.

City Administrator Wilson asked if the Council was willing to approve the Second Reading or if there should be a 2nd, Second Reading.

Councilmember T'Kach referenced sidewalks and asked who is responsible in general.

City Attorney Bridget McCauley Nason replied it depends. Slips and falls on sidewalks with liability cases are complicated. If someone slips and falls on a sidewalk, the person can sue the city and the homeowner. With regards to snow and ice, there are state statutes that determine how long you have to remove snow and ice. She said she would be open to providing additional clarification to the Council ahead of final discussion on the matter.

Councilmember Murphy stated this is about taxpayers in one part of the city paying for work being done in another part of the city and may not be getting that work done on their sidewalks. He believes it's about leveling the playing field. Knowing there is a Third Reading and time for more input, he would move the Second Reading on this item.

Motion by Murphy, second by Scales, to approve the Second Reading of an Ordinance Amending Snow Removal Provisions of the City Code.**Ayes: 5****Nays: 0 Motion carried.****C. Comprehensive Plan Amendment for Outlot D, Argenta Hills. Resolution 2023-212**

City Planner Allan Hunting presented a proposed Comprehensive Plan Amendment for Outlot D of Argenta Hills. It is a vacant parcel west of Target that had been planned for regional commercial. The applicant is looking to guide the balance of 2.37 acres so the entirety of Outlot D would be 12.37 acres for high density residential. The concept is for a 200-unit market rate apartment building and 30 units of townhomes.

Background:

- Outlot D is 12.37 acres
- In 2018 the City Council approved a resolution which conditionally guided the westerly 10 acres from regional commercial to high density residential. The applicant is proposing to reguide the balance of Outlot D, so it is all guided high density residential.
- The Argenta Hills development was approved in 2007. At that time, it was a mixed-use PUD that was approved for 410,000 square feet of commercial and 154 residential units.
- There have been some changes to the plan:
 - The parcels have remained vacant.
 - Councils have looked at three different requests to change this to residential.
 - In 2017 there was a request for Outlot C and D for a 400-unit apartment building. Council denied the application.
 - In 2018, the Council reviewed a plan showing 220 high end apartments on Outlot D, 10 acres. Outlot C was to remain commercial.
 - Council conditionally approved a comprehensive plan amendment to the west 10 acres.
 - Council at that time felt it was reasonable to change the guiding to high density residential.
 - Before it took effect, the Council had to approve a site plan. This did not occur after Council took action.
 - The conditional guiding remains in effect but was not put into place/action.
 - The Comprehensive Plan map still shows regional commercial. A developer could follow the conditionally approved amendment to high density residential (as is this request).
 - In 2021 there was a request over both Outlots C and D, for 320 units of a townhome development. Council denied based on direction to provide some type of commercial component. The developer did not do this, therefore Council denied.

Discussion Points:

- Amending the comprehensive plan would allow the density back to anticipated levels when all of the northwest area was looked at.
- Goals in the comprehensive plan: An apartment project would be consistent with those goals by providing different housing types and densities.
- Retaining commercial outlots would leave designations in place to provide additional land for the potential to provide goods and services.
- Original approved PUD was mixed use development.

Action Requested:

- Determine if the request to amend the additional/balance of Outlot D, 2.37 acres, is a benefit to the city.
- If so, should the whole Outlot be changed?

The Planning Commission recommends approval of the balance of the comprehensive amendment extension.

If the Council supports this amendment before it's officially enacted and does not change on a map, a developer would have to come back through to request and be approved for a rezoning, preliminary PUD, site plan approval, and platting.

Councilmember Scales asked if they know exactly where the 2.37 acres is.

City Planner Hunting replied with the maps at the time, the developer was showing development over the westerly 10. There were no defined dimensions based on a map that was presented to Council with the balance of 2.37 acres.

Councilmember Scales said they do not know exactly what the line is.

City Planner Hunting replied there is no legal description defining it.

David Fisher, 6718 Cove Point Road, Minnetrista, Minnesota, confirmed that Outlot D is the 2.73 acres, Outlot C is the portion next to it. Hempel currently owns the entire site. He said his company, Rise Capital, is under contract with Outlot D, the proposed site to develop.

- Rise Capital Partners is a family development business.
- BJ Baas Builders is their development partner.
- INH Properties out of St. Cloud, Minnesota, would be the property managers.

Their intent is not to develop, build, or sell. They are an ownership group; they want to develop and be long term parts of the community. They seek opportunities to build a property and own it for 10-20+ years. Their group has 880 total units. They have projects in Cambridge, Andover, and Monticello. A second one is under construction in Cambridge. This project, if approved, and one in Rochester would be built next year.

Why they are here:

- The legal description is unclear. They do not really need the 2.37 acres to develop what they would like to develop.
- There is a mismatch between the comprehensive plan and what is in the legal description of Outlot D. This causes a problem.

Conceptual Site Plan: Leaves 3+ acres of green space.

He said it is a bit problematic. Some of the prior proposals in front of the City Council were not buildable. As Hempel disclosed to them, approximately 3.5 acres of this land is unbuildable. It is a former quarry with depths between 30-48 feet of loose fill dirt. In order to build on it they would have to dig it out, put in compact dirt, or put pillars down. Either is prohibitively expensive for this type of building. The site constrains the development to more than the 2.37-acre addition being requested.

Design Considerations:

- Request involves Outlot D only.
- Their preliminary plan is lower density than some of the other plans.
 - 200 apartment units, 30 townhome units.
 - Market rate, no subsidy being requested.
- Will work on site lines, tucking the parking lot in. (Part of site plan approval).
- Intend to keep a portion for some type of greenspace.
 - Undetermined who would own/maintain with public access
 - Or donate a portion to the city

How this benefits the City of Inver Grove Heights:

- Helps meet unmet housing needs in the city
 - Engaged Viewpoint Consulting, who determines project availability, need, and demand.
 - Their view is that there is over 1,000 renter households coming by 2023, to the city that would need a place to live.
 - Current comparable properties: 1,200 units were looked at, have over 98% occupancy. 95% is considered full in their business, 98% is considered overfull/too much demand.
- Their development of apartments and townhomes would stimulate an area of the city that has sat dormant for quite some time and boost this section of the city.
- The project would add \$500,000 of property tax to the city.
- Provides significant parks and recreation contributions.

There are three different places within the 2040 Plan. They believe this type of development fits and is consistent with the 2040 Plan.

In Summary:

- They are a capable, proven team that can get this job done.
- This is a fiscal benefit to the city.
- Going to be good for neighborhood businesses. (Empty places/empty land).
- Will help stimulate the area for commercial.
- Fits with the comprehensive plan and the housing charter.
- Ask that the additional 2.37 acres be guided toward high density residential.

Councilmember Gliva said it is unknown exactly where the 2.37 acres is. With a map comparison, it looks like it would be imperative to have it all be high density in order to get all buildables.

Mr. Fisher replied with the 2.37 acres, the last three or four townhome blocks would sit on that conceptually. A lot more than 2.37 acres would be left unbuilt.

Samantha Fitzgerald, 7668 Addisen Path, requested the Council deny this proposed change to high density. She shared that in 2018 the Council voted to conditionally change the westerly 10 acres of Outlot D. It was made clear to Council who voted on it, and the residents, that it was based on McGough coming back with a plan. McGough did not come back with a plan; the resolution is for McGough until 2021. She said they came back with a land use designation change for Outlot C and D in its entirety. She questioned if the 2018 Council decision was in place, why McGough had to request a change for Outlot C and D in its entirety, and why they did not come back and ask for the 2.37 acres of Outlot D and then Outlot C.

She mentioned at the 2021 meeting, the Mayor asked for status on the 2018 conditional change. Staff was unsure of the answer and requested a legal memo. The memo, which residents had not seen prior to last month, was based on a 2018 resolution, prior to the 2021 Council vote. She said the memo should not be touted as law of the land. She asked Council/Staff to request a new memo based on the actual 2021 City Council decision which denied a resolution relating to the Comprehensive Plan Amendment to change the land use designation from regional commercial to high density. She asked if the 2021 decision by the City Council supersedes the 2018 Council decision on the partial conditional change for Outlot D.

She said as stated by Planning Commissioner Weber at a previous meeting, many other apartment plans have been approved in the city; why are they not breaking ground? If there is a demand for apartments in the northwest quadrant and the city, why are they not being built, they are already approved. She asked if the city could work with those developers to discuss this and get the approved

plans in motion to be built. She said she does not believe that anyone disagrees that there is a need for different styles of housing in the city, just not here.

She said the highest and best use of the lot is what the comprehensive plan states. She mentioned that many Councils, such as in 2019 and 2021, have started to leave the area for regional commercial. She questioned how many times the Council has to state this. She asked to please vote to deny this change. They cannot go back after this vote; she cannot stress enough the permanence of this vote.

Mayor Dietrich mentioned some of this information was news to her. She requested additional information relating to 2018.

City Attorney McCauley Nason addressed the 2018 resolution and why the 2021 Comprehensive Plan update request regarding for all of Outlot C plus Outlot D, if Outlot C was already conditionally regulated for HDR. She could not speak specifically to the application regarding Outlot D in 2021. She was unsure if it was for clarity for the applicant at the time.

She addressed the question regarding if the 2021 decision supersedes the 2018 decision, her opinion was no. The 2021 decision did not abrogate, rescind, revoke, or change the decision granted in 2018 to regulate that portion of the westerly 10 acres. If Council wanted an updated written memo or recommendation, she would prepare it and bring it forward.

The question regarding other areas and developers was appropriate for planning to address. City Administrator Wilson stated the planning department meets with every applicant that calls and is interested. There have been multiple conversations with developers preliminarily considering other places zoned for apartments. She was unsure why those do not proceed forward, that would be a question for those applicants.

Councilmember T'Kach asked if there were currently any approved apartment development plans in the city.

City Planner Hunting replied there are two projects that received preliminary approval. Canvas on the northeast quadrant of Highway 3 and 70th for detached rental townhomes. The preliminary plan had approval for a 180-unit apartment building. There has not been any action in pursuing this further. The other is in Peltier Reserve, south side of 70th, west of Argenta. It is currently under construction. There was an apartment pad that was approved as a part of the preliminary PUD.

Mayor Dietrich asked if the City Planner could speak regarding the confusion with 2018 and 2021.

City Planner Hunting replied that an application came in looking at the two outlots. Council took action on it. He did not believe anyone thought it had any impact on the previous 2018 plan.

Katie Pluff, 7670 Addisen Path, asked how they could be voting on a parcel of land when they don't know what the parcel of land is. If going by 2018, nothing was defined as to what the 10 acres were and what the 2.37 is.

Lisa Nathe, 7650 Addisen Path, said they have heard a lot about how creative Hempel is. There has been no creativity and forward thinking for this project. It is another apartment complex. She asked if they work together on what is best for the lot, not what's best for the developer. She suggested something good for the community. She said they cannot keep allowing small pockets of retail. This is an opportunity to have a thriving commercial and community area for the city. This cannot be had if rezoning all commercial lots. She asked the Council to vote to deny the request change.

Dick Monson, 8953 Almquist Way, Chief Operating Officer, Hempel Real Estate, stated he was present to discuss the property to the left and right of this site. He said he cannot stress enough how this is a lynchpin to bringing commercial and retail development to these outlots. With highest and best use, if parceling it off and selling as commercial, the city stands to make a lot more money (if the market would bear). The problem is many have stated the need to have density. He mentioned they also own the two outlots south of the two existing retail buildings. They also purchased 10 acres west of this, called Outlot E. The 2018 resolution plays into their decision to buy this piece of land. When doing a title and survey review, that resolution comes up as conditionally approved. He said their commitment to neighbors and Council is to come about this transparently. They take feedback into consideration as they develop a plan going forward. Multiple users have come through interested in the outlots, but not this site. The question comes up about when housing would get there. He said that retail patterns have changed, strip malls don't exist in the same way they used to. They are committed to filling these. They would not have purchased the additional 10 acres next door knowing the Council's appetite for commercial in the area and multifamily. They have had one of the one-acre outlots under contract twice, both cancelled stating they would wait until density is determined. He shared that he personally lives in the area and is excited about what will happen here, he hoped the Council agrees.

Devendra Gajway, 7676 Addisen Path, said the highest and best use of this lot is what the 2040 Comprehensive Plan states. He said the city recently hired a retail consultant. He suggested taking a step back and not losing that investment. This space could be lost to retail forever. He said this is the best use of this lot. He asked to deny this as a comprehensive plan change.

Ms. Thornton agrees with what the others have said. She asked what the Council is voting on, what it means, and what the next step might be. Her understanding was the 2.37 acres is being voted on as being added to the conditional approval for the existing outlot. That already has conditional approval to be changed to high density residential, contingent upon Met Council approval and site plan approval. She asked what common reasons there would be for a site plan to be refused and if criteria was needed. She referred to the plan in front of the Council and stated they could come back with a greater density. If no variances are requested and everything is compliant, she asked if the community can state it was too much density for the area, if that could be grounds for refusal. She questioned if it could be stated they want to stay in alignment with the comprehensive plan and believe in the commercial possibilities for the land. She said she is stuck with the permanence of this being rezoned to density. She believes in the opportunity for the area. She referenced Eagan's area right off the highway and stated this area is off a growing highway too. This is one of the remaining valuable portions of property in the city. She urged the Council to vote no. She sees this as a correction of a problem made with the 10 acres that was approved. If there is not a viable path to refuse without grounds that are acceptable, she suggested voting no and giving more time to consider what should be done with this property long term. She questioned if they were ready to give up commercial ideas for this land. She urged the Council to vote no.

Mr. Fisher addressed some of the questions raised. Regarding density, they have 230 with this site plan, they will not come with anything more than 230. This would be the largest density they would propose making. He said he wanted to separate reality from hope. There is a lot of hope that this entire parcel will become some retail destination. The reality is that Target was built in 2008 with the other buildings, not long after. One has sat empty since it was developed. Density is missing to create the rest of the land to be vibrant commercial. Their proposal brings density to bring the traffic to help other retail visions come to life. There has been hope for 15 years, it is not happening. He said the city has to do

something to make the two mesh up. He referenced the areas in Eagan as being mixed use, very high density along with retail, which has brought those developments.

Ms. Thornton said she has attended many of these meetings, lives in the area, and has a lot of background. The other thing missing is someone who has done a good job of selling some of those buildings. There was a poor job of selling and marketing. She said friends have called to begin businesses there, calls were not returned. She questioned how much was a sales problem. This would probably turn it over, or others that have been approved north of this location. She said they have to trust that those marketing the area are doing a good job selling to the right places.

Mayor Dietrich said there is renewed interest from the current Council in getting retail in this area. A consultant has been hired. She said it may not have been the case of predecessors; it is difficult to lump all of those years together.

Councilmember Scales referenced the 2.37 acres and the 10 acres and questioned if not approved, could they come to split the lot so they could take the 10 acres with the high density and put the 2.37 elsewhere. He asked if the lot was split able once the line is determined.

City Planner Hunting replied yes, replatting or a boundary change could be requested.

Councilmember Gliva asked if the 2.37 acres is buildable, if retail could be placed if housing could not be. She was thinking of the unsuitable soil underneath.

City Planner Hunting replied it is a long and skinny parcel. He was unsure about the soil. The original plan showed buildings on the perimeter, this would be the parking area. It would depend on the developer and how much money they wanted to put into soil correction. He said what may happen is the 2.37 blends into the rest of Outlot C, becomes larger, and a part of open space on a development plan, if going retail.

Councilmember Scales thought it could be greenspace on Outlot C or D. Either way it's probably not buildable.

Councilmember Murphy said statistics were heard that there is a need for 1,000 rental households coming to the city in the near future. He was sure it was true because in July, Fannie Mae said it was 11 million single family homes short. He addressed renting the units stating part of the development team makes light of it, but he was part of an organization trying to rent a place and they did a very poor job trying to rent it. He would like to give the retail consultant some time. He said if this isn't a perfect example of continually changing the comprehensive plan, he was unsure what is. He believes denying the change to the 2.37 acres makes the most sense, this Council has spoken about preserving retail. He said they have heard from the development team two different times that they do not need the 2.37 acres. He was more concerned, if this were to get approved or not approved, this acknowledges the supposed change to the original 10. Despite the letter and legal's opinion, he does not personally believe there is a deal. He said the notes he took included the 2018 vote that Council conditionally approved the comprehensive plan change on the westerly 10 acres. In the minutes of that meeting of which he was in attendance, one Councilmember reiterated that the developer needs to come up with an approved site plan and staff agreed. The Mayor at the time stated there is no plan yet, and if one isn't approved there is no rezoning; staff agreed. He said this is how they cleared the room of residents. No plan was submitted for the 10 acres. What has not been noted in 2019 was that the Council re-voted on the current Comprehensive Plan which has this as regional commercial. In 2021, McGough and Lennar submitted it for all of Outlot C and D, not the 10 acres and not just 2.37, which is confusing

to him. In 2021 the Council denied the site plan brought forth by McGough and Lennar. In his opinion, it ends the conditional rezoning. He said he wants to preserve retail in the city, there isn't much zoning left to preserve. He is not willing to give up 2.37 acres. He does not believe there is a rezone on the original 10 acres. He believes that may be something legal that needs to address. He said this development team needs to be asking for all of the lots, not just for the 2.37 acres. He said he cannot support the change on the 2.37 acres.

Councilmember T'Kach asked Councilmember Murphy for clarification on "all of the lots."

Councilmember Murphy replied in 2021, the McGough/Lennar deal requested all of C and D.

Mayor Dietrich agreed this was confusing.

Councilmember Scales agreed it is very confusing. He was frustrated with the fast counsel on this. He believes some things were said that came from a sense of not understanding what should have been said and the legal ramifications. He is concerned about the 10 acres. He believes it will stand and said 2.37 is the issue. They will have to define a line on the 2.37, they cannot keep referring to it. His opinion is that someone would split the property, take the 10 acres, and build high density. He does not believe they can stop that. Moving forward, he said these would either have to be together or have a path for splitting.

Councilmember T'Kach trusts the attorney on this. She is concerned about the news she keeps hearing on the radio that some developer group is predicting that within 10 years 1/3 of all strip malls in the country would be gone because it's not the way people shop anymore. She said it's surprising all over, how many vacant places there are. She agrees the 10 acres is zoned high density. The project would go forward with or without the 2.37. She was unsure what someone would do with the 2.37, it could be water basin and/or greenspace. She wasn't sure it makes a difference either way regarding what happens here. Having had conversations with the developer, she said it sounds like they have interesting plans for the south part of the lot. She said she would like to ask the developers what they think about the other land in the area.

Mr. Monson said he cannot speak to specific uses, they are under negotiations with various parties, and there is confidentiality. The concept he asked the Council to think about is called "Entertainment." Retail that is working now is where a person can actively participate in something, grab a beer, food, is family friendly and may have sporting. Bigger uses that could use more than a couple of acres. He said they think of it as something people would drive 20 minutes to get to. A concept unique to the area would drive traffic. He agreed with Councilmember Murphy on the approvals and the way he described it. He said nobody has come back with a plan; they are conditional. Those approvals are valid as long as they come back with a plan the Council can review and make sure it complies with code. He said the request is to clean up the title issue. He referenced splitting the property and stated that is what they would do if this isn't approved. They would have to come back and have some process to determine where the line is. The city recorded the resolution in the title records. They have reviewed and approved it; it was taken into consideration when they bought the property. He said the Council has the opportunity to rescind/revoke but there are ramifications. He requested the Council believe in them. This site has been vacant for 15 years. Someone is not going to put a restaurant out there on 20 acres. He said they have plans to hopefully start to grow into Targets parking lot, increasing the retail footprint.

Councilmember T'Kach felt it was a done deal on the 10 acres. She said they seem to be faced with a high-density development from the previous Council. She does not disagree that higher density in the area is appropriate. She said it is difficult, but they should move forward with the 2.37. She has not heard a reason what difference it would make to move forward or not move forward. If it cleans up the title for the developer so they can move forward faster, she suggested getting something done and seeing if what is said comes to fruition. She commented that the developer has been working with the community to try to keep open space/green space and is pushing the development back as far towards the freeway as possible. This shows good faith efforts on their part.

Mayor Dietrich said her concern is the confusion about where the lines are and what exactly they were voting on. She does not have a lot of confidence in something where she does not have all of the data. It is not the kind of policymaker she wants to be.

Councilmember Scales said the property line may not be anything anyone can answer. The city does not know where it is, it has never been surveyed. In order to place lines, someone would have to have the property surveyed, which could be months down the road. His personal opinion is whether he likes the idea of high density or not, one way or another it cannot be changed. He said it is their job to make as good of a development/process as they can.

Mr. Fisher addressed the confusion stating they are not being asked to figure out which of the 2.37 acres is at question. They are asking to expand from 10 acres to 12.37 acres, which is Outlot D. The request is to change it from westerly 10 to 12.37 to match the lot. The line does not need to be determined as long as the Council states the existing 10 acres is already approved. It is on the title legally. The request is if the Council is willing to expand it from 10 acres to the full lot.

Mayor Dietrich asked the City Attorney if this was something the Council could address.

City Attorney McCauley Nason replied because the property is one parcel that was conditionally/contingently approved regarding. What was presented in 2018 when the original approval went through for the 10 acres, is the best information the city has as to what constitutes the western 2.37 acres.

City Planner Hunting responded that he has the site plan from that time to see what was meant. The concept plan showed the general line and a concept of retail, consistent with the 2007 plan with anchor tenants and 10 junior tenants. When the Council used that as a description, it was based on a plan for the westerly area with apartment/multifamily with the balance left for regional commercial. He stated when adopting a comprehensive plan land use plan, nothing is adopted by legal description. There are multiple properties that have two/three separate guiding's, those are a line on a map. When it is time to develop, the developer uses that general area and purchases land/subdivides to lines as consistent as possible to what the comprehensive plan shows. This was the plan that the Council used at the time.

Councilmember Scales asked if they come before the Council with a plan to split off the 2.37, do they grab a line so far over that, and say that is the line and cut it.

City Planner Hunting replied yes because there is no defined line. If the developer and land owner agree to that, they would purchase 10, replat the property, and the land owner can choose to decide how to treat the 2.37 acres. There are no minimum lot sizes in the northwest area.

Councilmember Murphy said it could be a random line on the map, it does not have to be straight, it could be curved, whatever adds up to 2.37 acres.

City Planner Hunting replied the map showed a generally straight line on the westerly side. Councilmember Murphy said the 10 acres from the 2.37 would have to be a straight line if previous Councils said the westerly most 10 acres.

Councilmember Scales replied it's assuming the compass would lay flat on the property.

City Administrator Wilson said if subdividing this into two lots, the only way to accomplish that in the northwest area is through platting. The City Council approves plats. This body determines if those two lots meet a standard this Council sets as being consistent with past action. This Council would have the approval to approve that plat.

Councilmember T'Kach said the underlying zoning is still there. The previous approval still sits.

City Administrator T'Kach replied this is about guiding, not zoning. Guiding is the first broad step; zoning is a more specific step with more detail. If platting under the current guiding, it would need to be consistent.

Ms. Pluff wanted to confirm if the land was still zoned retail.

City Attorney McCauley Nason replied it is currently guided for retail commercial. It is subject to contingent approval from 2018.

Ms. Pluff said she wanted to confirm that things can still be changed because it is still guided by retail. She said that what was put on was conditional, which did not get approved. She questioned if retail was still over all of the land.

City Attorney McCauley Nason replied retail is still over all the land. The 2018 approval is a valid approval, it is not an effective approval. It does not become effective until if/when all of the conditions in that approval are met. Conditions include rezoning, plat, PUD approval. This has not yet taken place because the conditions have not been met.

Councilmember Murphy said someone could get conditional approval, walk away from the project, and sell the land at an increased value with different conditional zoning on it. He asked if it was accurate and normal for the city to do.

City Attorney McCauley replied it is contingent approval, not reguided. Someone could come in tomorrow and bring forward a development that is consistent with the comprehensive plan and zoning. The property has two different possibilities for development based on the contingent approval. The resolution did not include any specific expiration date. Unless/until it is revoked/rescinded or otherwise terminated by the Council, that resolution still maintains that conditional contingent reguiding approval still remains in effect.

Councilmember Murphy clarified there is no expiration date, it can keep going even though they reaffirmed the comprehensive plan, there are different owners, and they have already said no to one or two different plans.

City Attorney McCauley Nason replied yes. The City Council has not taken specific action to rescind the resolution. In order to terminate the conditional "no sunset date included in the resolution" approval, the City Council would have to take some type of affirmative action in order to effectuate a rescission, or revocation, or termination of that prior approval.

Councilmember Murphy commented that was a battle for a different day.

Motion by Murphy, second by Dietrich, to deny the Comprehensive Plan Amendment for Outlot D, Argenta Hills, 2.37 acres and to preserve as much retail as possible. The current zoning of commercial is the best use for the 2.37 acres. Resolution 2023-212

City Attorney McCauley Nason clarified the motion made stating the motion was made to approve the resolution of denial for the reasons articulated as well as those found within the Resolution.

Councilmember Murphy and Mayor Dietrich agreed.

The reworded motion is as follows to reflect the above-mentioned clarification:

Motion by Murphy, second by Dietrich, to approve Resolution 2023-212 to deny the Comprehensive Plan Amendment for Outlot D, Argenta Hills, 2.37 acres, to preserve as much retail as possible. The current zoning of commercial is the best use for the 2.37 acres.

Ayes: 3

Nays: 2 (T'Kach, Scales) Motion carried.

City Attorney McCauley Nason stated the motion to deny passed 3/2, it is an effective denial. The motion to approve would require a 4/5 vote.

D. Third Reading of Interim Ordinance Temporarily Prohibiting the Establishment and Operation of Cannabis Businesses within the City. Resolution 2023-213

City Attorney Bridget McCauley Nason discussed the following related to the Third Reading of an Interim Ordinance Prohibiting the Establishment of Cannabis Businesses in Inver Grove Heights.

Background:

- In 2022, the MN Legislature legalized the sale and consumption of hemp-derived cannabinoids
- Allowed edibles, beverages, and topical products with a limited amount of THC in the product
- There was no established state licensing structure at the time
- In 2023, legislature moved forward to adopt Chapter 342, the Regulation of Adult Use Cannabis
- This built off the 2022 legislation by adopting a broader/uniform regulation and structure
- Legislation created the Office of Cannabis Management (OCM). Tasked with developing, maintaining, and enforcing an organized system for the cannabis and hemp consumer industry
- OCM is authorized to issue licenses for all different types of cannabis businesses
- Cities are prohibited from issuing licenses to cannabis businesses

Edible cannabinoid products (lower potency hemp) is not one of them.

There are 14 different types of cannabis business licenses, the moratorium would prohibit the establishment of any one of these. There is much left to be developed by the OCM.

City role is limited:

- When a cannabis business seeks a license, they would seek it from the OCM
- OCM would consult with the city
- City can offer and require registration and conduct compliance checks
- City may collect registration fees, set by statute, and 10% of the tax revenue

Legislative Details:

- Allowed local units of government to adopt reasonable restrictions to the time, place, and manner of the operation of the cannabis business, provided they do not prohibit the establishment or operation of the cannabis business.
- Cities can adopt reasonable, rational, regulations
 - Can include limiting the number of cannabis retailers and distance of locations

- Authorized cities to adopt an interim ordinance or moratorium
 - Moratorium runs through January 1, 2025
 - City has the option to revoke/rescind the moratorium if adopting regulations prior to the expiration of the moratorium

Other Cities:

- Many cities are adopting interim ordinances
- Gives time to evaluate options, ordinances, and regulations from OCM, LMNC, and other cities

Council Options:

- Take No Action. Cannabis businesses will not open in Inver Grove Heights.
 - Could potentially impact the city's ability to regulate cannabis businesses in the future if regulations are not adopted before businesses open in the city.
- Adopt the Interim Ordinance. Direct staff to complete the required study.
 - City has the opportunity to consider adopting local regulations before cannabis licenses are issued.

Requested Council Action:

- Consider the Third Reading of the Ordinance
- If approved, consider approval of the Summary Publication Resolution

Motion by Gliva, second by Scales, to approve the Third Reading of the Interim Ordinance Temporarily Prohibiting the Establishment and Operation of Cannabis Businesses within the City.

Ayes: 5

Nays: 0 Motion carried.

Motion by T'Kach, second by Gliva, to approve the Summary Publication Resolution 2023-213.

Ayes: 5

Nays: 0 Motion carried.

E. Third Reading of Ordinance Prohibiting Cannabis and Tobacco Smoking and Vaping In Public Places

City Attorney McCauley Nason presented the Third Reading of an Ordinance Prohibiting Cannabis, Tobacco, and THC Products in Public Places.

Background:

- Legislature took action to legalize adult use cannabis. This does not specifically prohibit the use of cannabis products in public places. The city is authorized to prohibit certain cannabis products use in public places.
- Specific language in the statute authorizes the local unit of government to establish a petty misdemeanor offense (non-criminal offense).

What other cities are doing:

- Some are taking no action
- Some are adopting smoking and vaping only restrictions for cannabis products
- Some are focusing on limiting where they do/do not want to prohibit these products, such as public parks, while others are using a broader definition of a public place
- Some are copying existing smoking regulations

Ordinance Background:

- This ordinance was presented for a first reading at the July 24th City Council meeting.

- Council requested revisions be made to address tobacco smoking and use in public.
- Revised ordinance was presented for a second reading at the August 14th City Council meeting. Council approved the second reading.
- Staff completed additional research, brought forward points for discussion at the August 28th City Council Meeting. Council provided direction on those discussion points.
- Revised ordinance presented for consideration at the September 11th, City Council meeting.

Changes from the Second Reading to the Third Reading:

- Minor modifications were made to the definition of public place.
- Revised prohibition to include a prohibition on the consumption of alcoholic beverages and beverages containing THC in public places except as otherwise permitted under the code.
 - City code already prohibits the consumption of alcoholic beverages in public places with a number of exceptions.
- An exemption was created to the smoking restrictions for smoking occurring in parking lots, under the control of other governmental entities.

Summary of the Definition of Public Place:

- All city and other publicly owned buildings and all of the land they are on
 - Including parking lots, golf course, pathways, and trails.
 - Includes right of ways, traveled portion, abutting boulevard, sidewalks and trails for right of way.
 - Also includes personal property such as motor vehicles, under the control of the city.

Areas not included in the definition of a Public Place:

- Private residence, including curtilage
- Private property not generally accessible to the public and the premises of an establishment or an event licensed to permit on-site consumption

Restrictions on Smoking and Vaping:

- No smoking of tobacco or any cannabis flower in any public place
- No vaping of any product that contains nicotine or cannabis flower in any public place

Exemptions include:

- Smoking or vaping of tobacco and nicotine products in a motor vehicle that is within a public right of way (does not apply to city vehicles).
- Parking lots of properties owned, leased, or controlled by governmental units other than the city.

Restriction on the consumption of alcoholic beverages and beverages containing THC:

- Mirrors what is allowed under the city code for alcoholic beverages

Requested Council Action and Options:

- Take No Action
 - Existing regulations related to alcohol consumption in public will remain in effect
 - Will not be any prohibitions on the use or consumption of THC products or cannabis products within public places
 - It is still illegal under State Statute to smoke or vape cannabis products in any location
 - Currently illegal under State Statute to consume cannabis products within a motor vehicle
- Consider approval of the third reading of the ordinance with any modifications

Councilmember T’Kach asked why THC beverages are not being put into the alcohol ordinance.

City Attorney McCauley Nason replied the alcohol ordinance specifically speaks to alcoholic beverages and licenses. There is a separate section that deals with the use of public places.

Councilmember T’Kach said it would make more sense for intoxicating beverages to be in one place while smoking in another place.

City Attorney McCauley Nason replied it can be placed where the Council wishes. She noted that alcoholic beverages are under the licensing section.

Councilmember T’Kach asked if the city would license THC beverages.

City Attorney McCauley Nason responded no. Selling THC edibles or beverages does not need any type of license issued by the city.

Councilmember T’Kach asked if that would be anticipated going forward.

City Attorney McCauley Nason responded no. The conversation was had a few months ago. Direction at the time was that the city was not looking to license those products.

Motion by Gliva, second by Scales, to approve Third Reading of Ordinance Prohibiting Cannabis and Tobacco Smoking and Vaping In Public Places.

Councilmember T’Kach commented that she will not support the third reading of this ordinance. She believes it is a solution looking for a problem when it’s focused on sidewalk and right of way areas. She believes it would be difficult to enforce and does not see the purpose of it.

Ayes: 4

Nays: 1 (T’Kach) Motion carried.

7. Public Comment:

There was no public comment

8. Mayor and Council Comments:

Councilmember Gliva said it was another successful Inver Grove Heights Days. She thanked community volunteers, staff, and public safety, both from the city and surrounding communities.

City Administrator Wilson stated there are two opportunities coming up for resident input:

Tuesday, September 12th from 4:00 to 6:00 p.m. the city will be hosting an open house at the Community Center’s Community Room 1, regarding development, planning, and transportation in the area north of 70th Street, East of Highway 3, for the considered alignment of 65th Street.

Wednesday, September 13th, from 5:00 to 7:00 p.m. in the West Arena of the Community Center, an open house will be held regarding proposed pavement management projects for construction season 2024.

People living in the area have received a direct invitation via mail.

F. Closed Session Pursuant to Minn. Stat. Sec. 13D.05, subd. (3)(c)(3).

City Attorney McCauley Nason requested Council make a Motion to move to Closed Session Pursuant to Minnesota Statute Sec. 13D.05, subd. (3)(c)(3) to develop or consider offers or counteroffers for the purchase of real property located at 6840 Dixie Avenue.

Motion by Gliva, second by T’Kach, to move into Closed Session at 9:13 p.m.

Ayes: 5

Nays: 0 Motion carried.

Motion by T’Kach, second by Gliva, to come out of Closed Session.

Ayes: 5

Nays: 0 Motion carried.

Motion by T’Kach, second by Scales, to approve the Executive of Letter of Intent.

Ayes: 5

Nays: 0 Motion carried

9. Adjourn:

Motion by T’Kach, second by Scales, to adjourn the meeting at 9:27 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: November 27, 2023
ITEM TYPE: Consent Agenda
CONTACT: Amy Hove, Finance Director, 651.450.2521

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, approving disbursements for the period of November 8 - 21, 2023.

BACKGROUND

The following chart represents a summary by fund type of the disbursements processed during the period of November 8 – 21, 2023. Disbursement details are attached to this memo.

Fund Type	Amount
General Fund	\$132,500.60
Special Revenue	90,368.36
Debt Service	-
Capital Projects	38,879.92
Enterprise	375,325.83
Internal Service	71,134.93
Escrows	24,742.99
Total - All Funds	\$732,952.63

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 (11.8.2023 - 11.21.2023)

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

RESOLUTION NO. __

RESOLUTION APPROVING DISBURSEMENTS FOR THE PERIOD OF

November 8, 2023 - November 21, 2023.

WHEREAS a detailed listing of disbursements for the period of November 8, 2023 - November 21, 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	\$132,500.60
Special Revenue	90,368.36
Debt Service	-
Capital Projects	38,879.92
Enterprise	375,325.83
Internal Service	71,134.93
Escrows	24,742.99
Total - All Funds	\$732,952.63

Adopted this 27th day of November 2023 by the City Council of Inver Grove Heights, MN

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk



Expense Approval Report

By Fund

Payment Dates 11/8/2023 - 11/21/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Fund: 101 - GENERAL FUND					
EARL F ANDERSEN INC	0134261-IN	10/11/2023	Road signs	101.43.5200.443.60016	136.80
SAINT PAUL, CITY OF	IN55874	10/12/2023	Nelson Interview and Interrog...	101.42.4000.421.50080	250.00
UNIFIRST CORPORATION	1410017123	11/16/2023	Streets uniforms	101.43.5200.443.60045	42.82
UNIFIRST CORPORATION	1410017123	11/16/2023	Parks uniforms	101.44.6000.451.60045	14.53
HOFFMAN REFRIGERATION &...	10/17/2023	10/17/2023	Refund permit #PRMH202303...	101.207.2070100	1.00
HOFFMAN REFRIGERATION &...	10/17/2023	10/17/2023	Refund permit #PRMH202303...	101.45.3300.3224000	75.20
AMERICAN TEST CENTER	2231961	11/16/2023	annual safety inspection of la...	101.42.4200.423.30700	3,105.00
COLLINS ELECTRICAL CONST.	234678.01	10/18/2023	traffic signal repair	101.43.5200.443.40046	668.96
M & J SERVICES, LLC	2832	10/18/2023	contract street sweeping	101.43.5200.443.40046	3,517.50
M & J SERVICES, LLC	2834	10/18/2023	storm water system repairs	101.43.5200.443.40046	4,420.00
SHRED-IT	8005005615	11/16/2023	Shredding service	101.42.4000.421.30700	187.91
EARL F ANDERSEN INC	0134372-IN	10/19/2023	Ped signs	101.43.5200.443.60016	1,154.30
EARL F ANDERSEN INC	0134373-IN	10/19/2023	signs and hardware	101.43.5200.443.60016	730.15
MN GLOVE & SAFETY, INC.	343404	11/16/2023	winter gear for Park's depart...	101.44.6000.451.60045	222.92
MN SECRETARY OF STATE - N...	10/20/2023 stanton	10/20/2023	Notary Fee Stanton	101.42.4000.421.50070	120.00
MN SECRETARY OF STATE - N...	10/20/2023 steenberg	10/20/2023	Notary Fee Steenberg	101.42.4000.421.50070	120.00
PRECISE MRM	IN200-1045072	10/20/2023	GPS Data Services	101.43.5200.443.30700	110.00
ALADTEC, INC.	INV0030326	10/20/2023	Aladtec Subscription	101.42.4200.423.50072	4,729.00
M & J SERVICES, LLC	2837	10/23/2023	contract sweeping	101.43.5200.443.40046	4,200.00
MN GLOVE & SAFETY, INC.	343462	10/23/2023	work gloves	101.43.5200.443.60045	159.90
LOCAL GOVERNMENT INFOR...	54371	10/23/2023	Logis software and tokens for ...	101.42.4000.421.50072	1,248.99
VALLEY IMAGES PHOTOGRAP...	31480	10/25/2023	New employee photo session	101.42.4000.421.50030	50.00
M & J SERVICES, LLC	2838	10/26/2023	sidewalk repair	101.43.5200.443.40046	1,540.00
M & J SERVICES, LLC	2839	10/26/2023	sidewalk repair	101.43.5200.443.40046	4,680.00
BJORKLUND COMPENSATION ...	4563	10/27/2023	Job Evaluation for Finance	101.41.1120.413.30700	150.00
ASSOCIATION OF MINNESOTA...	66356	10/27/2023	Job Ad for Finance. Acct'g Tec...	101.41.1120.413.30700	75.00
MTI DISTRIBUTING CO	1410548-00	10/30/2023	parts for irrigation	101.44.6000.451.40047	221.54
UNIQUE PAVING MATERIALS ...	76868	10/30/2023	Cold Patch Material	101.43.5200.443.60016	13,035.66
CAMPBELL KNUTSON, P.A.	10/31/2023	11/16/2023	Monthly Attorney Fees 10.20...	101.42.4000.421.30410	16,163.28
KENISON, TERRI	10/31/2023	11/16/2023	cleaning stations 1, 2 and 3	101.42.4200.423.30700	1,600.00
ST. PAUL PIONEER PRESS	1023572521	10/31/2023	NoPH - Development charges	101.41.1100.413.50025	22.54
ST. PAUL PIONEER PRESS	1023572521	10/31/2023	Ord 1462 - Nuisance abate/sn...	101.41.1140.413.50025	50.96
ST. PAUL PIONEER PRESS	1023572521	10/31/2023	Notice of Intent to dispose of ...	101.42.4000.421.50025	21.07
MINNEAPOLIS OXYGEN CO.	117089	10/31/2023	oxygen cylinder rental	101.42.4200.423.30700	204.29
FIRST IMPRESSION GROUP	149749	10/31/2023	Business cards-Keuler	101.42.4000.421.50030	55.00
CULLIGAN	157984591006X103123	10/31/2023	Bottled water for Station 1	101.42.4200.423.60065	97.18
CULLIGAN	157984591188X103123	10/31/2023	Bottled water and solar salt St...	101.42.4200.423.60065	77.85
CULLIGAN	157985524824X103123	10/31/2023	RV Maint water cooler	101.44.6000.451.40050	11.30
CULLIGAN	157986034674X103123	10/31/2023	bottled water for Station 2	101.42.4200.423.60065	215.64
AMERICAN LEGAL PUBLISHING..	28791	10/31/2023	City code	101.41.1140.413.30700	1,444.00
MN GLOVE & SAFETY, INC.	343750	10/31/2023	Winter Gear for Ray	101.43.5200.443.60045	210.88
STATE OF MINNESOTA DEPAR...	767177	10/31/2023	Data Practices Training	101.42.4000.421.50080	250.00
WSB & ASSOCIATES, INC.	R-022068-000-9	10/31/2023	September Multi-Family Ordi...	101.45.3200.419.30700	669.00
IUOE	INV0177224	11/03/2023	UNION DUES IUOE	101.203.2031000	1,756.00
LELS	INV0177227	11/03/2023	UNION DUES (LELS LIEUTENA...	101.203.2031000	270.00
LELS	INV0177237	11/03/2023	UNION DUES (LELS SGT)	101.203.2031000	472.50
EARL F ANDERSEN INC	0134546-IN	11/09/2023	sign posts	101.43.5200.443.60016	1,618.00
MN LIFE INSURANCE CO	11/1/2023	11/09/2023	11.2023 Premium	101.203.2030900	4,045.21
MN LIFE INSURANCE CO	11/1/2023	11/09/2023	Retro Premiums 1.2023-10.20...	101.203.2030900	1,965.50
BENJAMIN GERALD BIGELOW	11/1/2023	11/09/2023	Photobooth for Ghostly Gathe...	101.44.6100.453.30700	425.00
G BOLTZ BOLTON	11/1/2023	11/09/2023	Inflatable for Ghostly Gatheri...	101.44.6100.453.30700	200.00
TYLER J LINTON	11/1/2023	11/09/2023	Magician for Ghostly Gatherin...	101.44.6100.453.30700	450.00
ANCOM TECHNICAL CENTER	116385	11/09/2023	Yearly Maintenance Contract ...	101.42.4000.421.70520	5,988.42

Expense Approval Report

Payment Dates: 11/8/2023 - 11/21/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
SHAKOPEE MDEWAKANTON S...	1352	11/09/2023	mulch	101.44.6000.451.60030	1,479.80
MTI DISTRIBUTING CO	1410548-01	11/09/2023	valve for irrigation	101.44.6000.451.40047	398.40
VALLEY IMAGES PHOTOGRAP...	1455	11/09/2023	New employee photos	101.42.4000.421.50030	50.00
MADISON NATIONAL LIFE INS...	1587355	11/09/2023	Monthly Premium 11.2023	101.203.2031700	3,114.98
MADISON NATIONAL LIFE INS...	1587355	11/09/2023	Retro Adjustments 1.2023-10...	101.203.2031700	271.44
EYEMED	166016240	11/09/2023	Monthly Eye Med Premium 11...	101.203.2032700	223.75
EYEMED	166016243	11/09/2023	Monthly Cobra Premium 11.2...	101.203.2032710	13.66
ELSA LITECRY	20231028	11/09/2023	Preschool Leaf Science and Art...	101.44.6100.453.30700	109.00
CARGILL, INC.	2908673261	11/09/2023	Deicer	101.43.5200.443.60016	3,049.95
CARGILL, INC.	2908700091	11/09/2023	Deicer	101.43.5200.443.60016	6,226.05
MN GLOVE & SAFETY, INC.	343867	11/09/2023	Winter Hi-Viz for Hendel	101.43.5200.443.60045	119.90
MN GLOVE & SAFETY, INC.	343901	11/09/2023	winter gear	101.44.6000.451.60045	344.97
HOLIDAY	80901112300	11/09/2023	Vehicle washes	101.42.4000.421.40041	100.00
GEOTAB USA, INC.	IN361641	11/09/2023	Nov monthly billing	101.42.4000.421.50072	269.46
INNOVATIVE OFFICE SOLUTIO...	IN4369687	11/09/2023	office supplies/calendars offic...	101.42.4000.421.60010	187.99
SOCCER SHOTS	11/10/2023	11/16/2023	Preschool soccer classes in Se...	101.44.6100.454.30700	4,315.00
GOPHER LAWN AND SNOW S...	3283	11/16/2023	fall clean-up at the cemetery	101.44.6000.451.30700	350.00
COMMERCIAL INFRASTRUCTU...	I10534	11/16/2023	cabling & cameras install at O...	101.44.6000.451.40040	4,841.85
UNIFIRST CORPORATION	1410022872	11/16/2023	Streets uniforms	101.43.5200.443.60045	42.82
UNIFIRST CORPORATION	1410022872	11/16/2023	Parks uniforms	101.44.6000.451.60045	14.53
INNOVATIVE OFFICE SOLUTIO...	IN4382892	11/16/2023	office supplies	101.42.4200.423.60010	311.80
OCCUPATIONAL HEALTH CEN...	103873911	11/16/2023	Pre-employment physical FF	101.41.1120.413.30700	768.00
MADDEN GALANTER HANSEN,...	11/3/2023	11/16/2023	Labor relation services thru 10...	101.41.1100.413.30430	680.00
ANCOM TECHNICAL CENTER	118076	11/16/2023	fixing radio that wasn't worki...	101.42.4200.423.40042	675.00
UNIFIRST CORPORATION	1410021219	11/16/2023	Uniforms - Streets	101.43.5200.443.60045	42.82
UNIFIRST CORPORATION	1410021219	11/16/2023	Uniforms - Parks	101.44.6000.451.60045	14.53
HESSE, INC.	1453	11/16/2023	deicer	101.43.5200.443.60016	3,290.00
USTA NORTHERN	24454	11/16/2023	USTA tennis in your park prog...	101.44.6100.455.30700	1,215.00
M & J SERVICES, LLC	2848	11/16/2023	contract street sweeping	101.43.5200.443.40046	3,622.50
BUREAU OF CRIMINAL APPRE...	32185	11/16/2023	DMT Certification Training/Jo...	101.42.4000.421.50080	75.00
ASPEN MILLS	322531	11/16/2023	Armor & emboidery for officer...	101.42.4000.421.60045	1,118.95
MN GLOVE & SAFETY, INC.	344005	11/16/2023	winter clothing for Parks depa...	101.44.6000.451.60045	373.94
TOTAL CONSTRUCTION & EQU...	37768	11/16/2023	power for Oakwood Park cam...	101.44.6000.451.40047	805.22
TOTAL CONSTRUCTION & EQU...	37769	11/16/2023	power for Skyview Park intern...	101.44.6000.451.40040	527.24
DAKOTA CTY FINANCIAL SVCS	5501352	11/16/2023	Sept MHZ Subscriber Fee	101.42.4000.421.70501	1,889.73
DAKOTA CTY FINANCIAL SVCS	5501352	11/16/2023	DCC fee for active radios	101.42.4200.423.30700	1,726.42
DAKOTA CTY FINANCIAL SVCS	5501352	11/16/2023	800 MHz two-way radio - 2 rad...	101.43.5200.443.30700	46.66
HOLIDAY COMPANIES	80901102300	11/16/2023	Monthly squad car washes 9...	101.42.4000.421.60016	225.00
COMCAST	8772105910359526X11052023	11/16/2023	cable invoice for fire station 1	101.42.4200.423.30700	10.79
BRITTANY MISKOWIEC	IGHPD-11072023	11/16/2023	Wellness check ins	101.42.4000.421.70501	1,512.50
INNOVATIVE OFFICE SOLUTIO...	IN4370577	11/17/2023	office supplies	101.42.4000.421.60010	7.14
MN STATE RETIREMENT SYST...	INV0177786	11/17/2023	457 ROTH IRA (AGE 49 & UND...	101.203.2031400	510.00
MINNESOTA DEPARTMENT OF...	INV0177789	11/17/2023	CASE #001570640001	101.203.2032100	151.36
TEXAS STATE DISBURSEMENT...	INV0177790	11/17/2023	CASE #0012022247	101.203.2032100	230.77
MINNESOTA DEPARTMENT OF...	INV0177791	11/17/2023	CASE #001490481201	101.203.2032100	357.72
MINNESOTA DEPARTMENT OF...	INV0177792	11/17/2023	CASE #000115468905	101.203.2032100	65.06
MINNESOTA DEPARTMENT OF...	INV0177793	11/17/2023	CASE #001563363401	101.203.2032100	426.85
MINNESOTA DEPARTMENT OF...	INV0177794	11/17/2023	CASE #001567848502	101.203.2032100	60.45
MINNESOTA DEPARTMENT OF...	INV0177795	11/17/2023	CASE #001521862201	101.203.2032100	200.73
WI SCTF (WI SUPPORT COLLEC...	INV0177796	11/17/2023	PARTICIPANT ID#0004986316	101.203.2032100	433.06
IGH PROFESSIONAL FIREFIGHT...	INV0177801	11/17/2023	UNION DUES (IAFF)	101.203.2031000	504.01
MN STATE RETIREMENT SYST...	INV0177802	11/17/2023	MINNESOTA DEFERRED COM...	101.203.2031400	835.00
MN STATE RETIREMENT SYST...	INV0177803	11/17/2023	MINNESOTA DEFERRED COM...	101.203.2031400	862.29
MN DEPT OF REVENUE	October 2023	11/17/2023	Taxes	101.207.2070300	93.90
MN DEPT OF REVENUE	October 2023 CR	11/17/2023	Taxes	101.207.2070300	-0.54
UNIFIRST CORPORATION	1410018546	11/16/2023	Streets uniforms	101.43.5200.443.60045	42.82
UNIFIRST CORPORATION	1410018546	11/16/2023	Park uniforms	101.44.6000.451.60045	14.53
Fund 101 - GENERAL FUND Total:					132,500.60

Expense Approval Report

Payment Dates: 11/8/2023 - 11/21/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Fund: 201 - C.V.B. FUND					
JOSEPH GARFIELD	EA8E0152-0002	11/16/2023	photos/videos	201.44.1600.465.50025	1,934.68
				Fund 201 - C.V.B. FUND Total:	1,934.68
Fund: 205 - COMMUNITY CENTER-OPERATING FUND					
COLLEEN LLOYD	10/10/2023	11/16/2023	refund for canceled class	205.44.0000.3493501	20.00
KELLY PROMOTIONS, LLC	309782	11/16/2023	name tags	205.44.6200.453.60010	1,027.95
DANIEL BAUER	1079	10/15/2023	replaced RTU3 heat exchanger	205.44.6200.453.40040	3,500.00
ULINE	170019407	10/23/2023	chair-tape measure-battery	205.44.6200.453.60040	292.11
ULINE	170019407	10/23/2023	chair-tape measure-battery	205.44.6200.453.60040	292.10
MN DEPT OF LABOR & INDUS...	ALR0153639X	11/16/2023	annual VMCC elevator operati...	205.44.6200.453.40040	100.00
THINK SMALL	10/30/2023B	11/16/2023	Refund for cancelled rental	205.44.0000.3492500	135.58
LVC COMPANIES, INC.	126761	10/31/2023	repair smoke detector in duct	205.44.6200.453.40040	320.00
CULLIGAN	157011438908x103123	10/31/2023	softener salt	205.44.6200.453.60016	28.14
CULLIGAN	157011438908x103123	10/31/2023	softener salt	205.44.6200.453.60016	112.56
GRAINGER	9888698462	10/31/2023	pool parts	205.44.6200.453.60016	54.03
R & R SPECIALTIES OF WI, INC.	0080329-IN	11/09/2023	Zamboni blade sharpening	205.44.6200.453.40042	90.00
DANIEL BAUER	1051	11/09/2023	replaced Boiler pump #1	205.44.6200.453.40040	8,475.00
TWIN CITIES BARBELL	11/6/2023	11/09/2023	refund deposit for gym rental ...	205.44.0000.3492500	500.00
DANIEL BAUER	1116	11/09/2023	replace gas valves on boiler #3	205.44.6200.453.40040	3,480.00
DANIEL BAUER	1125	11/09/2023	reviewed Titan m/u air unit - ...	205.44.6200.453.40040	170.00
HUEBSCH SERVICES	20269518	11/09/2023	lobby mats	205.44.6200.453.60065	389.01
HUEBSCH SERVICES	20269518	11/09/2023	lobby mats	205.44.6200.453.60065	97.26
TWIN SOURCE SUPPLY	507772	11/09/2023	squeegee	205.44.6200.453.60040	62.34
TWIN SOURCE SUPPLY	507772	11/09/2023	squeegee	205.44.6200.453.60040	62.34
MEDICINE LAKE TOURS	11/15/2023	11/16/2023	TIS trip payment for Dec Field ...	205.44.6200.453.50090	2,470.00
MN DEPT OF HEALTH	11/3/2023	11/16/2023	2024 VMCC operating license	205.44.6200.453.50070	560.00
MN DEPT OF HEALTH	11/3/2023	11/16/2023	2024 VMCC operating license	205.44.6200.453.50070	560.00
TWIN SOURCE SUPPLY	507888	11/16/2023	cleaning supplies	205.44.6200.453.60011	811.10
TWIN SOURCE SUPPLY	507888	11/16/2023	cleaning supplies	205.44.6200.453.60011	811.10
GRAINGER	9895357912	11/16/2023	repair kits	205.44.6200.453.60016	81.62
TOTAL MECHANICAL SERVICES...	S8307	11/16/2023	cooling tower review	205.44.6200.453.30700	360.00
INNOVATIVE OFFICE SOLUTIO...	SCN-123697	11/16/2023	office supplies	205.44.6200.453.60010	-48.00
INNOVATIVE OFFICE SOLUTIO...	SCN-123708	11/16/2023	office supplies	205.44.6200.453.60010	-115.49
MN DEPT OF REVENUE	October 2023	11/17/2023	Taxes	205.207.2070300	8,371.93
				Fund 205 - COMMUNITY CENTER-OPERATING FUND Total:	33,070.68
Fund: 206 - COMMUNITY CENTER-CAPITAL FUND					
TWIN CITY HARDWARE	PSC040221	08/04/2023	credit for West Rink door trim	206.44.6200.459.80200	-210.00
TWIN CITY HARDWARE	PSI2208343	11/09/2023	replace back door to East Rink	206.44.6200.459.80200	4,750.00
BRYAN SCHLUTER	New LED lighting	11/16/2023	LED lights replacement in rinks..	206.44.6200.459.80200	43,023.00
				Fund 206 - COMMUNITY CENTER-CAPITAL FUND Total:	47,563.00
Fund: 290 - EDA-OPERATING FUND					
KRUEGER REAL ESTATE ADVIS...	10/31/2023	11/16/2023	Monthly advisory services	290.45.3000.419.30700	7,800.00
				Fund 290 - EDA-OPERATING FUND Total:	7,800.00
Fund: 401 - PARK CAPITAL REPLACEMENT					
ST. PAUL PIONEER PRESS	1023572521	10/31/2023	Ad for Bid - Skyview 2401 Tenn..	401.44.5900.744.50035	124.22
ST. PAUL PIONEER PRESS	1023572521	10/31/2023	Ad for Bids - 2402 Oakwood T...	401.44.5900.744.50035	124.21
				Fund 401 - PARK CAPITAL REPLACEMENT Total:	248.43
Fund: 402 - PARK ACQUISITION & DEVELOPMENT FUND					
WSB & ASSOCIATES, INC.	R-020153-000-14	10/31/2023	HVP Phase IV svcs	402.44.6000.451.30700	6,117.25
WSB & ASSOCIATES, INC.	R-023629-000-1	10/31/2023	HVP Phase V services	402.44.6000.451.30700	1,218.75
PRO-TEC DESIGN INC.	111547	11/09/2023	card readers & cameras	402.44.6000.451.80200	9,940.55
RAMSEY COMPANIES	8/10/2023	11/09/2023	Fnl PV #2, Proj 2215 Vista Pine...	402.44.6000.451.80300	1,204.36
KIMLEY-HORN & ASSOCIATES, ...	26028610	11/16/2023	Vista Pines Trail Construction	402.44.6000.451.30700	760.42
				Fund 402 - PARK ACQUISITION & DEVELOPMENT FUND Total:	19,241.33
Fund: 440 - PAVEMENT MGMT-LOCAL STREETS					
BOLTON & MENK, INC.	323038	10/23/2023	Construction Services	440.74.5900.740.30300	1,342.00
WSB & ASSOCIATES, INC.	R-022621-000-6	10/29/2023	Construction Materials Testing	440.74.5900.740.30300	4,883.75
WSB & ASSOCIATES, INC.	R-022724-000-4	10/29/2023	Construction Material Testing	440.74.5900.740.30300	1,206.25

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
ST. PAUL PIONEER PRESS	1023572521	10/31/2023	Amend NoPH - 2023-09H	440.74.5900.740.50025	108.78
ST. PAUL PIONEER PRESS	1023572521	10/31/2023	City Project 202	440.74.5900.740.50025	446.88
KIMLEY-HORN & ASSOCIATES, ...	26168905	11/09/2023	Project mngmt and feasibility ...	440.74.5900.740.30300	9,461.25
KIMLEY-HORN & ASSOCIATES, ...	26028610	11/16/2023	Construction Services	440.74.5900.740.30300	1,941.25
Fund 440 - PAVEMENT MGMT-LOCAL STREETS Total:					19,390.16
Fund: 510 - WATER-OPERATING FUND					
PUMP AND METER SERVICE I...	1003451	10/22/2023	Generator Fuel Tank	510.50.7100.512.40042	4,065.50
CLAREY'S SAFETY EQUIPMENT	208158	10/28/2023	safety supplies	510.50.7100.512.40042	138.75
QUALITY FLOW SYSTEMS, INC.	45832	10/30/2023	Storm water pump	510.50.7100.512.40042	607.50
GOPHER STATE ONE-CALL	3100489	10/31/2023	locates	510.50.7100.512.30700	688.50
MN GLOVE & SAFETY, INC.	343746	10/31/2023	Gloves	510.50.7100.512.60016	74.92
LONE OAK COMPANIES	93402	10/31/2023	UT statement processing (50%)	510.50.7100.512.30700	655.62
UTILITY CONSULTANTS INC	118126	11/09/2023	Radium Testing	510.50.7100.512.30700	475.00
FERGUSON ENTERPRISES, LLC	249723	11/09/2023	locator repair	510.50.7100.512.40042	255.60
FERGUSON WATERWORKS	521146	11/09/2023	water main parts	510.50.7100.512.60016	4,843.93
EVERETT J. PRESCOTT, INC.	6246237	11/09/2023	Meter Parts	510.50.7100.512.75500	3,130.00
CORE & MAIN LP	T868211	11/09/2023	meters	510.50.7100.512.75500	13,248.37
CORE & MAIN LP	T878278	11/09/2023	meters	510.50.7100.512.75500	742.65
CORE & MAIN LP	T937040	11/16/2023	meters	510.50.7100.512.75500	1,338.21
HAWKINS, INC.	6625090	11/16/2023	WTP Chemicals	510.50.7100.512.60019	10.00
USABUEBOOK	11/7/2023	11/16/2023	WTP Supplies	510.50.7100.512.60016	105.20
UTILITY CONSULTANTS INC	117483	11/16/2023	Radium testing	510.50.7100.512.30700	532.35
GRAINGER	9896987170	11/16/2023	bagging hydrants	510.50.7100.512.60016	56.42
GRAINGER	9896987188	11/16/2023	bagging hydrants	510.50.7100.512.60016	169.26
MN DEPT OF REVENUE	October 2023	11/17/2023	Taxes	510.207.2070200	7,588.93
MN DEPT OF REVENUE	October 2023	11/17/2023	Taxes	510.207.2070300	116.29
Fund 510 - WATER-OPERATING FUND Total:					38,843.00
Fund: 511 - WATER-CAPITAL FUND					
WATER CONSERVATION SERV...	13586	11/09/2023	Water main leak detection	511.50.7100.512.40043	343.10
STANTEC CONSULTING SERVI...	2152942	11/09/2023	WTP Consulting	511.50.7100.512.30300	3,794.90
DALEY ELECTRIC, LLC	238073	11/09/2023	New VFD Well 3	511.50.7100.512.40043	8,406.00
Fund 511 - WATER-CAPITAL FUND Total:					12,544.00
Fund: 520 - SEWER-OPERATING FUND					
LONE OAK COMPANIES	93402	10/31/2023	UT statement processing (50%)	520.51.7200.514.30700	655.62
DALEY ELECTRIC, LLC	230849	11/09/2023	Lift Station Generator	520.51.7200.514.40042	710.50
GRAINGER	9903014331	11/16/2023	Lift station repair	520.51.7200.514.40043	631.25
METROPOLITAN COUNCIL	1164349	11/16/2023	Waste water	520.51.7200.514.40015	181,505.90
Fund 520 - SEWER-OPERATING FUND Total:					183,503.27
Fund: 521 - SEWER-CAPITAL FUND					
EQUIX INTEGRITY, INC.	10/25/2023	11/16/2023	Pay Voucher 1, Project 2023-...	521.51.7200.514.40043	100,960.85
Fund 521 - SEWER-CAPITAL FUND Total:					100,960.85
Fund: 530 - STORM WATER-OPERATING					
M & J SERVICES, LLC	2833	10/18/2023	CB repairs	530.74.5900.741.40066	4,680.00
ESS BROTHERS & SONS INC	DD8652	11/09/2023	Concrete patch for CB and Ma...	530.74.5900.741.40066	2,376.00
Fund 530 - STORM WATER-OPERATING Total:					7,056.00
Fund: 531 - STORM WATER-CAPITAL FUND					
EQUIX INTEGRITY, INC.	10/25/2023	11/16/2023	Pay Voucher 1, Project 2023-...	531.74.5900.741.40066	1,603.12
Fund 531 - STORM WATER-CAPITAL FUND Total:					1,603.12
Fund: 550 - INVER WOOD GOLF COURSE					
HERITAGE LANDSCAPE SUPPLY...	0012787153-001	09/28/2023	pesticide credit from EOP	550.52.8600.527.60035	-912.46
SECURITAS ELECTRONIC SECU...	7001359139	10/18/2023	Clubhouse alarm svc	550.52.8500.526.50055	283.78
TWIN CITY GARAGE DOOR	Z255529	10/19/2023	repairs building chain	550.52.8600.527.40040	302.00
YAMAHA GOLF & UTILITY, INC.	01-303380	11/16/2023	part for rental fleet	550.52.8400.525.40042	228.68
BIG TOP RENTAL, INC.	75539	10/31/2023	portable restrooms 10.2023	550.52.8600.527.40065	63.42
HERITAGE LANDSCAPE SUPPLY...	0012931235-001	11/09/2023	snow mold pesticide	550.52.8600.527.60035	13,573.13
HERITAGE LANDSCAPE SUPPLY...	0012931495-001	11/09/2023	golf course supplies spray dye	550.52.8600.527.60020	1,013.97
HARTMAN COMPANIES, INC.	13189	11/09/2023	bunker clean out	550.52.8600.527.50045	934.50
UNIFIRST CORPORATION	1410021222	11/09/2023	uniforms and towels	550.52.8600.527.60045	155.57

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
BIG TOP RENTAL, INC.	75538	11/09/2023	portable restrooms	550.52.8600.527.40065	160.69
TITLEIST	915859982	11/09/2023	hats for resale	550.52.8200.523.76200	92.77
ULTIMATE DRAIN SERVICES, I...	156628	11/16/2023	septic work	550.52.8500.526.40040	145.00
PLUMBING RESTORATION AN...	2025006	11/16/2023	replaced toilets with ADA toile...	550.52.8500.526.40040	2,350.00
SOUTH SUBURBAN RENTAL INC	403371	11/16/2023	rent compressor for blow out ...	550.52.8600.527.40065	172.31
WITTEK	INV121081	11/16/2023	golf cart part	550.52.8100.522.40042	129.74
MN DEPT OF REVENUE	October 2023	11/17/2023	Taxes	550.207.2070300	12,122.49

Fund 550 - INVER WOOD GOLF COURSE Total: 30,815.59

Fund: 603 - CENTRAL EQUIPMENT

INVER GROVE FORD	5336171	10/13/2023	AAC window bezel for Enginee...	603.00.5300.444.40041	664.13
UNIFIRST CORPORATION	1410017123	11/16/2023	CE Other rentals	603.00.5300.444.40065	175.71
UNIFIRST CORPORATION	1410017123	11/16/2023	CE uniforms	603.00.5300.444.60045	35.21
FERRELLGAS	1124580059	10/17/2023	Forklift 33lb gas cylinder	603.00.5300.444.40042	62.00
INVER GROVE FORD	5336283	10/17/2023	Unmarked squad car parts	603.00.5300.444.40041	119.60
INVER GROVE FORD	6401843	10/18/2023	Cut & program unmarked squ...	603.00.5300.444.40041	99.99
INVER GROVE FORD	5336387	10/19/2023	Squad car (#2023) parts	603.00.5300.444.40041	603.44
INVER GROVE FORD	5336388	10/19/2023	Squad car clamp	603.00.5300.444.40041	11.32
TRI-STATE BOBCAT INC.	P06271	10/19/2023	Air filter Toolcat	603.00.5300.444.40042	10.46
INVER GROVE FORD	5336492	10/23/2023	Unmarked squad car brake pa...	603.00.5300.444.40041	264.82
INVER GROVE FORD	5336542	10/24/2023	F550 pollen filter	603.00.5300.444.40041	21.47
INVER GROVE FORD	5336543	10/24/2023	Brake parts for Streets' F550	603.00.5300.444.40041	299.46
NUSS TRUCK AND EQUIPMENT	PSO049400-1	10/24/2023	Dump truck moulding	603.00.5300.444.40041	120.35
KIMBALL MIDWEST	101578440	10/25/2023	Shop supplies	603.00.5300.444.60012	185.08
SOUTH ST PAUL STEEL SUPPLY...	1169303	10/25/2023	metal tubing	603.00.5300.444.60012	425.00
TRI-STATE BOBCAT INC.	P06658	10/25/2023	Fuel cap for toolcat	603.00.5300.444.40042	10.91
KIMBALL MIDWEST	101582649	10/26/2023	Stock Plow bolts and nuts.	603.140.1450050	493.25
NORTH AMERICAN TRAILER S...	30004214791	11/16/2023	Dump truck battery cores	603.00.5300.444.40041	427.23
TOWMASTER TRAILERS INC	464380	11/16/2023	Dump truck chain wheel asse...	603.00.5300.444.40041	1,212.71
KIMBALL MIDWEST	101591064	10/30/2023	Shop cleaner	603.00.5300.444.60012	199.44
KIMBALL MIDWEST	101592147	10/30/2023	Shop Supplies	603.00.5300.444.60012	53.07
L.T.G. POWER EQUIPMENT	281575	11/16/2023	Control unit and spark plug for...	603.00.5300.444.40042	147.88
INVER GROVE FORD	5336793	10/30/2023	Control unit for F150	603.00.5300.444.40041	35.77
CENTENNIAL GLASS	I00013539	11/16/2023	Windshield for dump truck	603.00.5300.444.40041	125.00
MACQUEEN EMERGENCY GR...	P10016	10/30/2023	Fire truck proxy switches	603.00.5300.444.40041	217.41
MACQUEEN EMERGENCY GR...	P10021	10/30/2023	Fire truck LED lights	603.00.5300.444.40041	279.81
INVER GROVE FORD	5336825	10/31/2023	F150 wire assembly	603.00.5300.444.40041	71.99
MACQUEEN EMERGENCY GR...	W05566	10/31/2023	Fire truck emergency light iss...	603.00.5300.444.40041	319.24
EMERGENCY APPARATUS MA...	129666	11/09/2023	Fire Truck intake valve repairs	603.00.5300.444.40041	809.69
INVER GROVE FORD	6392632	11/09/2023	Squad car engine repair	603.00.5300.444.40041	409.42
TRI-STATE BOBCAT INC.	P07194	11/09/2023	Toolcat oil filter and fuel	603.00.5300.444.40042	128.17
TRI-STATE BOBCAT INC.	P07261	11/09/2023	Bobcat UTV light	603.00.5300.444.40042	42.48
TRI-STATE BOBCAT INC.	P07262	11/09/2023	Toolcat filter fuel	603.00.5300.444.40042	37.44
MACQUEEN EMERGENCY GR...	P10038	11/09/2023	Fire truck light parts	603.00.5300.444.40041	82.97
UNIFIRST CORPORATION	1410022872	11/16/2023	CE Other Rentals	603.00.5300.444.40065	156.76
UNIFIRST CORPORATION	1410022872	11/16/2023	CE uniforms	603.00.5300.444.60045	35.21
MANSFIELD OIL COMPANY	24723527	11/16/2023	Fuel	603.140.1450060	8,152.39
METRO JANITORIAL SUPPLY I...	11015934	11/16/2023	Roll Towels	603.00.5300.444.60012	368.75
EMERGENCY APPARATUS MA...	129662	11/16/2023	Fire truck discharge repairs	603.00.5300.444.40041	919.97
EMERGENCY APPARATUS MA...	129663	11/16/2023	Fire truck aerial hydraulic pres...	603.00.5300.444.40041	285.76
EMERGENCY APPARATUS MA...	129664	11/16/2023	Fire truck pressure gauge repa...	603.00.5300.444.40041	476.58
EMERGENCY APPARATUS MA...	129665	11/16/2023	Fire truck bumper and foam p...	603.00.5300.444.40041	1,032.87
UNIFIRST CORPORATION	1410021219	11/16/2023	Rentals - Central Equipment	603.00.5300.444.40065	137.62
UNIFIRST CORPORATION	1410021219	11/16/2023	Uniforms - Central Equipment	603.00.5300.444.60045	35.21
WORLD FUEL SERVICES	407762527251-41801	11/16/2023	Fire truck diesel exhaust fluid	603.00.5300.444.40041	198.05
WORLD FUEL SERVICES	407769817788-41801	11/16/2023	Stock oil	603.140.1450050	143.92
WORLD FUEL SERVICES	407772247967-41801	11/16/2023	Diesel exhaust fluid for dump ...	603.00.5300.444.40041	198.05
SNAP-ON INDUSTRIAL	ARV/59350714	11/16/2023	Small tools Scanner and impac...	603.00.5300.444.60040	3,145.45
CRYSTEEL TRUCK EQUIPMENT	FP193406	11/16/2023	Spring pin upgrade kit for F250	603.00.5300.444.40041	45.00
PRECISE MRM	IN001-1775877	11/16/2023	Dump Truck duty seal	603.00.5300.444.40041	772.42
NUSS TRUCK AND EQUIPMENT	PSO053419-1	11/16/2023	Windshield and moulding for ...	603.00.5300.444.40041	594.60

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
NUSS TRUCK AND EQUIPMENT	PSO053420-1	11/16/2023	Dump truck windshield & mou...	603.00.5300.444.40041	594.60
MN DEPT OF REVENUE	11/17/2023	11/17/2023	Monthly fuel tax 10.2023	603.00.5300.444.60021	121.13
UNIFIRST CORPORATION	1410018546	11/16/2023	Central Equipment other renta..	603.00.5300.444.40065	137.62
UNIFIRST CORPORATION	1410018546	11/16/2023	Central Equipment uniforms	603.00.5300.444.60045	35.21
Fund 603 - CENTRAL EQUIPMENT Total:					25,789.09

Fund: 605 - CITY FACILITIES

DANIEL BAUER	1080	10/15/2023	reviewed Fire dampers and re...	605.00.7500.460.40040	730.00
DANIEL BAUER	1088	10/15/2023	re-wired exhaust fans in main f..	605.00.7500.460.40040	455.00
DANIEL BAUER	1089	10/15/2023	install return vent for main fl u..	605.00.7500.460.40040	287.50
DANIEL BAUER	1090	10/15/2023	Upstairs elevator rm supply v...	605.00.7500.460.40040	1,170.00
B & B SHEETMETAL AND ROOF..	60969	11/16/2023	repaired roof leak above CC c...	605.00.7500.460.40040	718.10
MN DEPT OF LABOR & INDUS...	ABR0317530X	11/16/2023	annual boiler fee at FS #2	605.00.7500.460.40040	20.00
MN DEPT OF LABOR & INDUS...	ALR0153619X	11/16/2023	annual CH elevator operation	605.00.7500.460.40040	100.00
MN DEPT OF LABOR & INDUS...	ALR0154565X	11/16/2023	annual FS #2 elevator operati...	605.00.7500.460.40040	100.00
CULLIGAN	157985030228X103123	10/31/2023	softener salt	605.00.7500.460.60016	87.50
HUEBSCH SERVICES	20269517	11/09/2023	lobby mats	605.00.7500.460.40065	176.60
BRUCE NELSON PLUMBING A...	5820	11/09/2023	repair water heater at fire stat...	605.00.7500.460.40040	203.00
HILLYARD INC	700565402	11/16/2023	repair autoscrubber	605.00.7500.460.40042	199.72
HILLYARD INC	700565403	11/16/2023	R&M and replace squeegees-...	605.00.7500.460.40042	309.22
HILLYARD INC	700565404	11/16/2023	Floor scrubber repairs	605.00.7500.460.40042	133.00
BRYAN SCHLUTER	New LED lighting	11/16/2023	LED lts replcmt in storage bldg...	605.00.7500.460.80200	33,210.00
Fund 605 - CITY FACILITIES Total:					37,899.64

Fund: 606 - TECHNOLOGY FUND

CONSOLIDATED COMMUNICA...	10/15/2023	11/16/2023	11/08/2023 Phones	606.00.1400.413.50020	1,972.02
ZAYO GROUP, LLC	19968504	11/16/2023	Multi-site Phones 10.2023	606.00.1400.413.50020	1,456.49
VERIZON WIRELESS	9947612289	11/16/2023	Cell Phone monthly charges S...	606.00.1400.413.50020	600.17
US INTERNET	4123880	11/16/2023	Email filtering system monthly...	606.00.1400.413.50072	230.00
SPOK, INC.	G0317493W	11/16/2023	Monthly Translation Services ...	606.00.1400.413.50072	5.15
MARCO TECHNOLOGIES, LLC	35253235	11/16/2023	11/06/2023 Printers & Copiers	606.00.1400.413.40050	1,816.28
VERIZON WIRELESS	9942768737	11/16/2023	Cell phones monthly July-Aug ...	606.00.1400.413.50020	1,200.34
CDW GOVERNMENT INC	MX70370	11/16/2023	11/07/2023 Adapter & Charge...	606.00.1400.413.60040	165.75
Fund 606 - TECHNOLOGY FUND Total:					7,446.20

Fund: 702 - ESCROW FUND

K & C PROPERTY MANAGEME...	10/10/2023	10/10/2023	LOC Release	702.229.2291303	10,000.00
STANTEC CONSULTING SERVI...	2149825	10/30/2023	Construction observation serv...	702.229.2298003	9,252.54
ST. PAUL PIONEER PRESS	1023572521	10/31/2023	NoPH : Zubraev/ Buckly corne...	702.229.2309903	29.40
JOSHUA & HEATHER BECK	10/4/2023	11/09/2023	Escrow Release	702.229.2285703	1,121.67
KIMLEY-HORN & ASSOCIATES, ...	26028611	11/09/2023	Construction Observation	702.229.2288102	4,339.38
Fund 702 - ESCROW FUND Total:					24,742.99

Grand Total: 732,952.63



Request for Council Action

SUBJECT: **Personnel Actions**

MEETING DATE: November 27, 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 and therefore the attachment is not visible to the public prior to approval.

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 11.27.23



Request for Council Action

SUBJECT: **2024 Pay Plan for Full-Time and Benefits-Eligible Part-Time Non-Union Employees**

MEETING DATE: November 27, 2023

ITEM TYPE: Consent Agenda

CONTACT: Janet Shefchik, HR Manager, 651.450.2512
 Kris Wilson, City Administrator, 651.450.2511

ACTION REQUESTED

The Council is asked to approve the attached 2024 Pay Plan for Non-Union Employees in Full-time and Benefit-Eligible Part-Time Positions, with an effective date of January 1, 2024.

BACKGROUND

The attached 2024 pay plan for the City's non-union employees in full-time and benefit-eligible part-time positions reflects a 3% increase over the 2023 pay plan. This is consistent with the City's six union contracts which were previously settled and include a 3% pay increase for all union positions, effective January 1, 2024.

The attached pay plan also includes the new position of Utility Billing Coordinator, which is recommended for placement in Grade 18, as well as a correction to the FLSA status of the position of Graduate Civil Engineer. This position was mistakenly listed as non-exempt (hourly) in the last version brought forward for Council approval, but it would appropriately be classified as exempt (salaried).

FISCAL IMPACT

Funds to cover the wage increases are included in the proposed General Fund budget for 2024, which anticipated a 3% cost of living increase for all employees.

RECOMMENDATION

Staff recommends approval of the attached 2024 Pay Plan for Non-Union Employees in Full-Time and Benefits-Eligible Part-Time Positions, with an effective date of January 1, 2024.

ATTACHMENTS

1. 2024 Pay Plan for Non-Union Positions

City of Inver Grove Heights Job Ratings – Salary Grade & Exempt Status

Classification Title:	Salary Grade	Exempt Status	Union	Classification Title:	Salary Grade	Exempt Status	Union
City Administrator	31	E	None	Mechanic Lead Worker	16	NE	IUOE-70
Chief of Police	28	E	None	Park Maintenance Coordinator	16	NE	IUOE-70
Director of Public Works	27	E	None	Recreation Coordinator	16	NE	AFSCME
Director of Parks & Recreation	27	E	None	Support Services Supervisor	16	E	None
Fire Chief	27	E	None	Assist. Golf Course Superintendent	15	E	None
Director of Community Development	27	E	None	Engineering Technician	15	NE	AFSCME
Director of Finance	27	E	None	Environmental Resources Tech.	15	NE	AFSCME
Deputy Fire Chief	24	E	None	GIS Specialist	15	NE	AFSCME
Police Commander	24	E	LELS-540	Human Resources Coordinator	15	NE	None
Human Resources Manager	24	E	None	Code Compliance Coordinator	15	NE	AFSCME
City Engineer	24	E	None	Water Plant Operator	15	NE	IUOE-49
Technology Manager	23	E	None	Accounting Technician, Sr.	14	NE	AFSCME
Police Lieutenant	22	E	LELS-540	GIS Tech II	14	NE	AFSCME
Assistant Finance Director	22	E	None	Golf Course Mechanic	14	NE	None
Assistant Chief/Fire Marshal	22	E	None	IT Specialist	14	NE	AFSCME
Chief Building Official	22	E	None	Mechanic	14	NE	IUOE-70
Assistant City Engineer (P.E.)	21	E	None	Communications Specialist	13	NE	AFSCME
City Planner	21	E	None	Deputy City Clerk	13	NE	AFSCME
Parks Superintendent	21	E	None	Street Maintenance Lead Worker	13	NE	IUOE-70
Communications Manager	21	E	None	Utilities Lead Worker	13	NE	IUOE-49
Recreation Superintendent	21	E	None	Accounting Technician	12	NE	AFSCME
Shift Captain – Fire	21	NE	IAFF	Administrative Specialist	12	NE	AFSCME
Street Maintenance Superintendent	21	E	None	Community Develop. Support Spec.	12	NE	AFSCME
Utilities Superintendent	21	E	None	Engineering Support Specialist	12	NE	AFSCME
Golf Course Clubhouse Superintendent	20	E	None	Public Works Support Specialist	12	NE	AFSCME
Sergeant	20	NE	LELS-189	Records Specialist	12	NE	AFSCME
City Clerk	19	E	None	Sign Worker – Street Maintenance	12	NE	IUOE-70
Golf Course Superintendent	19	E	None	Assistant to Chief Building Official	11	NE	AFSCME
Shift Lieutenant - Fire	19	NE	IAFF	Sr. Office Support	11	NE	AFSCME
Associate Planner	18	NE	AFSCME	Recreation Specialist	11	NE	AFSCME
Fire Operations Supervisor	18	E	None	Evidence Technician	10	NE	AFSCME
Guest Services Supervisor	18	E	None	GIS Tech I	10	NE	AFSCME
Operations & Maintenance Supervisor	18	E	None	Office Support II	10	NE	AFSCME
Senior Accountant	18	NE	AFSCME	City Facilities Maintenance Worker	10	NE	IUOE-70
Systems Administrator	18	E	None	Parks Maintenance Worker	10	NE	IUOE-70
Utility Billing Coordinator	18	NE	AFSCME	Street Maintenance Worker	10	NE	IUOE-70
Aquatics Coordinator	17	NE	AFSCME	Utility Maintenance Worker	10	NE	IUOE-49
Firefighter/Fire Inspector	17	NE	IAFF	VMCC Maintenance Worker	10	NE	IUOE-70
Fitness Coordinator	17	NE	AFSCME	Custodian II	9	NE	AFSCME
Graduate Civil Engineer	17	E	None	Lead Customer Service Specialist	9	NE	AFSCME
Police Officer	17	NE	LELS-84	Office Support	9	NE	AFSCME
Senior Engineering Technician	17	NE	AFSCME	VMCC Operations Worker	9	NE	AFSCME
Senior Combination Inspector (Bldg.)	17	NE	AFSCME	Customer Service Specialist	8	NE	AFSCME
Accountant/Wage and Benefits Coord.	16	NE	AFSCME	Golf Course Technician	4	NE	None
Assistant Planner	16	NE	AFSCME	Police Cadet	3	NE	None
Environmental Specialist	16	NE	AFSCME	Golf Course Cashier	2	NE	AFSCME
Combination Inspector (Bldg.)	16	NE	AFSCME	Note: Pay is negotiated for union positions/Grades. Changes since last update marked in red. Table last updated as of:			
Firefighter	16	NE	IAFF				
Golf Operations Coordinator	16	E	None				

11/27/23

CITY OF INVER GROVE HEIGHTS

Proposed 2024 Salary Ranges [Non-Union]

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
32	\$84.42									\$107.25
31	\$79.73									\$101.32
30	\$75.41	\$77.59	\$79.78	\$81.98	\$84.16	\$86.34	\$88.54	\$90.71	\$92.91	\$95.82
29	\$71.42	\$73.50	\$75.56	\$77.63	\$79.71	\$81.78	\$83.85	\$85.92	\$88.00	\$90.75
28	\$67.68	\$69.66	\$71.62	\$73.58	\$75.55	\$77.51	\$79.47	\$81.43	\$83.40	\$86.01
27	\$64.28	\$66.14	\$68.00	\$69.86	\$71.74	\$73.59	\$75.48	\$77.34	\$79.19	\$81.68
26	\$61.10	\$62.87	\$64.65	\$66.41	\$68.21	\$69.97	\$71.74	\$73.51	\$75.27	\$77.63
25	\$58.13	\$59.82	\$61.50	\$63.20	\$64.88	\$66.57	\$68.26	\$69.95	\$71.64	\$73.87
24	\$55.42	\$57.04	\$58.64	\$60.24	\$61.85	\$63.47	\$65.08	\$66.68	\$68.29	\$70.43
23	\$52.88	\$54.43	\$55.96	\$57.48	\$59.02	\$60.56	\$62.09	\$63.62	\$65.16	\$67.19
22	\$50.55	\$52.02	\$53.47	\$54.94	\$56.40	\$57.89	\$59.35	\$60.81	\$62.28	\$64.21
21	\$48.39	\$49.80	\$51.19	\$52.60	\$54.01	\$55.40	\$56.81	\$58.23	\$59.62	\$61.49
20	\$46.40	\$47.73	\$49.08	\$50.43	\$51.78	\$53.14	\$54.48	\$55.84	\$57.17	\$58.95
19	\$44.54	\$45.82	\$47.12	\$48.41	\$49.71	\$51.00	\$52.29	\$53.59	\$54.87	\$56.59
18	\$41.94	\$43.17	\$44.38	\$45.60	\$46.81	\$48.02	\$49.24	\$50.46	\$51.68	\$52.89
17	\$39.79	\$40.94	\$42.10	\$43.25	\$44.40	\$45.57	\$46.71	\$47.86	\$49.02	\$50.18
16	\$37.81	\$38.89	\$39.98	\$41.10	\$42.19	\$43.30	\$44.38	\$45.48	\$46.57	\$47.68
15	\$35.97	\$37.01	\$38.05	\$39.10	\$40.14	\$41.19	\$42.22	\$43.27	\$44.31	\$45.35
14	\$34.27	\$35.27	\$36.26	\$37.26	\$38.24	\$39.23	\$40.23	\$41.22	\$42.21	\$43.21
13	\$32.70	\$33.65	\$34.61	\$35.57	\$36.50	\$37.45	\$38.40	\$39.37	\$40.30	\$41.25
12	\$31.22	\$32.14	\$33.04	\$33.93	\$34.84	\$35.75	\$36.66	\$37.56	\$38.46	\$39.39
11	\$29.88	\$30.75	\$31.61	\$32.50	\$33.35	\$34.22	\$35.08	\$35.96	\$36.81	\$37.69
10	\$28.64	\$29.48	\$30.30	\$31.13	\$31.95	\$32.78	\$33.63	\$34.45	\$35.29	\$36.12
9	\$27.47	\$28.28	\$29.08	\$29.87	\$30.66	\$31.46	\$32.26	\$33.05	\$33.86	\$34.65
8	\$26.41	\$27.17	\$27.94	\$28.72	\$29.49	\$30.25	\$31.00	\$31.78	\$32.55	\$33.31
7	\$25.42	\$26.15	\$26.90	\$27.63	\$28.37	\$29.12	\$29.84	\$30.58	\$31.33	\$32.06
6	\$24.50	\$25.21	\$25.93	\$26.63	\$27.36	\$28.06	\$28.77	\$29.49	\$30.19	\$30.91
5	\$23.65	\$24.34	\$25.02	\$25.71	\$26.39	\$27.09	\$27.77	\$28.46	\$29.15	\$29.83
4	\$22.84	\$23.49	\$24.16	\$24.83	\$25.48	\$26.15	\$26.81	\$27.49	\$28.13	\$28.81
3	\$22.13	\$22.77	\$23.41	\$24.07	\$24.69	\$25.34	\$25.98	\$26.63	\$27.26	\$27.91
2	\$21.47	\$22.08	\$22.70	\$23.33	\$23.95	\$24.57	\$25.20	\$25.81	\$26.44	\$27.07



Request for Council Action

SUBJECT: **2024 Pay Plan for Seasonal, Temporary, On-Call and Non-Regular Status Employees**

MEETING DATE: November 27, 2023

ITEM TYPE: Consent Agenda

CONTACT: Janet Shefchik, HR Manager, 651.450.2512
 Cora Bauer, HR Coordinator, 651.450.2490

ACTION REQUESTED

The Council is asked to approve the attached 2024 Pay Plan for Seasonal, Temporary, On-Call, and Non-Regular Status Employees.

BACKGROUND

The City employs approximately 400 to 500 seasonal, temporary, on-call, and non-regular status employees each year. These employees are excluded from union representation under State Statute MN 179A.03 Subd. 14. As such, their positions are not part of the City's regular compensation/pay equity plan.

The pay rates for these positions are reviewed annually to ensure compliance with minimum wage laws. Input is also solicited from department and division heads regarding budgetary impacts, market pay/competitiveness, and staffing challenges. A final review is then conducted by Human Resources to ensure equity across departments, before the proposed plan is brought forward for Council approval.

FISCAL IMPACT

The wage amounts on the attached plan reflect a 3% increase for 2024, which is consistent with the increase agreed to in the City's union contracts and proposed for full-time, non-union employees. Sufficient funding for these wage amounts is included in the proposed 2024 budget.

RECOMMENDATION

Staff recommends approval of the attached 2024 Pay Plan for Seasonal, Temporary, On-Call and Non-Regular Status Employees.

ATTACHMENTS

1. 2024 Pay Plan for Temporary, Seasonal and Non-Regular Employees



2024 Seasonal, Temporary, On-Call and Non-Regular Status Employees Pay Plan

Position	Dept./Division	Step									
Tier 1		1	2	3	4	5	6	7	8	9	10
		\$ 11.85	\$ 12.62	\$ 13.39	\$ 14.17	\$ 14.94	\$ 15.71	\$ 16.48	\$ 17.26	\$ 18.03	\$ 18.80
Assistant Youth Camp Counselor	VMCC - Kids ROCK										
Birthday Party Host	VMCC - Guest Service										
Outside Services	Golf Course										
Pool Attendant	VMCC - Aquatics										
Ranger/Starter	Golf Course										
Recreation Assistant	Recreation										
Skating Rink Attendant (outdoor)	Recreation										
Special Events Attendant	Recreation										
Tier 2		1	2	3	4	5	6	7	8	9	10
		\$ 12.88	\$ 13.65	\$ 14.42	\$ 15.20	\$ 15.97	\$ 16.74	\$ 17.51	\$ 18.29	\$ 19.06	\$ 19.83
Child Care Worker	VMCC- Guest Services										
Facility Park Supervisor	Parks										
Fitness Attendant	VMCC - Fitness										
Golf Course Concessionaire	Golf Course										
Gym/Facility Attendant	VMCC- Guest Services										
Lifeguard	VMCC - Aquatics										
Non-Certified Swim Instructor	VMCC - Aquatics										
Open Skate Guard (indoor)	VMCC- Guest Services										
Recreation Instructor I	Recreation										
Ticket Seller/Taker	VMCC- Guest Services										
Tier 3		1	2	3	4	5	6	7	8	9	10
		\$ 14.17	\$ 15.20	\$ 16.23	\$ 17.26	\$ 18.29	\$ 19.32	\$ 20.35	\$ 21.38	\$ 22.41	\$ 23.44
Certified Swim Instructor (WSI)	VMCC - Aquatics										
Golf Maintenance Helper	Golf Course										
Guest Service Worker	VMCC - Guest Service										
Lead Youth Camp Counselor	VMCC - Kids ROCK										
On-Call Clerk	Finance										
Operations and Maint. Assistant	VMCC - Operations										
Park Maintenance Helper	Parks										
Recording Secretary	Administration										
Recreation Instructor II	Recreation										
Recreation Leader	Recreation										
Street Maintenance Helper	PW - Streets										
Utility Maintenance Helper	PW - Utilities										
VMCC Operations Helper	VMCC - Operations										
Tier 4		1	2	3	4	5	6	7	8	9	10
		\$15.20	\$16.23	\$17.26	\$18.29	\$19.32	\$20.35	\$21.38	\$22.41	\$23.44	\$24.47
Aquatics Manager	VMCC - Aquatics										
Intern (Undergraduate)	Various										
Program Assistant	Various										
Recreation Official	Recreation										
Tier 5		1	2	3	4	5	6	7	8	9	10
		\$ 21.38	\$ 22.66	\$ 23.95	\$ 25.24	\$ 26.53	\$ 27.81	\$ 29.10	\$ 30.39	\$ 31.68	\$ 32.96
Fitness Instructor - Group Fitness	VMCC - Fitness										
Instructor Trainer	VMCC - Aquatics										
Intern (Masters)	Various										
Manager on Duty	VMCC - Guest Service										
Tier 6		1	2	3	4	5	6	7	8	9	10
		\$ 25.24	\$ 26.78	\$ 28.33	\$ 29.87	\$ 31.42	\$ 32.96	\$ 34.51	\$ 36.05	\$ 37.60	\$ 39.14
Fitness Instructor - PT	VMCC - Fitness										
Fitness Instructor - Specialty	VMCC - Fitness										
Rec Instructor - Specialty	Recreation										

Non-Tiered			
Election Judge	Admin	\$12.88	
Head Election Judge	Admin	\$15.19	
Absentee Voting Specialist	Admin	\$17.51	
Election Specialist	Admin	\$21.37	
Paid On-call Firefighter	Fire	\$15.45	\$17.00
Fire Academy Instructor	Fire	\$17.00	\$19.31

Supervisor has the discretion to start a new employee in Steps based on previous experience, job market, and department needs, and move Steps based on performance (performance evaluation forms are not required to be completed for Seasonal/Temporary employees).

Modifications to this plan may be made during the year to ensure market viability, etc., as approved by the City Administrator and implemented by H.R. Steps for future pay plans may receive a COLA increase based on market demands as a part of the annual budget process and changes in the minimum wage.



Request for Council Action

SUBJECT: **Adoption of Paid Time Off Policy to Comply with State Earned Sick and Safe Leave Law**

MEETING DATE: November 27, 2023
ITEM TYPE: Consent Agenda
CONTACT: Kris Wilson, City Administrator, 651.450.2511

ACTION REQUESTED

The Council is asked to adopt the attached policy, extending a paid time off benefit to certain employees in order to comply with the state's new Earned Sick and Safe Leave law.

BACKGROUND

During the 2023 legislative session, the State of Minnesota enacted a law requiring all employers to provide employees with at least one hour of paid leave for every 30 hours worked. The City currently provides paid vacation and sick or personal leave to all full-time employees and many part-time employees who work a regular schedule of 20 hours per week or more. Temporary, seasonal and part-time employees who work less than 20 hours per week are not currently earning any paid time off, but will need to starting January 1 in order for the City to comply with this new state law.

The attached policy has been prepared to outline the terms and conditions of this new PTO benefit. The proposed policy meets all of the state's requirements and exceeds them in two ways:

1. The state law lists specific allowable uses of the leave, related to illness or medical conditions for the employee or family member, absences due to weather or school closures, and time off for certain court or legal proceedings. As drafted, the City policy would go beyond this and simply provide paid time off - without requiring a specific reason or justification. Staff is recommending this because it will allow supervisors not to have to dissect the details of why someone is requesting time-off, which can be intrusive to the employee and additional work load for the supervisor. As it stands, employees eligible for this program will be earning a very modest amount of paid time off compared to our full-time employees, and the allowable uses are already very broad as mandated by the state. Implementing a straight forward PTO program, for employee use as their life demands warrant, is recommended as a reasonable approach for both employees and supervisors.
2. The state law does not require employers to pay out unused leave time when an employee departs, however the proposed City policy would. This is our standard practice for employees that currently earn paid time off. Additionally, it removes the incentive for employees to use their accrued leave just for the sake of using it up, which is disruptive to staffing levels and program delivery.

FISCAL IMPACT

This benefit will have a fiscal impact, but it is expected that it can be accommodated within the proposed 2024 budget. Once implemented, the City's payroll records will allow for accurate tracking of the use and costs of this benefit.

RECOMMENDATION

Staff recommends adoption of the attached policy.

ATTACHMENTS

1. Paid Time Off Policy for Temporary, Seasonal and Certain Part-Time Employees

City of Inver Grove Heights, MN

Administrative Policy on Paid Time Off (PTO) Benefit for Certain Part-Time, Temporary and Seasonal Employees

Effective January 1, 2024

Eligibility for PTO

All city employees who are not eligible for paid vacation, sick or personal leave under the terms of the City's Personnel Policies, found in Title 1, Chapter 6, Article A of the Inver Grove Heights City Code, or under the terms of a valid collective bargaining agreement, shall be eligible for Paid Time Off (PTO) as described in this policy, with the exception of paid-on-call firefighters. A Fire Department-specific policy governs the provision and administration of PTO benefits for paid-on-call firefighters. For the purposes of this policy, elected officials are not considered employees and therefore shall not be eligible for this PTO benefit.

This PTO leave meets the City's obligations under the State of Minnesota's Earned Sick and Safe Time (ESST) law adopted during the 2023 legislative session and shall be provided and administered as described below.

Accrual of PTO

Employees shall earn the equivalent of 1 hour of PTO for each 30 hours worked. Earned PTO shall be credited to the employee's PTO bank at the end of each pay period via the payroll process, based on the employee's total hours worked in that pay period.

PTO used in a pay period shall not count as hours worked for the purpose of accumulating additional PTO.

Seasonal election workers, including election judges, shall begin to accrue PTO only after completing 80 hours of work in a calendar year. All other employees eligible for PTO shall begin to accrue PTO immediately upon hire.

An individual employee may have no more than 80 hours of accrued PTO at any one time. Once an employee's PTO bank reaches 80 hours of accrued time, no additional time shall be accrued until the balance of the bank is brought below 80 hours.

Use of PTO

Employees may use accrued PTO to be absent with pay from all or part of a scheduled work shift for the purpose of: (1) their own physical or mental illness, treatment or preventive care or that of a family member; (2) for absence due to domestic abuse, sexual assault or stalking of the employee or a family member; (3) for closure of the employee's workplace due to weather or public emergency or closure of a family member's school or care facility due to weather or public

emergency; (4) when determined by a health authority or health care professional that the employee or a family member is at risk of infecting others with a communicable disease; and (5) for rest, relaxation or other personal needs.

Employees shall submit a request to use PTO to their supervisor in the manner prescribed for their work group. When the purpose of the leave is rest and relaxation or when leave for another purpose is reasonably foreseeable, employees shall submit their request for leave at least 7 calendar days in advance. Requests for the use of PTO that are not reasonably foreseeable shall be submitted as soon as practicable and must be submitted prior to the start of the employee's scheduled work shift. If an urgent or emergency need for leave arises during an employee's work shift, the employee must notify their supervisor of the need to leave prior to departing from a shift.

PTO may be used in increments of no less than 0.25 hours (15 minutes). PTO may not be used prior to accrual. PTO may only be used to be absent with pay from a scheduled work shift and may not be requested or entered on a timesheet for dates or times the employee was not scheduled to work. PTO may not be used in a manner that generates an obligation for the City to pay overtime for that day to the individual using PTO.

Treatment of Accrued PTO at Time of Separation

When an individual separates employment with the City for any reason, employees may elect to have their unused PTO leave paid out to them in an amount equal to their hourly rate of pay at the time of separation times the number of accrued, but unused, PTO hours. Employees who do not elect to have their unused leave paid out to them and subsequently return to employment with the City within 180 days shall have their previous PTO balance reinstated as of the date of return.



Request for Council Action

**SUBJECT: Amendment to Public Purpose Expenditure Policy
Regarding Employee Recognition**

MEETING DATE: November 27, 2023
ITEM TYPE: Consent Agenda
CONTACT: Kris Wilson, City Administrator, 651.450.2511

ACTION REQUESTED

The Council is asked to approve an amendment to the Public Purpose Expenditure Policy for Employee Meetings, Events and Professional Memberships.

BACKGROUND

Based on statutory regulations and the findings of the State Auditor, it is considered best practice for municipalities to have a written, Council-approved policy authorizing when public funds may be spent and the purpose for such expenditures, particularly when it comes to expenditures for food and beverages and employee events and recognition. The City of Inver Grove Heights has such a policy, which has been updated and amended at various times over the years, most recently in May of 2022.

The Council is now asked to adopt an amended version of the policy to allow for changes to the City's practice of recognizing employees reaching milestone years of service. The proposed revisions are shown in red on the attached.

The City's current policy states that employees reaching 5, 10, 15, and 20 years of service will receive an engraved or printed item of recognition thanking them for their dedicated years of service to the community. Meanwhile, employees reaching 25, 30 and above years of service will receive a commemorative gift thanking them for their additional dedicated years of service to the community. While the policy does not specifically state it, the practice has been for the "commemorative gift" to be a gift card to a business of the employee's choice.

The City must change this practice for this year and moving forward because of newly clarified regulations from the State Auditor's office making it clear that cities may not purchase gift cards with public funds. This applies to any purchase of gift cards by cities - for employee recognition, for prizes associated with community events like Holiday in the Heights, etc.

Knowing that we need to provide something other than a gift card moving forward, staff researched what some other neighboring cities provide for employees reaching milestone years of service and found them to be providing simple cash awards (technically not "cash" - but one-time money added to an employee's paycheck) rather than a plaque, paperweight or similar engraved item. Neighboring cities are also doing so starting at an earlier milestone than IGH has been.

Based on staff's research and discussion, the following recognition program is being recommended

as a replacement for what has previously been provided:

5 years of service = \$50
10 years of service = \$75
15 years of service = \$100
20 years of service = \$125
25 years of service = \$150
30 years of service = \$175
35 years of service = \$200
40 years of service = \$225

As one might expect, the City has a good number of employees reaching the lower milestones, while completion of 30, 35 or 40 years of service with the City is a rare event. The above dollar amounts are identical to what the City of South St. Paul provides and very similar to what the City of Rosemount provides. Those cities' policies are attached for Council's information. (Note South St. Paul's 2022 policy still references gift cards, but they are likely to be making a similar change given the recent State Auditor's guidance.)

FISCAL IMPACT

The number of employees reaching certain milestones can vary quiet a bit from year, but if every employee with the City today stays for the next three years, the above recommended program is estimated to cost the City an additional \$8,000 total, over those three years, compared to what would be spent under the current structure.

RECOMMENDATION

I recommend approval of the attached policy, as amended.

ATTACHMENTS

1. Public Expenditure Policy (with Nov 2023 Proposed Revisions)
2. SSP Employee Service Recognition Program Policy
3. Rosemount Employee Recognition Program

**CITY OF INVER GROVE HEIGHTS, MINNESOTA
PUBLIC EXPENDITURE POLICY FOR EMPLOYEE MEETINGS,
EVENTS AND PROFESSIONAL MEMBERSHIPS**

I. PURPOSE

The purpose of this policy is to describe the policies of the City in regard to public expenditures for certain employee functions, events, and professional memberships.

II. POLICY

The City requires that all expenditures have a valid public purpose and be made based on specific or implied authority for the expenditure found in state statutes, including Minn. Stat. Sec. 15.46

III. AUTHORIZED EXPENDITURES

A. Preventative Health and Employee Recognition per Minn. Stat. Sec. 15.46

The City of Inver Grove Heights recognizes the hard work and service performed by its employees through an Employee Recognition Program. The City believes the benefits of attracting, retaining and motivating employees through an Employee Recognition Program supports employee job satisfaction, which in turn influences customer service and productivity.

The Employee Recognition Program shall consist of three parts - (1) Service Milestone recognition for those employees reaching particular years of service (5, 10, 15, 20, etc.), (2) general Employee Appreciate events; and (3) Retirement Recognitions.

Expenditures are also authorized for volunteer recognition and employee wellness activities.

All are entirely dependent on year-to-year funding. No provision of this policy or its administration shall be subject to review under the grievance or arbitration provisions of any collective bargaining agreement.

1) Service Milestone Program

Employees completing the following milestone years of service shall receive a cash award in the following amounts. Awards shall be paid through the payroll process and subject to such tax withholdings as required by state or federal law.

5 years of service = \$50

10 years of service = \$75

15 years of service = \$100

20 years of service = \$125

25 years of service = \$150

30 years of service = \$175

35 years of service = \$200

40 years of service = \$225

- ~~• Employees reaching 5, 10, 15, and 20 years of service will receive an engraved or printed item of recognition thanking them for their dedicated years of service to the community.~~
- ~~• Employees reaching 25, 30 and above years of service will receive a commemorative gift thanking them for their additional dedicated years of service to the community. Certain gifts such as those with a cash value may be a taxable event for the employee, as determined by the Finance Department.~~
- Annually, the City may sponsor an Employee Recognition Program ~~Day~~ at which employees reaching the work milestones indicated d above will be recognized.

2.) Employee Appreciation Events

The City may organize occasional Employee Appreciation events, not to exceed four per year, to support employee morale and build positive relationships between employees of different departments. Such events shall generally take place on City property, during or adjacent to the normal workday and be open to all employees. Examples might include a summer employee picnic over the lunch hour or a pancake breakfast during the winter holiday season. The City Administrator shall be responsible for ensuring that such events are modest, appropriate, and respectful of taxpayer funds; do not unduly interrupt the delivery of public services and remain within funds budgeted for this purpose.

3.) Retirement Recognition

When an employee has given notice of their intent to retire, a department may coordinate a gathering to recognize that employee's service to the organization. To be consistent, departments should limit the expenses for the food, beverages and mementos to \$250 per retiree, or an amount as annually determined by Administration.

4.) Volunteer Recognition

The City may sponsor annual events to recognize volunteers and members of City Commissions for their service to the community and the City.

5.) Employee Wellness Program

The City may sponsor other events such as certain Employee Wellness or Health Fair Events that are in keeping with the stated goals of the Wellness Committee and its programming, as allowed under Minn. Stat. §15.46.

B. Meeting Food, Beverages and Meals

The City recognizes that situations in which City business needs to be discussed, can and do occur during meal hours (i.e. special City Council meetings). In addition, there are public and employee meetings and events in which reasonable refreshments may add to the success of the meeting and/or event and create a more productive work force. The following items are deemed to meet the Council definition of public purpose expenditures regarding food, beverages, and meals.

Meals and refreshments are allowed at City meetings and events that have a purpose of discussing City issues. These meetings would normally have a pre-planned agenda or purpose. Meals and refreshments are allowed when they are part of a breakfast/lunch/dinner meeting for official City business when it is the only practical time to meet. Usually these meals involve meeting with City Council members or Committee/Commission members during official meetings of the City Council, council committees, advisory boards/commissions, and task forces. However, they may occasionally be for employee meetings, when working through a meal period is found to be conducive to the effective and efficient conduct of City business.

Travel expenses for employees are outlined in the City of Inver Grove Heights' Administrative Code.

No purchase of alcoholic beverages is allowed.

C. Memberships and Dues

The City will fund membership fees and dues in professional organizations that serve to advance the knowledge and skills of employees in their field, as such professional growth and development allows for improved operations and better service to the public. The City may also fund membership fees and dues in community organizations, where such membership allows the City to share information and build productive working relationships with community residents, businesses, and organizations. All membership fees and dues must be approved in advance by the appropriate Department Head or the City Administrator and must fall within the budgeted resources for that purpose.

EMPLOYEE SERVICE RECOGNITION PROGRAM

SCOPE

Execute an Employee Service Recognition Program to recognize employee service and assist in employee retention strategies.

PURPOSE

The City of South St. Paul will recognize the service of its employees through the Employee Service Recognition Program which provides an annual employee appreciation luncheon and individual employee service awards based on years of service. This policy is intended to maintain a consistent practice for the type and amount of each service award and employee appreciation program.

DEFINITIONS

Employee Appreciation Program: Annual all-employee appreciation program which will include an employee luncheon, games, and door prizes.

Service Awards: Certificate of service and service award in the form of a gift card for specified amount based on length of service.

Length of Service: Length of service is defined as the total amount of continuous years of service that an employee has been employed with the City of South St. Paul in a regular part-time (20 hours or more) or a full-time position. Length of service does not include service time worked in a part-time (less than 20 hours per week), seasonal, temporary, or variable hour position.

POLICY

Eligibility for Service Awards. Service awards are given for length of service at regular intervals defined by this policy. Employees will receive the first service award after five years of service and will continue to receive awards every five years thereafter. Length of service is defined as the total amount of continuous years of service that an employee has with the City of South St. Paul in a regular part-time (20 hours or more) or full-time position.

Employee Appreciation Program. If budgetarily approved, the City will host an annual employee appreciation luncheon which shall be open to all employees. At the luncheon the City Council, City Administrator, and/or other staff representatives will recognize those employees who have reached service milestones.

General Guidelines:

Service Award Certificates and Service Awards shall be presented to employees at the annual Employee Appreciation Program, provided the employee is a current and active employee of the City. Employees are eligible for service awards based on length of service, in five-year increments. Eligible employees with length of service of 10 years or less shall receive a gift card to a South St. Paul establishment of their choice, provided they offer gift cards. Employees with length of service of 15 or more years shall receive a gift card to a South St. Paul establishment of their choice, provided they offer gift cards, OR a Visa/MC gift card to use wherever the gift card is accepted.

Service Awards, based on length of continuous service are as follows:

- | | | | |
|------------------------|----------|-------------------------|----------|
| • 5 years of service: | \$50.00 | • 25 years of service: | \$150.00 |
| • 10 years of service: | \$75.00 | • 30 years of service: | \$175.00 |
| • 15 years of service: | \$100.00 | • 35 years of service: | \$200.00 |
| • 20 years of service: | \$125.00 | • 40+ years of service: | \$225.00 |

PROCESS

The Human Resources budget will include funds for the Employee Service Recognition Program. The City Council will review and have the option to approve, deny, or amend the budgetary dollars for this program.

Human Resource personnel, along with the assistance of the Wellness Committee shall be responsible for the planning and coordination of the Employee Service Recognition Program.

CITY OF ROSEMOUNT

POLICY TITLE: **PUBLIC PURPOSE EXPENDITURE POLICY**

EFFECTIVE DATE: **MARCH 18, 2009**

POLICY NUMBER: **A-6**

PROPOSED BY: **ADMINISTRATION**

DATE APPROVED BY
CITY COUNCIL: **MARCH 18, 2009**

POLICY

Pursuant to the statutes and laws of the State of Minnesota which permit, and require the expenditure of public funds for public purposes, the Rosemount City Council believes it necessary and appropriate to provide assistance and guidance to the officials, employees and representatives of Rosemount to aid in the determination of when public funds may be spent for a public purpose.

To provide that assistance and guidance, the Rosemount City Council adopted these public purpose guidelines for the establishment of operating policies and procedures and the appropriate expenditures of public funds. Based on these guidelines, the City Council authorizes the City Administrator, elected officials and appointed department heads to establish administrative policies and procedures that are consistent with these guidelines and the adopted City policies that implement these guidelines.

Definition: A public purpose expenditure is one that relates to the purpose for which the City of Rosemount exists and the duties and responsibilities of Rosemount, its elected and appointed officials, employees and other representatives.

PUBLIC PURPOSE GUIDELINES

1. Training and development programs for Rosemount employees and its official representatives serve a public purpose when those training and development programs are directly related to the performance of the employees' and the officials' job-related duties and are directly related to the programs/services for which the City is responsible.
2. Payment of employee work-related expenses, including travel, lodging and meal expenses, serves a public purpose when those expenses are necessarily incurred by Rosemount employees and its official representatives in connection with their actual work assignments or official duties and those expenses are directly related to the performance of the governmental functions for which Rosemount has responsibility.

3. Appropriate safety and health programs for Rosemount employees serve a public purpose because they result in healthier and more productive employees and reduce certain costs to the City and the taxpayers of Rosemount, including various costs associated with workers compensation and disability benefit claims, insurance premiums, and lost time from employee absences.
4. Public expenditures for appropriate Rosemount employee and volunteer recognition programs serve a public purpose because formally recognizing employees and volunteers who make significant contributions and demonstrate their commitment during the performance of their duties result in higher morale and productivity among all Rosemount employees and volunteers, and therefore help the City to fulfill its responsibilities efficiently and more cost effectively.
5. Public expenditures for food and refreshments associated with official Rosemount functions serve a public purpose when the provision of food or refreshments is an integral part of an official Rosemount function and the provision of food or refreshment is necessary to ensure meaningful participation by the participants.
6. Public expenditures for appropriate community and customer outreach and similar activities serve a public purpose when those expenditures are necessary for Rosemount to ensure the efficient operation of its programs/services, promote the availability and use of City resources, and promote coordinated, cooperative planning activities among and between the public and the private sectors.

SPECIFIC PROGRAMS AND EXPENDITURES

Every City of Rosemount expenditure must be valid based upon the public purpose for which it is purchased. The following items are deemed to meet the Council definition of public purpose expenditures.

EMPLOYEE RECOGNITION PROGRAM

The City of Rosemount City Council recognizes the hard work and service performed by the employees of the City of Rosemount through a formal Employee Recognition Program. The City Council believes the benefits of attracting, retaining and motivating employees through an Employee Recognition Program support employee job satisfaction, which in turn impacts cooperation and productivity. The result is to provide excellent public and customer service to better serve the interests of the citizens of the community.

The Employee Recognition Program is considered "additional compensation" for work performed by employees but is entirely dependent on receiving funding from year-to-year. No provisions of this policy, or its administration, shall be subject to review under the grievance or arbitration provisions of any collective bargaining agreement.

The Program will include:

1. Annually the City will sponsor an Employee Recognition Luncheon for City employees. The City may also sponsor an annual employee picnic or a Holiday Party.
2. An employee will receive an award for service at the Employee Recognition Luncheon. New employees receive a City Pin and employees completing 5, 10, 15, 20, 25, 30, and 35 years of service receive a gift certificate for a designated amount. The recognition year runs concurrently with the calendar year (January 1 to December 31 of the current year). In addition to awards, employees shall receive a "Certificate of Recognition" for the number of years being recognized. Awards given are as follows:

New Employee	City Pin
5 years	\$25.00
10 years	\$50.00
15 years	\$75.00
20 years	\$100.00
25 years	\$150.00
30 years	\$200.00
35 years	\$250.00
Retirement	Wooden Plaque

Recognition awards will go to all full-time and permanent part-time employees based strictly upon longevity and will in no way be connected to performance. The award will be based on "continuous" service with the City from the employee's initial start date whether it be part-time or full-time. The recognition will be based on the concept of peers honoring peers.

3. The City will send flowers if one the following occurs:
 - Death or serious accident or illness, including surgery, of a current employee;
 - Death of a former employee;
 - Birth or adoption of a child to a current employee;
 - Death or serious accident or illness of an immediate family member of a current employee including spouse, sibling, parent/in-laws, child, grandparent or grandchild;
 - Death of a prominent citizen who contributed substantially to the community as determined by the Mayor or any two council members.
4. The City will provide a cake or comparable food item when a permanent City employee in good standing leaves City employment.
5. The City supports other events that are planned and paid for by employees with the approval of the City Administrator.
6. The City supports recognition plaques in recognition of long-time service or retirement.

Amounts expended on these items shall be reasonable in nature considering the normal costs of good and services. The cost of the elements of the Employee Recognition Program will be included as a separate line item in the City of Rosemount Budget. This line-item will be

approved annually by the City Council as a part of the overall budget approval process, which includes a public hearing on the proposed budget.

EMPLOYEE SAFETY PROGRAMS

The City Council recognizes the importance of employee health and safety as it relates to the overall work and life satisfaction of the employee and the overall impact on the City's insurance programs.

The Employee Safety Program is funded by the departmental budgets. The City supports programs created by the Safety Committee to promote and retain and safe work environment.

MEETING FOOD/MEALS

The City Council recognizes that situations in which City business needs to be discussed can and do occur during meal hours (e.g. luncheon meetings). In addition, there are public and employee meetings and events in which reasonable refreshments may add to the success of the meeting and/or event and create a more productive work force. The following items are deemed to meet the Council definition of public purpose expenditures in regards to food and meals.

1. Meals and refreshments are allowed at City meetings and events that have a purpose of discussing City issues. These meetings would normally have a pre-planned agenda.
2. Meals and refreshments are allowed at employee meetings and events that have a purpose of discussing City issues or are a part of an employee training. These meetings would also normally have a pre-planned agenda. These meetings could include new employee receptions to introduce new employees to existing employees, provide an orientation to the City, and promote teamwork and cooperation. This does not include routine staff meetings.
3. Meals and refreshments are allowed when they are part of a breakfast/lunch/dinner meeting for official city business when it is the only practical time to meet. Usually these meals involve meeting with City Council members, Committee/Commission members, or local business/fraternal organizations. Payment for fees relating to a special event, such as a Chamber of Commerce event may also be allowed where approved by the City Administrator and when attendance is deemed to meet the public purpose guidelines for community or customer outreach and marketing of the City.
4. Meals and refreshments are allowed during official meetings of the City Council, council committees, advisory boards/commissions, and taskforces.
5. Travel expenses for employees are outlined in the Rosemount Personnel Policy.
6. Meals and refreshments are allowed where employees or volunteers are participating in a City-sponsored special event, participating in an outside event

as an official representative of the City, or working additional hours and where the department heads deem meals or refreshments appropriate as recognition of efforts above those normally required. Because emergency personnel are often called to perform for extended periods of time and duties where refreshments are important to duty performance, emergency response personnel may be provided refreshments or food when it is deemed appropriate by the City Administrator or Department Head to assure the delivery of quality emergency response service.

7. No purchase of alcoholic beverages is allowed.

The cost of these meals or fees is included in the departments' travel/conferences line-item in the Rosemount Operational Budget. These line-items are approved annually by the City Council as a part of the overall budget approval process which includes a public hearing on the proposed budget.

MEMBERSHIP AND DUES

The City Council has determined that the City will fund memberships and dues (individual or organization) in professional organizations and City social and community organizations when the purpose is to promote, advertise, improve or develop the City's resources and advantages and not personal interest or gain.

The cost of memberships/dues is included in the departments' dues and subscriptions line-item in the Rosemount Operational Budget. These line-items are approved annually by the City Council as a part of the overall budget approval process, which includes a public hearing on the proposed budget.

EDUCATION REIMBURSEMENT

The City of Rosemount Personnel Policy contains guidelines for an education reimbursement program. Job related advanced education meets the public purpose guidelines of this policy. The amount available for this program shall be considered annually. The cost of this program is contained in the Rosemount City Council budget.

CLOTHING AND OTHER SUNDRY ITEMS

Employees may receive T-shirts, and other sundry items of nominal value (\$5.00) when these items are made available to the general public or if these items are determined by the City Administrator to be important to the successful involvement of employees in special city-sponsored or city-supported events (e.g. National Night Out, Safety Camp, etc.). Employees may be supplied with uniforms, clothing, boots and other gear necessary for the performance of their job.

CONCLUSION

The Rosemount City Council has determined that the above expenditures are valid expenditures and serve a public purpose.



Request for Council Action

SUBJECT: **Resolution Accepting Donation to the Police Department for K9 Program**

MEETING DATE: November 27, 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 a donation to the Police Department for the K9 program.

BACKGROUND

On occasion, residents of Inver Grove Heights want to make a donation to show their gratitude to the Police Department. A community member recently brought in a donation with the caveat that it is to be used by the K9 program in support of its work.

FISCAL IMPACT

The K9 program would have an extra \$100 to use towards any training or supply needs that was not in the original 2023 budget.

RECOMMENDATION

Staff recommends adoption of the attached Resolution, accepting the the donation to the Police Department K9 program.

ATTACHMENTS

1. Resolution K9 Donation 2023

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

RESOLUTION NO. _____

**RESOLUTION ACCEPTING A \$100 DONATION FOR
THE POLICE DEPARTMENT K9 PROGRAM**

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 citizens and specifically authorized to accept gifts; and

WHEREAS, a community member would like to donate \$100 to the Police Department to be put towards the K9 program

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

NOW THEREFORE, BE IT RESOLVED by the Inver Grove Heights City Council, that the City does hereby accept the donation of funds in the amount of \$100 and commit the funds toward the K9 training fund, 101.42.4000.422.50080.

Approved by the City Council of the City of Inver Grove Heights, Minnesota this 27th day of November, 2023.

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk



Request for Council Action

SUBJECT: **Resolutions Approving a Joint Powers Agreement (JPA) with Dakota County and Awarding a Final Design Contract for City Project No. 2023-08**

MEETING DATE: November 27, 2023

ITEM TYPE: Consent Agenda

CONTACT: Paul Merchlewicz, City Engineer, 651.450.2572
 Brian Connolly, Public Works Director, 651.450.2571

ACTION REQUESTED

The Council is asked to approve the attached Resolutions, one approving a Joint Powers Agreement with Dakota County for the design and construction of a multi-use trail facility along the east side of Babcock Trail between I-494 and Upper 55th Street (City Project No. 2023-08), and the other awarding a final design contract to Short Elliot Hendrickson, Inc (SEH) for the final design and right of way acquisition for the same project.

BACKGROUND

In 2011, the City completed a Trail Gap Study which identified many "gaps" in the City's trail and sidewalk network. Since that time, the City has endeavored to close these gaps at opportune times in conjunction with street improvement projects, park improvement projects, and development/redevelopment projects. One of the key gaps identified in the study includes a segment of Babcock Trail (County Road 73) between Interstate 494 and Upper 55th Street, where there are no sidewalks or trail facilities. To plan for future construction of a multi-use trail, the City and Dakota County worked cooperatively to fund a feasibility study and perform preliminary design to identify project scope and estimated costs. The Council received the feasibility study in December 2017, and directed staff to look at potential funding options to construct the proposed trail in the future.

The City and Dakota County subsequently applied for the Transportation Advisory Board (TAB) Regional Solicitation grant funding in 2018 and 2020, but the project was not selected for grant funding. The City and Dakota County reapplied for the TAB Regional Solicitation grant funding in 2022, and the project was awarded a grant in the amount of \$419,040. The grant is for funding year 2025, meaning that the project must be bid no later than June 30, 2025 in order to receive the funding.

The City is proposed to be the lead agency for the design, right of way acquisition, and construction of the trail project. The Joint Powers Agreement (JPA) memorializes the responsibilities and fiscal responsibilities of the City and Dakota County in the completion of this project.

The City solicited proposals from six qualified consultants within the City's Engineering Consultant Pool to perform design and right of way acquisition work associated with this project. Two firms submitted cost proposals to perform the work requested. The proposals have been reviewed by both City and County staff, who recommend awarding a final design contract to SEH for a not-to-exceed

value of \$197,900. In addition to the SEH proposal amount, staff are recommending including a contingency equal to \$20,000 to account for potential additional work due to unexpected or unforeseen project conditions or difficulties revealed during final design. City staff believe the scope and resulting total cost to be reasonable for a project of the noted size and complexity.

FISCAL IMPACT

The project has a current estimated design and construction cost of \$1,112,240, and would be jointly funded by the TAB Regional Solicitation grant (\$419,040, 37%), the City (\$107,200, 10% of total), and Dakota County (\$586,000, 53% of total). The City has included the project in the 2024-2028 Capital Improvement Plan, budgeting \$43,200 for the effort in 2024 (final design and right of way costs), and an additional \$64,000 in 2025 (construction costs). These items are documented in the attached JPA.

As the City is the lead agency for the design and right of way acquisition for the project, the City will be responsible for funding the initial costs of the project activities, and requesting reimbursement from Dakota County and the State of Minnesota for the TAB Regional Solicitation grant funding as costs are incurred. Funding for City Project No. 2023-08 is proposed to come from the Pavement Management-Local Projects Fund (Fund 440), with the aforementioned cost reimbursement in the amounts as noted above and in the JPA.

RECOMMENDATION

Staff recommends adoption of the attached Resolutions, to enter into a Joint Powers Agreement with Dakota County, and to award a final design contract to SEH for final design and right of way acquisition activities for City Project No. 2023-08.

ATTACHMENTS

1. Resolution - Babcock Trail Multi-Use Trail JPA
2. Joint Powers Agreement for Babcock Trail Multi-Use Trail
3. Resolution for Contract Award Babcock Trail Multi-Use Trail Design (SEH)
4. Babcock Trail Multi-Use Trail Work Order Contract - SEH

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

RESOLUTION NO. _____

**RESOLUTION TO ENTER INTO A JOINT POWERS AGREEMENT WITH DAKOTA COUNTY
FOR FINAL DESIGN, RIGHT OF WAY ACQUISITION, AND CONSTRUCTION OF A MULTI-USE
TRAIL FACILITY ALONG BABCOCK TRAIL FROM INTERSTATE 494 TO UPPER 55TH ST.**

WHEREAS, the City of Inver Grove Heights and Dakota County desire to complete final design, right of way acquisition, and construction of a multi-use trail facility along Babcock Trail between Interstate 494 and Upper 55th Street; and

WHEREAS, the need for a safe pedestrian and bicycle facility in this area was identified as part of the City's Trail Gap Study (2011), the Dakota County Pedestrian and Bicycle Study (2018), Dakota County School Travel Safety Assessment (April 2021), and the City of Inver Grove Heights Comprehensive Plan, adopted in October 2019; and

WHEREAS, the City of Inver Grove Heights and Dakota County completed a feasibility study and preliminary design in December, 2017, detailing estimated costs and project scope for the installation of a multi-use trail facility along Babcock Trail in this area; and

WHEREAS, the City of Inver Grove Heights and Dakota County submitted an application for funding from the Transportation Advisory Board (TAB) Regional Solicitation in 2022, and subsequently received a grant in the amount of \$419,040 for a project to be bid no later than June 30, 2025; and

WHEREAS, the City of Inver Grove Heights will lead the final design, right of way acquisition, and construction of the project, and the cost share for the work will be split per the County's Transportation Plan, where the County will contribute costs up to 85%, and the City will contribute costs up to 15%, following the application of the TAB Regional Solicitation funding; and

WHEREAS, the City and County have drafted a Joint Powers Agreement identifying the cost and execution responsibilities of each agency with respect to the final design engineering, right of way acquisition, and construction of the Babcock Trail Multi-Use Trail Facility (City Project No. 2023-08) to be executed by the two parties.

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

1. The Joint Powers Agreement with Dakota County for Final Design Engineering, Right of Way Acquisition, and Construction for the Babcock Trail Multi-Use Trail Facility for City Project No. 2023-12 is hereby approved.
2. The Public Works Director, Mayor, City Attorney and City Clerk are hereby authorized to carry out the agreement on the City's behalf.
3. Following the application of Transportation Advisory Board Regional Solicitation grant funds, the City will be responsible for 15 percent of costs for the improvements at the values as identified in the Joint Powers Agreement.

Resolution No. _____

Page 2 of 2

Approved by the City Council of the City of Inver Grove Heights, Minnesota on this 27th day of November 2023.

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

City Project No. 2023-08
County Project No. 73-035
DCA20950
October 18, 2023

Dakota County Contract No. DCA20950

**JOINT POWERS AGREEMENT FOR
FINAL DESIGN ENGINEERING, RIGHT OF WAY ACQUISITION, AND CONSTRUCTION
FOR BABCOCK TRAIL – MULTI-USE TRAIL (UPPER 55th ST. to I-494)**

BETWEEN

THE COUNTY OF DAKOTA

AND

THE CITY OF INVER GROVE HEIGHTS

DAKOTA COUNTY PROJECT NO. 73-035

CITY OF INVER GROVE HEIGHTS PROJECT NO. 2023-08

SYNOPSIS: Dakota County and the City of Inver Grove Heights agree to complete final design engineering, right-of-way acquisition, and construction for a multi-use trail and associated intersection modifications on County Road 73 (CR 73, Babcock Trail) from Upper 55th Street to the Interstate 494 (I-494) south bridge approach panel in Inver Grove Heights, Dakota County.

THIS JOINT POWERS AGREEMENT (the "Agreement"), made and entered into by and between the County of Dakota, referred to in this Agreement as "the County" and the City of Inver Grove Heights, referred to in this Agreement as "the City" and witnesses the following:

WHEREAS, under Minnesota Statutes Section 162.17, subdivision 1 and 471.59, subdivision 1, two or more governmental units may enter into an agreement to cooperatively exercise any power common to the contracting parties, and one of the participating governmental units may exercise one of its powers on behalf of the other governmental units; and

WHEREAS, it is considered mutually desirable to complete engineering, right of way acquisition and construction to complete a multi-use trail facility installation along the east side of County Road 73 (CR 73, Babcock Trail) from Upper 55th Street to Interstate 494 (I-494) in Inver Grove Heights, Dakota County, for County Project No. 73-035/City Project No. 2023-08 (the "Project"); and

WHEREAS, the purpose and need for the Project is to improve safety, condition, and multi-modal mobility by completing a high-priority trail gap as detailed in a feasibility study and preliminary design completed in December, 2017, and further identified in the Dakota County Pedestrian and Bicycle Study, dated December, 2018; and

WHEREAS the County has dedicated a total of \$586,000 to the Project within the 2024-2028 Transportation Capital Improvement Program, allocated as follows:

- \$136,000 for final design (2022)
- \$90,000 for right-of-way acquisition (2024)
- \$360,000 for construction (2025)

WHEREAS the City has dedicated a total of \$107,200 to the Project within the City's 2024-2028 Capital Improvement Plan, allocated as follows:

- \$43,200 (2024)
- \$64,000 (2025)

WHEREAS the City has received an award in the amount of \$419,040 in Federal Regional Solicitation Funding for the Project, to be included in the 2023-2026 Transportation Improvement Program, with a programmed funding year of 2025; and

WHEREAS, the City of Inver Grove Heights is the lead agency for engineering, right of way acquisition, and construction for the Project.

NOW, THEREFORE, it is agreed that the County and the City will share responsibilities and jointly participate in the Project costs associated with final design engineering, right-of-way acquisition, and construction for the Project, in accordance with the following:

1. Administration. The City is the lead agency for engineering, right of way acquisition, and construction of the Project. The City will enter and administer contracts with one or more consulting firms (the “Consulting Engineer”) to perform final design, right of way acquisition, and construction management, and will coordinate the work of the Consulting Engineer with the County. Subject to the requirements below, the County and the City shall each retain final decision-making authority within their respective jurisdictions.
2. Engineering. “Engineering Costs” shall be defined as the design engineering costs, including public involvement, agency involvement, final design engineering, plans, specifications and bid proposal, surveying, mapping, right of way mapping, right of way acquisition, construction engineering, construction management, construction inspection and all related materials testing, including the cost of County and City staff time for these purposes, collectively.
3. Construction. “Construction Costs” includes all street, highway, trail and sidewalk construction items; construction, replacement or restoration of trails and sidewalks, landscaping and driveways when affected by construction; replacement or adjustment of water and storm sewer systems if required due to reconstruction; relocating or adjusting privately owned utilities when not performed at the expense of the utility; replacement of roadway lighting, signage, and all other construction aspects outlined in the final plans for the Project.
4. Cost Share. Cost sharing provisions of the adopted County Transportation Plan Cost Participating Policies, as documented in the Dakota County 2040 Transportation Plan (July 2021) are applicable to the Project. The cost share for the Project will be determined by the policies contained therein and as follows:
 - The value of the Federal Regional Solicitation Funding will be applied to the Construction phase of the project. Federal funds will be subtracted from the total County-eligible project costs in accordance with the County Transportation Plan Cost Participation Policy F.5.

- The costs for administration, design, engineering costs including right of way acquisition, and remaining construction (following the deduction of the Federal Regional Solicitation Funding) will be split in accordance with the County Transportation Plan Cost Participation Policy F.1 (85% County, 15% City)

The total estimated cost for the Project work at the time of execution of this Joint Powers Agreement is \$1,112,240, the costs of which have been programed in the County's 2024-2028 Transportation Capital Improvement Program, and the City's 2024-2028 Capital Improvement Plan, respectively. Expenses incurred under this Agreement shall not exceed the total funding contributions as defined above, unless otherwise agreed to by both the City and the County in writing.

5. Right-of-Way Acquisition. The City will undertake all actions necessary to acquire all permanent and temporary right-of-way necessary for the Project. The City, through its Consulting Engineer, will prepare right-of-way maps and legal descriptions for the required permanent and temporary highway and drainage easements for this project based on the Project layout. The costs for this work, including all legal and other costs related to right-of-way acquisition, shall be included in the Engineering Costs. The County agrees to aid in review of right-of-way maps, legal descriptions, and property appraisals. The County and City agree to work cooperatively via on any settlement agreements, and any necessary approvals needed from either entity will not be unreasonably delayed as to jeopardize the right-of-way acquisition process.

Upon completion of the Project, the City shall convey to the County, at no cost, all necessary permanent public easements and right-of-way necessary for Project purposes along the Project corridor and on all adjacent City-controlled or dedicated real property for Project purposes, including the right to maintain County Road facilities within drainage, utility, and ponding easements, prior to the completion of the Project.

6. Plans, Specifications and Award of Contract. The City shall be the lead agency for the preparation of plans and specifications for the Project consistent with County and City design standards, State-Aid design standards and MnDOT standards and specifications. Concurrence with the plans and specifications is required prior to advertising for bids. The City will advertise and award the construction contract. Within seven (7) days of opening bids for the construction contract, the City shall submit a copy of the low bid and an abstract of all bids together with the request for concurrence by the State and County in the award of the construction contract to the lowest responsible bidder. The City shall also provide the County with a detailed estimated cost split breakdown based on the cost splits as defined in **Section 4** and detailed in the Statement

of Estimated Quantities in the plan. Upon written receipt of concurrence from the State and the County in the bids and the estimated cost splits, the City may award the contract for construction to the lowest responsive and responsible bidder in accordance with state law. If a bid is not awarded, this Agreement shall terminate in accordance with **Section 13**.

7. Construction Standards. The contract specifications for construction, including traffic control, shall be in accordance with applicable State Aid, County and City standards, specifications, and policies to the satisfaction of the City and the County.

8. Project Cost Updates. The City will provide updated cost estimates for right of way acquisition, utility relocation, and construction costs to the City showing the County and City's shares of Project costs annually at the time of Capital Improvement Program development. Updated cost estimates for the aforementioned items will also be provided by the City to the County at the following times:

- Prior to approval of the appraised values for any necessary right-of-way acquisitions,
- Upon completion of the 60% plans,
- Upon completion of final design prior to advertising a construction contract.

Project cost estimate updates include actual and estimated costs for right-of-way acquisition, utility relocation and construction.

The Parties acknowledge that Project cost estimates are subject to numerous variables causing the estimates to be subject to change and the updates are provided for informational purposes in good faith. Each agency is responsible for informing their respective council or board regarding Project cost estimates.

9. Payment. The City will administer all contracts and act as the paying agent for all expenses for the Project as work progresses and is certified by the City Engineer and/or Public Works Director. The City will bill the County for their share of the Project costs. Upon presentation of an itemized claim by one agency to the other, the receiving agency shall reimburse the invoicing agency for its share of the costs incurred under this Agreement within 35 days from the presentation of the claim. If a claim is incorrect, defective, or otherwise improper, the receiving agency must notify the invoicing agency within ten days of the date of receipt. If any portion of an itemized claim is questioned by the receiving agency, the remainder of the claim shall be promptly paid, and accompanied

by a written explanation of the amounts in question. Payment of any amounts in dispute will be made following good faith negotiation and documentation of actual costs incurred in carrying out the work.

10. Change Orders and Supplemental Agreements. Any change orders or supplemental agreements for the Project must be approved by the Authorized Representative of each party prior to execution of work. Both Parties shall endeavor to provide timely approval of change orders and supplemental agreements so as not to delay construction operations.

11. Amendments. Any amendments to this Agreement will be effective only after approval by each governing body and execution of a written amendment document by duly authorized officials of each body.

12. Effective Dates. This Agreement will be effective upon execution by duly authorized officials of each governing body and shall continue in effect until all work to be carried out in accordance with this Agreement has been completed. Absent an amendment, however, in no event will this Agreement continue in effect after December 31, 2026.

13. Termination. This Agreement may be immediately terminated by the City or the County if funds from City, County, State, or Federal sources are not appropriated at the level sufficient to allow for payments of the allowed expenses, or if a contract is not awarded for construction of the Project. In the event of termination, all costs incurred as of the date of termination shall be apportioned in accordance with the terms of this Agreement.

14. Rules and Regulations. The County and the City shall abide by Minnesota Department of Transportation standard specifications, rules, and contract administration procedures unless amended by the contract specifications.

15. Indemnification. The County agrees to defend, indemnify, and hold harmless the City against any and all claims, liability, loss, damage, or expense arising under the provisions of this Agreement and caused by or resulting from negligent acts or omissions of the County and/or those of County employees or agents. The City agrees to defend, indemnify, and hold harmless the County against any and all claims, liability, loss, damage, or expense arising under the provisions of this Agreement and caused by or

resulting from negligent acts or omissions of the City and/or those of City employees or agents. All parties to this Agreement recognize that liability for any tort claims arising under this Agreement are subject to the provisions of the Minnesota Municipal Tort Claims Law; Minnesota Statutes, Chapter 466. In the event of any tort claims or actions filed against either party, nothing in this Agreement shall be construed to allow a claimant to obtain separate judgments or separate liability caps from the individual parties.

To insure a unified defense against any third-party liability claim arising from the work of the Project, City agrees to require all consultants, subconsultants, contractors or subcontractors hired to do any of the work contemplated by this Agreement to maintain professional liability insurance and commercial general liability insurance in amounts consistent with minimum limits of coverage established under Minn. Stat. § 466.04 during the term of such activity. All such insurance policies shall name the City and the County as additional insured. City agrees to promptly provide County copies of any insurance policy related to this Agreement upon the County's request.

16. Employees of Parties. Any and all persons engaged in the work to be performed by the County shall not be considered employees of the City, for any purpose, including Worker's Compensation, and any and all claims that may or might arise out of said employment context on behalf of said employees while so engaged. Any and all claims made by any third party as a consequence of any act or omission on the part of said employees while so engaged on any of the work contemplated herein shall not be the obligation or responsibility of the City.

Any and all persons engaged in the work to be performed by the City shall not be considered employees of the County for any purpose, including Worker's Compensation, and any and all claims that may or might arise out of said employment context on behalf of said employee while so engaged. Any and all claims made by any third party as a consequence of any act or omissions of the part of the City's employees while so engaged on any of the work contemplated herein shall not be the obligation or responsibility of the County.

Nothing contained in this Agreement is intended or should be construed as creating or establishing the relationship of partners or joint ventures between the County and City, nor shall the County be considered or deemed an agent, representative, or employee of City and City shall not be deemed an agent, representative, or employee of the County.

17. Audits. Pursuant to Minnesota Statutes § 16C.05, Subd. 5, any books, records, documents, and accounting procedures and practices of the County and the City relevant to the Agreement are subject to examination by the County or the City and either the Legislative Auditor or the State Auditor as appropriate. The County and each City agree to maintain these records for a period of six years from the date of performance of all services covered under this Agreement. Dakota County will be financially responsible for the cost of the audit.

18. Integration and Continuing Effect. The entire and integrated agreement of the Parties contained in this Agreement shall supersede all prior negotiations, representations or agreements between the City and the County regarding the Project; whether written or oral. All agreements for future maintenance or cost responsibilities shall survive and continue in full force and effect after completion of the construction provided for in this Agreement together with each party's indemnification obligations under **Section 15**.

19. Authorized Representatives. The authorized representatives for the purpose of the administration of this Agreement are:

Erin Laberee,
Dakota County Engineer (or successor)
14955 Galaxie Ave. 3rd floor
Apple Valley, MN 55124
Office: 952-891-7122
Erin.Laberee@co.dakota.mn.us

Brian Connolly,
Public Works Director (or successor)
City of Inver Grove Heights
8150 Barbara Avenue
Inver Grove Heights, MN 55077
Office: 651- 450-2571
bconnolly@ighmn.gov

The Authorized Representative shall obtain authorization to implement or administer any provision of this Agreement from his or her respective governing body as required by the governing body's policies and procedures. The parties shall promptly provide notice to each other when an Authorized Representative's successor is appointed. The Authorized Representative's successor shall thereafter be the Authorized Representative for purposes of this Agreement.

All notices or communications required or permitted by this Agreement shall either be via electronic correspondence (with electronic signatures allowed, as applicable), hand delivered, or mailed by certified mail, return receipt requested, to the above addresses.

*City Project No. 2023-08
County Project No. 73-035
DCA20950
October 18, 2023*

Either party may change its address by written notice to the other party. Mailed notice shall be deemed completed two business days after the date of mailing.

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS THEREOF, the parties have caused this agreement to be executed by
their duly authorized officials.

CITY OF INVER GROVE HEIGHTS

RECOMMENDED FOR APPROVAL:

Brian Connolly
Its: Public Works Director

By _____
Brenda Dietrich
Its: Mayor

APPROVED AS TO FORM:

(SEAL)

Bridget McCauley Nason
Its: City Attorney

By _____
Rebecca Kiernan
Its: City Clerk

Date _____

City Project No. 2023-08
County Project No. 73-035
DCA20950
October 18, 2023

DAKOTA COUNTY

RECOMMENDED FOR APPROVAL:

Erin Laberee
Its: County Engineer

By _____
Georg Fischer
Its: Physical Development
Director

Date _____

APPROVED AS TO FORM:

/s/ Joseph Marek 11/20/23
Assistant County Attorney Date
KS-23-533

COUNTY BOARD RESOLUTION

No. 23-075 Date: February 28, 2023

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

RESOLUTION NO. _____

**RESOLUTION ACCEPTING PROPOSAL AND AWARDING A CONTRACT TO SHORT ELLIOT
HENDRICKSON, INC (SEH) FOR FINAL DESIGN AND RIGHT OF WAY ACQUISITION SERVICES
FOR CITY PROJECT NO. 2023-08**

WHEREAS, the City of Inver Grove Heights and Dakota County desire to complete final design, right of way acquisition, and construction of a multi-use trail facility along Babcock Trail between Interstate 494 and Upper 55th Street, and have entered into a Joint Powers Agreement thereto; and

WHEREAS, City staff provided a scope of work and solicited proposals from six qualified consultants within the City's Engineering Consultant Pool to perform design and right of way acquisition work for this project, and received cost proposals from two firms; and

WHEREAS, City staff have reviewed the proposals submitted, and in conjunction with recommendations from staff at Dakota County, recommend awarding a final design engineering contract to SEH; and

WHEREAS, SEH's proposal includes a not-to-exceed amount of \$197,900 for the final design engineering and right of way acquisition services necessary to complete the work as scoped.

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

1. The proposal from SEH dated November 20, 2023, in the amount of \$197,900.00 is hereby accepted.
2. As part of the final design fee for the project, the City Engineer is authorized to direct the use of contingency funds up to \$20,000 for changes in scope that may occur through the final design efforts.
3. Project funding is provided through the Pavement Management – Local Street Fund (Fund 440).
4. The Mayor and City Clerk are authorized to enter a Work Order contract for the scope of work included by reference as part of the current Master Professional Services Agreement with SEH.

Approved by the City Council of the City of Inver Grove Heights, Minnesota this 27th day of November 2023.

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

2023-08 - Babcock Trail Multi-Use Trail Work Order Request for Proposals

Project Identification: - This project includes the installation of an off-road trail along the east side of Babcock Trail, to provide local connectivity between adjacent properties in an area that has been noted the top-priority trail gap by both the City of Inver Grove Heights and Dakota County.

This written authorization to proceed and work order contract (work order contract) is between the City of Inver Grove Heights (City) and **Short Elliot Hendrickson, Inc.**, a Corporation, Address: **3535 Vadnais Center Drive, St. Paul, MN 55110** ("Contractor"). This work order contract is issued under the authority of the City of Inver Grove Heights Master Professional Services Agreement between the City and Contractor ("Master Services Agreement") and is subject to all applicable provisions of the Master Services Agreement, which is incorporated herein by reference.

Recitals

1. The Contractor will furnish all products and perform all services defined in Article 2 of this Work Order Contract, Scope of Work and Deliverables, below.
2. The City needs a Contractor to provide professional services for review and revision of preliminary design, final design, right of way acquisition, and bidding preparation and services.

Work Order Contract

1. Term of Contract; Survival of Terms; Incorporation of Exhibits:

1.1. Effective Date:

This work order contract will be effective on the date that all required signatures are obtained by City. The Contractor must not begin work under this work order contract until ALL required signatures have been obtained and Contractor has been notified in writing to begin such work by City's Authorized Representative.

1.2. Expiration Date:

This work order contract will expire on **June 30, 2026**, or when all obligations have been satisfactorily fulfilled, whichever occurs first.

1.3. Exhibits:

Exhibits A through Exhibit B are attached and incorporated into this work order contract.

Exhibit A = Specifications, Duties, and Scope of Work

Exhibit B = Progress Report Form

2. Scope of Work and Deliverables:

- 2.1. The Contractor, who is not a city employee, will provide the following services under this work order contract: complete the tasks listed in Exhibit A. The Contractor's assumptions for the work required to deliver the identified scope are included as part of this Contract **Attachment 1**. The Contractor's assumptions or estimate of work will not supersede or take precedence over the requirements to deliver the specific scope items listed in this contract.

- 2.2. Deliverables are defined as the work product created or supplied by the Contractor pursuant to the terms of this work order contract.

3. Items Provided and/or Completed by the City:

- 3.1. After authorizing the Contractor to begin work, the City will furnish any data or material in its possession relating to the project that may be of use to the Contractor in performing the work.
- 3.2. All such data furnished to Contractor, will remain the property of the City and will be promptly returned upon the City's request or upon the expiration or termination of this work order contract.
- 3.3. The Contractor will analyze all such data furnished by the City. If Contractor finds any such data to be incorrect or incomplete, Contractor will bring the facts to the attention of City before proceeding with the part of the project affected. The City will investigate the matter, and if it finds that such data is incorrect or incomplete, it will promptly determine a method for furnishing corrected data. Delay in furnishing data will not be considered justification for an adjustment in compensation.

4. Consideration of Payment:

4.1. Consideration:

The City will pay for all services performed by Contractor under this contract as follows:

4.1.1. Compensation:

Contractor will be paid for hours worked during each invoice period on a Unit Rate basis not to exceed a maximum aggregate value greater than the Total Obligation shown in Section 4.1.5:

Labor Rate Costs*: **\$195,849**

Direct Expense Costs: **\$2,051**

* Labor Rate includes direct labor, overhead and profit

4.1.2. Overtime:

The City will not pay directly for any overtime worked by a Contractor or a subcontractor.

4.1.3. Direct Expense Costs:

Allowable direct expense costs include project specific costs and are items not otherwise included in overhead costs. Travel expenses and open house materials that are specific to this project are examples of Direct Expense Costs that are allowed. Any Direct Expense Costs that are necessary for Contractor to reasonably conduct day to day work must be approved, in writing, by the City's Authorized Representative prior to expenditure (i.e., costs that would normally be considered overhead costs).

4.1.4. Travel Expenses:

The Contractor will be reimbursed for travel and subsistence expenses in the same manner and in no greater amount than provided in the current "IRS Publication 463, Travel, Gift, and Car Expenses".

4.1.5. Total Obligation:

The total obligation of City for all compensation and reimbursements to Contractor under this contract will not exceed **\$197,900**.

5. Terms of Payment:

- 5.1. The City will promptly pay all valid obligations under this work order contract as required.
- 5.2. The Contractor must submit invoices electronically for payment, monthly, using the cover letter format set forth in **Exhibit B**. Attach supporting hourly breakdown demonstrating work performed over the invoice period.
- 5.3. The Contractor must submit the signed invoice, the signed progress report and all required supporting documentation, for review and payment, to the City's Finance Department, at invoices@ighmn.gov. If the Contractor cannot support electronic submission of the invoice package, the Contractor must contact the City's Authorized Representative for possible alternatives.

6. Contractor's Project Manager:

6.1. Contractor's Project Manager for this work order contract will be:

Name/Title: Jen Desrude, P.E., Senior Engineer
Address: 10650 Red Circle Drive, Suite 500
Minnetonka, MN 55343
Telephone: 952.912.2610
E-Mail: jdesrude@sehinc.com

7. City's Project Manager and Authorized Representative:

7.1. City's Project Manager and Authorized Representative for this work order contract will be:

Authorized Representative		Project Manager	
Name/Title:	Paul Merchlewicz, P.E.	Name/Title:	Paul Merchlewicz, P.E.
Address:	8150 Barbara Ave Inver Grove Heights MN, 55077	Address:	8150 Barbara Ave Inver Grove Heights MN, 55077
Telephone:	651-450-2572	Telephone:	651-450-2572
E-Mail:	pmerchlewicz@ighmn.gov	E-Mail:	pmerchlewicz@ighmn.gov

City Contract No.: 23-27_IGHMSA_E_WO_05

City Project No.: 2024-09E, 2024-09G

Exhibit B: Progress Report Form

City's Authorized Representative, or his/her successor, will sign progress reports, review billing statements, and make recommendations to City's Finance Department for certification of payment of each Invoice submitted by the Contractor.

8. Termination and Suspension

8.1. Termination by the City

The City or the City's Administrator may terminate this contract at any time, with or without cause. Upon termination, the Contractor will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.

8.2. Termination for Insufficient Funding

The City may immediately terminate this work order contract if it does not obtain funding from the City Council, or other funding source; or if funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written notice to the Contractor. The City is not obligated to pay for any services that are provided after notice and effective date of termination. However, the Contractor will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. The City will not be assessed any penalty if the work order contract is terminated because of the decision of the City Council, or other funding source, not to appropriate funds. The City must provide the Contractor with notice of the lack of funding within a reasonable time of the City's receiving that notice.

8.3. Suspension

The City may immediately suspend this work order contract in the event of a total or partial government shutdown due to failure to have an approved budget by the legal deadline. Work performed by the Contractor during a period of suspension will be deemed unauthorized and undertaken at risk of non-payment.

9. Plain Language; Accessibility Standards

9.1. Plain Language

Except for designs, plans, layouts, maps and similar documents, the Contractor must provide all deliverables in "Plain Language". Plain Language is a communication which an audience can understand the first time they read or hear it. To achieve that, the Contractor will take the following steps in the deliverables:

- Use language commonly understood by the public.
- Write in short and complete sentences.
- Present information in a format that is easy-to-find and easy-to-understand; and
- Clearly state directions and deadlines to the audience.

City Contract No.: 23-27_IGHMSA_E_WO_06

City Project No.: 2023-08 Babcock Trail Multi-Use Trail

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

Date: 11/20/2023, 20____

CONSULTANT

Toby Muse

BY: Toby Muse

IT'S: Principal

City Contract No.: 23-27_IGHMSA_E_WO_06
City Project No.: 2023-08 Babcock Trail Multi-Use Trail
Exhibit A: Specifications, Duties, and Scope of Work

Exhibit A: Scope of Work

1. Project Overview

1.1. General Statement of Scope of Work

- 1.1.1. The delivery of this contract includes review and finalization of preliminary design, final design, right of way acquisition, preparation of bidding documents, and bidding services for the construction of a multi-use trail along Babcock Trail in Inver Grove Heights.
- 1.1.2. Final design will include the design of: a multi-use trail along the east side of Babcock Trail from Upper 55th Street to the bridge over I-494; pedestrian ramps at intersection on both the east and west side of Babcock Trail; hydraulic and stormwater design; retaining wall, striping, staging, turf establishment and erosion control.

1.2. Project Background

- 1.2.1. Project information for proposed improvements is included in the document **"2017.12.05 [Final] Babcock Trail Feasibility Report."** The Study includes information specific to project scope for the proposed multi-use trail along Babcock Trail.
- 1.2.2. A Federal Aid Project Kick Off meeting was held to identify scope items necessary for successful delivery of this project. Notes from this meeting are included in the document **"178-020-033 Kick Off Notes."**
- 1.2.3. Project Background referenced documentation is available at the following link: ["Background Information."](#)
- 1.2.4. This project will follow the Delegated Contract Process and be developed in conformance with MnDOT State and Federal Aid standards.

1.3. Project Deliverables

- 1.3.1. As part of the final project deliverables, the Contractor will provide electronic copies of all documents and source information produced during the preparation of the project.
- 1.3.2. The Contractor will:
 - a. Provide CAD base files used to develop project plans
 - b. Provide project plans in CAD format. The Contractor may bind all references to create a stand-alone plan sheet for each plan.
 - c. Provide any model information used for the design. Examples of model information may include hydraulic, traffic, or other.

2. Project Management

2.1. Project Coordination and Administration

- 2.1.1. Project management includes work necessary for communicating and completing the project tasks on time and within budget. The Contractor must not reassign the project manager or their primary duties without the written consent of the City's project manager. The Contractor's staff must have the training and expertise necessary for the work tasks to which they are assigned.

City Contract No.: 23-27_IGHMSA_E_WO_06

City Project No.: 2023-08 Babcock Trail Multi-Use Trail

Exhibit A: Specifications, Duties, and Scope of Work

- 2.1.2. Meeting summaries must be submitted no later than **three** business days after each meeting. Final meeting summaries must be submitted no later than **one** business day after receiving comments on draft summaries.
- 2.1.3. The Contractor will:
 - a. Prepare invoices accompanied by:
 - i. Progress report form (**Exhibit B**).
 - ii. Supporting data for direct expenses.
 - iii. Manage, coordinate, direct, and monitor subcontractor services, including reviewing progress reports, deliverables, schedule, and invoices.
 - b. Update the City's project manager on the status of the project schedule, budget, and general status/progress at the weekly progress meetings.
 - c. Store all deliverables in an organized electronic document management system and make deliverables available to the City's project manager as needed whether the file is incomplete, in draft form, or the final deliverable.
 - d. Track issues and action items that develop during the project that either need resolution or implementation. The Contractor will review project issues and action items with the City's project manager at the weekly progress meetings.

2.2. Project Meetings

2.2.1. Kickoff Meeting

- a. The Contractor will schedule and facilitate a project kickoff meeting to confirm the basic project objectives, solidify a work plan, and obtain consensus on the project requirements. This meeting must occur no later than **five** business days after notice to proceed. The meeting will be held via **Microsoft Teams** or at **Inver Grove Heights City Hall** and will include up to **two** Contractor staff.

2.2.2. Project Management Team (PMT) Meetings

- a. The Contractor will facilitate **bi-weekly** PMT meetings with the City's project manager and other personnel as identified by the City's project manager. The PMT meetings are intended to provide a management-level view of project development.
- b. The Contractor will:
 - i. Meet with the City's project manager weekly to review progress of deliverables, issues, and team effectiveness.
 - ii. Solicit feedback from the City's project manager to assess whether all services meet the requirements of the project.
 - iii. Identify needs and issues and discuss steps.
- c. Progress meeting attendees may vary depending on issues that need discussion. The Contractor's project manager must attend these meetings.
- d. PMT meetings may be used to address City comments for each of the review submittals (60%, 90%, Bid Package) to discuss City comments and provide resolution before finalizing all deliverables necessary for bidding.

City Contract No.: 23-27_IGHMSA_E_WO_06
 City Project No.: 2023-08 Babcock Trail Multi-Use Trail
 Exhibit A: Specifications, Duties, and Scope of Work

2.3. Stakeholder Involvement/Meetings

- 2.3.1. Stakeholder involvement and meetings include the work necessary to gather input on the proposed project improvements.
- 2.3.2. The Contractor will:
 - a. Work to coordinate with project stakeholders which may include Metro Transit, West St. Paul, Dakota County, and MnDOT. City's Project Manager will be kept informed, and in instances, engaged, in stakeholder coordination efforts.

2.4. Informational and Public Meetings

- 2.4.1. Informational and public meetings will be used to share information as the plans are developed.
- 2.4.2. The Contractor will:
 - a. Prepare for and attend one public open house neighborhood meeting. Assume the public open house neighborhood meeting will include preparation of a presentation and project boards for public viewing.
 - b. Assume open house will be available virtually and the presentations and boards will be shared virtually. Assume the open houses will be recorded and uploaded to the City project website for those who could not attend.
 - c. Attend one regular City Council meeting to provide City support for Council acceptance and ordering of the project for construction.

3. Programmatic Categorical Exclusion

Early coordination with the State determined that this project will be utilizing a Programmatic Categorical Exclusion for the environmental documentation. The Contractor will determine the appropriate version (Short form C-list CATEX or Short form D-list CATEX) to use.

3.1. Standards and Guidance

- 3.1.1. All deliverables must be prepared in accordance with:
 - a. The Highway Project Development Process (HPDP) programmatic categorical exclusion (CE) guidance document (https://edocs-public.dot.state.mn.us/edocs_public/DMResultSet/download?docId=1996638)

3.2. Prepare CATEX Document

- 3.2.1. The Contractor will:
 - a. Confirm with the Office of Environmental Stewardship (OES) that project meets the definition of a Class II Action for a PCE under the National Environmental Policy Act (NEPA).
 - b. Confirm with OES that the proposed improvements do not exceed any threshold in Attachment B of the Programmatic Categorical Exclusion Approval Agreement between Federal Highway Administration (FHWA) and Minnesota Department of Transportation (MnDOT).
 - c. Complete Attachment B checklist and appropriate C- or D-list short form.
 - d. Perform a review of the project area and compile data to complete the programmatic CATEX.

City Contract No.: 23-27_IGHMSA_E_WO_06

City Project No.: 2023-08 Babcock Trail Multi-Use Trail

Exhibit A: Specifications, Duties, and Scope of Work

- e. Prepare description of existing conditions and proposed improvements, description of project cost, anticipated funding sources, anticipated schedule, and key contacts for environmental document.
- f. Develop the draft and final purpose and need statement to be reviewed with the State. The project need statement will identify transportation problems along the project corridor. The project purpose statement will summarize the project objectives and goals for addressing the project needs.
- g. Identify vegetation, fish, and wildlife impacts, including roadside vegetation, and measures to minimize harm. Review the Department of Natural Resources (DNR) response to ENM, including Natural Heritage Information System (NHIS) results. Review the Section 7 response from the MnDOT OES Wildlife Ecologist as part of the ENM regarding federal threatened and endangered species. Document any environmental commitments listed in responses.
- h. Identify and document impacts to migratory birds and eagles.
- i. Identify and map aquatic resources including wetlands, streams, rivers, lakes, or other waterbodies in the project area; analyze any proposed alteration of aquatic resources; and document the alternatives development and evaluation process including wetland avoidance and minimization efforts.
- j. Address floodplain impacts and document with a Floodplain Assessment. Assumes the project will not have a significant floodplain impact.
- k. Consult with the MnDOT Environmental Investigation Unit (EIU) regarding contaminated properties. Assumes EIU will prepare a Phase I ESA if necessary. Prepare Form Environmental Due Diligence Form #1 (EDD-1) and submit to EIU for review. Summarize contaminated properties review for inclusion in CATEX document.
- l. Provide qualitative assessment of air quality and conduct a greenhouse gas analysis, if required.
- m. Summarize the Section 106 determination provided by Cultural Resources Unit (CRU) for the archeological/historical resources review.
- n. Document in a table format all environmental mitigation commitments identified from the social, economic, and environmental topics.
- o. Prepare graphics for PCE document including project location map, USGS map, layouts, and other supporting graphics.

3.2.2. Deliverables:

- a. Attachment B checklist
- b. AD 1006 or NRCS-CPA-106 form, if required
- c. Floodplain assessment
- d. Environmental Due Diligence Form #1 (EDD-1)
- e. Draft and final PCE and supporting documentation
- f. Environmental commitments list

4. Construction Limits

4.1. Prepare Preliminary Cross-Sections

- 4.1.1. When a staff-approved geometric layout is required for a project, the Contractor must develop preliminary cross-sections as the final geometric layout is being developed. The Contractor will:

City Contract No.: 23-27_IGHMSA_E_WO_06

City Project No.: 2023-08 Babcock Trail Multi-Use Trail

Exhibit A: Specifications, Duties, and Scope of Work

- a. Prepare and submit preliminary cross-sections based on initial project design assumptions, including primary typical sections, preliminary profiles, and preliminary alignments.
- b. Prepare and submit a draft construction limits map based on the developed preliminary cross sections.

4.1.2. Deliverables:

- a. Preliminary typical cross-sections
- b. Draft construction limits map

4.2. Review and Revise Preliminary Cross-Sections

4.2.1. The Contractor will:

- a. Prepare and submit update cross-sections based on City reviews of preliminary cross-sections, design elements, and geometric design assumptions. Cross-sections must be modified to reflect changes due to comments on alignments, profiles, or roadway geometry as well as design refinements through project development.

4.2.2. Deliverables:

- a. Revised cross-sections

4.3. Prepare and Submit Construction Limits

4.3.1. After final review of preliminary cross sections and associated impacts of expected construction by the City, submit final construction limits.

4.3.2. The Contractor will:

- a. Prepare and submit final construction limits for right-of-way acquisition.

4.3.3. The Contractor must utilize and include the following, as applicable, when determining construction limits:

- a. Final typical sections
- b. Approved trail profiles
- c. Final trail alignments
- d. Special ditch grades
- e. Stormwater management features
- f. Final cross-section information
- g. Stormwater treatment and/or rate control facilities
- h. Utility relocations
- i. Americans with Disabilities Act (ADA) requirements

4.3.4. Deliverable:

- a. Final construction limits map

5. Right of Way and Easement Acquisition

This task involves assisting the City in the determination and purchase of any rights-of-way and easements required to construct trails along Babcock Trail.

City Contract No.: 23-27_IGHMSA_E_WO_06
City Project No.: 2023-08 Babcock Trail Multi-Use Trail
Exhibit A: Specifications, Duties, and Scope of Work

5.1. Right of Way Acquisition

5.1.1. No relocation services are anticipated for this project.

5.1.2. The Contractor will:

- a. Identify affected properties and research titles for acquisition, provide parcel sketches showing impacts of construction.
- b. Perform title investigations to determine landowners of affected properties adjacent to trail corridor.
 - i. The title investigations will:
 - Show the fee owner of record and the record of ownership for the previous five years.
 - Show all encumbrances of record against the property such as mortgages, liens, judgments, and taxes.
 - Be signed by the licensed attorney or abstractor who prepared it.
- c. Provide appraisal services for any acquisition of land or property based on a certified estimate of market value or damage payable to the owner and other parties of valid interest in the subject property.
- d. Prepare offer letters based on appraisal. Work with City attorney and representatives from the County Attorney's Office to prepare offers based on the amount of certified valuation or minimum reasonable compensation.
- e. Meet with affected property owners and present purchase offers for parcels impacted by the project requiring partial or total takings as appropriate.
- f. Negotiate with property owner an approved settlement on behalf of the City.
- g. When offer is acceptable to owner the Contractor will:
 - i. Oversee the execution of the acquisition.
 - ii. Be responsible for securing documents incidental to acquisition, including quit claim deeds, mortgage releases, sign lease termination instruments, disclaimers of interest instruments, and tax and assessments information, statements and/or receipts.
 - iii. Inform the City of all foreseeable delays which are likely to be encountered in closing, recording and payment.
 - iv. Submit incidental Expense Claim Forms to the property owner or his/her agent at the time of purchase.
 - v. Sign affidavit stating no coercion was used in securing signatures
 - vi. Prepare purchase report

6. Utility Coordination

This task is for utility coordination only and does not include subsurface utility engineering.

This scope of work references and follows the MnDOT Utility Accommodation and Coordination Manual and assumes the contractor understands these steps.

6.1. Standards and Guidance

6.1.1. Specific utility coordination activities must be handled in compliance with:

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- a. For the purpose of this Contract, “designate” refers to finding the presence and horizontal location of underground utilities using surface geophysical prospecting techniques (equivalent to quality level B)
- b. For the purpose of this Contract, “locate” means to obtain the precise horizontal and vertical position of subsurface utilities by non-destructive excavating techniques (equivalent to quality level A).
- c. Statute 216D requires utility locations according to CI/ASCE 38-02 Standard Guideline for the Collection and Designation of Existing Subsurface Utility Data.
- d. Quality Level (QL) D accuracy will be required, except as surveyed for above-ground features.

6.2. Items Provided by the City

- 6.2.1. Any City provided data should be considered draft and in need of verification by the Contractor as part of this scope for the defined project study area.
 - a. Previous plan sets with utility information
 - b. Previous Gopher State One Call (GSOC) ticket responses
 - c. Available utility information

6.3. Conduct Utility Design Meeting

- 6.3.1. The purpose of this meeting is to review the project design with utility owners and discuss potential conflicts. Project plans that depict the resulting utility information will facilitate decision making at the meeting.
- 6.3.2. The Contractor will meet with the City, prior to the meeting with utility owners, to review the identified conflicts and propose potential design solutions.
- 6.3.3. The Contractor will:
 - a. Plan and conduct the Utility Design Meeting, which often takes place between the 60 percent and 90 percent plan completion.
 - b. Invite the City’s PM, designers, and utility owners to this meeting.
 - c. Prepare a draft utility conflict resolution matrix in advance of the meeting based on utility owner input. The conflict matrix will be used to develop the draft utility tabulation sheet.
 - d. Facilitate the meeting such that solutions to utility conflicts are addressed to form an efficient design. Design modifications that minimize utility conflicts must be considered and documented.
- 6.3.4. The Contractor will create the roadway plan utility sheet for review with the City and utility owners. The utility plan sheet must consider excavation areas, and conflicts with proposed drainage, ditch grading. The tabulation sheet also must consider areas potentially affected by the project’s traffic control and construction phases.
- 6.3.5. Deliverables:
 - a. Meeting agendas, materials, and summaries
 - b. Draft utility conflict resolution matrix
 - c. Draft roadway plan utility sheets

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6.4. Obtain and Review Utility Relocation Plans, Schedules, Estimate and Permit Applications by Utility Company

6.4.1. The Contractor will:

- a. Perform review of marked-up plans and information provided by the utility owners.
- b. Identify potential utility conflicts
- c. Request utility owners that need to relocate facilities to develop utility relocation plans. The utility owner submittals must include detailed plans, schedules, and estimates.

6.4.2. Deliverables:

- a. Updated map of utility locations that includes the size, type, and ownership of facilities
- b. Utility Relocation Plans received from utility owners

6.5. Prepare and send GSOC Utility Verifications Letters

6.5.1. The Contractor will perform the GSOC and send verification letters to utility owners. Utility verification information only letters must be sent to utility owners with facilities in the project limits that are not affected. Utility Verification Letters must be sent to affected utility owners.

6.5.2. Deliverables:

- a. GSOC ticket
- b. Utility verification letters
- c. Utility verification information only letters

6.6. Verification Letter Responses

6.6.1. The Contractor will perform review of utility plans, schedules, and permit submissions and update the conflict resolution matrix, relocation plans, and utility tabulation sheets accordingly. The revised utility conflict resolution matrix must be used to revise the utility tabulation sheets.

6.6.2. Deliverables:

- a. Revised utility relocation plans
- b. Revised utility conflict resolution matrix
- c. Revised utility tabulation sheets
- d. Revised permit reviews

6.7. Prepare and Send Draft Utility Notice & Orders

6.7.1. City staff will prepare and send Utility Notice and Orders. The Contractor will provide supporting information to City for the writing of draft Notice and Orders, including:

- a. Utility relocation dates
- b. Construction dates
- c. Utility facility information
- d. Utility owner information

6.7.2. Deliverables:

- a. Supporting information for the draft Notice and Orders

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6.8. Utility Coordination Follow Up:

- 6.8.1. The Contractor will perform follow up communications and field reviews with utility owners, including:
 - a. Develop a communication log to track communications
 - b. Produce the final conflict resolution matrix
- 6.8.2. Deliverables:
 - a. Communication log
 - b. Final conflict resolution matrix

6.9. Utility Design Change Meeting

- 6.9.1. Sometimes changes are needed during the final design. The Contractor will plan and conduct one utility design change meeting. This meeting must communicate to the utility owners any major design changes to the project.
- 6.9.2. If design changes are minor, the Contractor may opt for coordinating utility design changes directly with each individual utility.
- 6.9.3. Deliverables:
 - a. Meeting invitations and meeting minutes
 - b. Summary of design changes

6.10. Reimbursement and Utility Agreements

- 6.10.1. If utility agreements are necessary, the City will write the utility agreements. The Contractor will provide supporting information for the revised utility agreements, including:
 - a. Utility relocations dates
 - b. Construction dates
 - c. Cost information
- 6.10.2. Deliverables:
 - a. Revised final utility relocation dates, construction dates and costs

6.11. Utility Information in Contract Documents

- 6.11.1. The Contractor will submit complete utility plans and specifications based on the proper and most up-to-date information from the final plans.
- 6.11.2. Deliverables:
 - a. Final utility plans and specifications

7. Trail Design Plans and Division S Special Provisions

7.1. File Format

- 7.1.1. All plans must be in the City plan format and correct coordinates and will contain all necessary design information including Quantity, Signature Block, Abbreviations, Symbols, Details (standard & special), Removals, and "For Information Only" Plan Sheet(s). All special needs must be incorporated into the design, as needed.

7.2. Standards and Guidance

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- 7.2.1. The final plans must be prepared in accordance with current City standards or State Aid standards where applicable.
- 7.2.2. The plan set must comply with the form, sequence, and content of the City's and State's (where not superseded by City) current:
 - a. Special provisions
 - b. Project Item List (AASHTOWare) from the current MnDOT Standard Specifications for Construction (<http://transport.dot.state.mn.us/Reference/refItem.aspx>)
- 7.2.3. The proposed roadway improvement construction plans must be consistent with identified work, limits, features, and constraints identified in the project feasibility report(s).
- 7.2.4. Plan sheets may be combined with the prior consent of the City's project manager.
- 7.2.5. To maintain formatting and document structure, The Contractor must use the Special provision templates that are available on the special provisions website: ([Electronic Proposals \(state.mn.us\)](http://www.dot.state.mn.us/pre-letting/prov/index.html)).
- 7.2.6. Contractor must follow guidance for formatting of the Special provisions located at the beginning of the Special provision boilerplate available on the special provisions website: (<http://www.dot.state.mn.us/pre-letting/prov/index.html>).

7.3. Items Provided by the City

- 7.3.1. Division S boilerplate documents ([Electronic Proposals \(state.mn.us\)](http://www.dot.state.mn.us/pre-letting/prov/index.html))

7.4. Prepare 60 Percent Plans

- 7.4.1. The Contractor will:
 - a. Prepare and submit the 60 percent design package, including sheets as noted in the City's 60 percent review checklist.
 - b. Prepare and submit a draft special provisions write-up for items not covered in the boilerplate. This includes:
 - i. Develop a list of, or draft of, special provisions that modify or supplement the Standard Specifications for Construction to communicate project specific needs during construction operations
 - ii. Replace, modify, or supplement existing sections in MnDOT Standard Specifications for Construction based on project need
 - iii. Incorporate all requirements that are not included in Standard Specifications for Construction
 - iv. Discuss modifications needed with City prior to modifying Division 1 and/or Division 3 of the Standard Specifications for Construction with Special Provisions
 - c. Develop a project cost estimate incorporating all major contract items. Cost estimate will include a reasonable contingency allowance.
 - d. Identify preliminary contract time details to identify construction timeframes, citywide coordination, and timing. Contract time details will be used to identify needs for later stage special provision information.
- 7.4.2. Deliverables:
 - a. 60 percent design package

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- b. Draft special provisions write-up
- c. Draft cost estimate including all major pay items at a minimum and expected contingencies
- d. Preliminary contract time estimation

7.5. Conduct 60 Percent Plan Review

7.5.1. The Contractor will host a Bluebeam Studio session to distribute the plans to City staff for comment and provide the comments to the Contractor.

7.5.2. Deliverables:

- a. Summary of review comments and response documentation

7.6. Prepare 90 Percent Plans

7.6.1. The Contractor will prepare and deliver the 90 percent design package, which must incorporate comments from the 60 percent plans and include:

- a. Full construction plan set
- b. Final construction cost estimate
- c. Division S special provisions

7.6.2. Deliverables:

- a. 90 percent design package
- b. Full construction plan set of original, signed, reproducible plans
- c. Final construction cost estimate with the cost participation breakdown
- d. Division S Special provisions
- e. Final Contract Time determination and special provisions

7.7. District Review of 90 Percent Plans

7.7.1. The Contractor will host a Bluebeam Studio session to distribute the plans to City staff for comment and provide the comments to the Contractor.

7.7.2. Deliverables:

- a. Summary of review comments and responses
- b. Access to 90 percent plans with markups to indicate that all comments have been resolved

7.8. Prepare Final Bid Package

7.8.1. The Contractor will prepare and deliver the final bid package, which must incorporate the 90 percent comments and include:

- a. Full construction plan set with review comments addressed
- b. Final construction cost estimate
- c. Division S special provisions
- d. Full Project Manual including all contract requirements, special provisions, and plans

7.8.2. Deliverables:

- a. Final bid package
- b. Final construction cost estimate with the cost participation breakdown

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7.9. Prepare Special Provisions

7.9.1. The Contractor will:

- a. Compile a final special provisions document based on project need and City input from Draft Special Provision review and coordination. This will include all special provision divisions prepared as part of the project.

7.9.2. Deliverables:

- a. Final special provisions at project turn-In.

8. Hydraulic Design

All or part of this project drains to MnDOT right of way. All or part of this project contributes to the HWY 110/494 drainage basin which may have special requirements. Contractor will coordinate with MnDOT regarding drainage permitting requirements within their right of way.

8.1. Standards and Guidance

8.1.1. All deliverables must be prepared in accordance with:

- a. Current version of the National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit
- b. Minnesota Pollution Control Agency (MPCA) *Minnesota Stormwater Manual*
- c. Minnesota Department of Natural Resources (DNR) Best Practices for Meeting DNR General Public Waters Work Permit
- d. U.S. Geological Survey (USGS), Generalized Skew Coefficients for Flood-Frequency Analysis in Minnesota
- e. Minnesota Local Road Research Board and Minnesota Department of Transportation, Minnesota Guide for Stream Connectivity and Aquatic Organism Passage through Culverts
- f. Inver Grove Heights City Code

8.1.2. All deliverables must be prepared in accordance with the following project-specific standards:

- a. Stormwater Storage and Treatment Systems:
 - i. Construct all stormwater treatment and storage systems with a minimum of two feet of vertical freeboard above the high-water level (HWL) of a 100-year, 24-hour storm event to the berm crest (continuous flat surface).
 - ii. Construct berm crest width of five feet minimum.
 - iii. Provide a wet pretreatment basin/cell upstream of all infiltration and filtration systems unless another method is approved by the District Water Resources Engineer.
 - iv. Underground structural stormwater storage and/or infiltration facilities will not be approved on this project, unless approved by the District Water Resources Engineer.
- b. Wet Stormwater Ponds and Filtration Basins:
 - i. Line stormwater ponds and filtration basins if they are located within a very high or a high-vulnerability area of a Drinking Water Supply Management Area

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- (DWSMA), within an Emergency Response Area (ERA), or located within contaminated soils.
- ii. Provide a minimum depth from the normal water level (NWL) to the pond bottom of at least three feet and a maximum depth of 10 feet.
- iii. Provide a 1:10 (V:H) bench extending from a wet pond NWL a minimum of 10 feet horizontally into the pond. Above the NWL, slopes must be no steeper than 1:3 (V: H) with 1:4 slopes preferred.
- iv. Base filtration rates for the design of the filtration basin on the MPCA Stormwater Manual. Base ponding depth within the filtration basin on the design filtration rate and a maximum 48-hour drawdown period.
- c. Infiltration Basins:
 - i. Infiltration basins shall not be located within a very high or a high-vulnerability DWSMA or within an ERA. For proposed infiltration within other DWSMA vulnerability areas, written approval must be received from the corresponding City.
 - ii. Infiltration is not permitted in areas with soil or groundwater contamination, karst, within three feet of a regional groundwater table, in Hydrologic Soil Group D, where soil infiltration rates are more than 8.3 inches per hour without modification, within 200 feet of a private water supply well, within 100 feet from a septic system, or within 100 feet of buildings or building foundations.
 - iii. Base infiltration rates for the design of infiltration basins on measured infiltration rates along with the MPCA Stormwater Manual correction factor. Alternatively, use the MPCA Stormwater Manual design infiltration rates for the applicable soil texture.
 - iv. Provide an overflow to establish the maximum water quality ponding depth to achieve the required maximum 48-hour drawdown period.
- d. Hydrologic Methods:
 - i. Design the drainage system so pre-project conditions are not exceeded for flood damage potential.
 - ii. Design stormwater storage and treatment facilities using the Atlas 14, 100-year, 24-hour rainfall event with an antecedent moisture condition of 2.

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8.1.3. All deliverables must be prepared using approved drainage design software.

Software	Possible Vendor	Functions
HydroCAD	HydroCAD Software Solutions LLC	• Generate NRCS (SCS) hydrograph • Develop stage-storage and stage-discharge for ponds • Combine/route hydrographs through ponds and channels
XP-SWMM	Innovyze	• Generate NRCS (SCS) hydrograph or model historical storm • Dynamic routing of hydrographs through ponds, pipes, and channels with varying tailwater/flow conditions

8.2. Preliminary Hydraulics Design/Recommendation

8.2.1. The Contractor will review the 30 percent hydraulic design and provide necessary updates to assumptions and design by:

- a. Preparing or updating, as applicable, existing, and proposed conditions hydrologic/hydraulic models of the project area and perform modeling to evaluate conformance to project design standards and permitting requirements.
- b. Preparing hydraulic and stormwater system design plans and corresponding hydraulic design report. The design and report must include documentation of:
 - i. Total disturbed soil area, existing and proposed impervious area, reconstructed impervious area, and resulting regulatory requirements for volume control and water quality treatment.
 - ii. Sizes and locations of culverts, storm sewer trunk lines, and outfalls.
 - iii. The location, size, type, slope, and computed headwater for the existing (where applicable) and proposed conditions discharges and invert elevations of each culvert and outfall.
 - iv. Location, surface area, and treatment volume depth of stormwater treatment systems including grading plans sufficient to confirm construction limits and right-of-way needs.
 - v. Limits of required right-of-way for all drainage and stormwater treatment systems.
 - vi. How the preliminary drainage system design will preserve existing drainage patterns wherever possible unless approved by the District Water Resources Engineer.

8.2.2. Deliverables:

- a. Updated preliminary hydraulic design plans

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8.3. Final Hydraulics Design/Recommendation

8.3.1. The Contractor will prepare stormwater and hydraulic system plans to be incorporated into the roadway design plans and report at the design submittal stages noted for each item.

- a. Drainage plans with 60, 90, 100 percent submittals.
- b. Drainage profiles at 60, 90, 100 percent submittals.
- c. Stormwater treatment system grading plans at 60, 90, 100 percent submittals.
- d. Stormwater treatment system detail plans at 60, 90, 100 percent submittals.
- e. Existing and proposed drainage tabulations at 60, 90, 100 percent submittals.
- f. Temporary sediment control plans at 60, 90, 100 percent submittals.
- g. Permanent erosion and sediment control plans at 60, 90, 100 percent submittal.
- h. Turf establishment plans at 60, 90, 100 percent submittals.
- i. Provide a list of Division S special provisions necessary for the project hydraulic design to the roadway design lead at 60 percent.
- j. Provide draft Division S special provisions to roadway design lead at 90 percent.
- k. Provide final Division S special provisions to the roadway design lead.

8.3.2. Deliverables:

- a. Hydraulic design report with the 60, 90 percent submittals
- b. Final hydraulic design report signed by a Minnesota licensed Professional Engineer with 100 percent plan
- c. Existing and proposed conditions hydrologic/hydraulic models with the 60, 90 percent submittals]
- d. Stormwater and hydraulic design system plans and special provisions with the specified plan submittals

8.4. Develop Staging for Temporary Drainage

8.4.1. The Contractor will:

- a. Prepare a staging approach for temporary drainage where necessary to reduce the potential for travel lane flooding during construction, prevent damage to properties adjacent to the project during construction, and/or to facilitate the construction process by temporarily diverting or altering drainage conveyance systems. The staging approach may consist of a combination of construction plans, narrative in the stormwater pollution prevention plan (SWPPP) and/or special provisions.
- b. Design drainage systems to accommodate construction during all stages of construction and will provide temporary and permanent drainage facilities for each stage of construction. Include temporary erosion control facilities needed to satisfy regulatory requirements.

8.4.2. Deliverables:

- a. Staging approach narrative incorporated into the SWPPP
- b. Temporary drainage staging construction plans and special provisions

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8.5. Prepare SWPPP and Review Erosion Control Plans

- 8.5.1. The Contractor will review the erosion control plans prepared under the road plan scope and incorporate necessary measures into the SWPPP to address project concerns.
- 8.5.2. The Contractor will prepare an SWPPP meeting the requirements of the NPDES Construction Stormwater (CSW) Permit and incorporating the applicable requirements of the watershed agencies and local governmental units having jurisdiction within the project area.

8.6. Deliverables:

- a. SWPPP

9. Stormwater Design

All or part of this project drains to MnDOT right of way. All or part of this project contributes to the HWY 110/494 drainage basin which may have special requirements. Contractor will coordinate with MnDOT regarding drainage permitting requirements within their right of way.

9.1. Standards and Guidance

- 9.1.1. All deliverables must be prepared in accordance with:
 - a. Current version of the National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit
 - b. Minnesota Pollution Control Agency (MPCA) Minnesota Stormwater Manual
 - c. Minnesota Department of Natural Resources (DNR) Best Practices for Meeting DNR General Public Waters Work Permit
 - d. Federal Highway Administration (FHWA) Hydraulic Design Series No. 4, Introduction to Highway Hydraulics
 - e. U.S. Geological Survey (USGS), Generalized Skew Coefficients for Flood-Frequency Analysis in Minnesota
 - f. Inver Grove Heights City Code
- 9.1.2. All deliverables must be prepared in accordance with the following project specific standards:
 - a. Stormwater Storage and Treatment Systems:
 - i. Construct all stormwater treatment and storage systems with a minimum of two feet of vertical freeboard above the high-water level (HWL) of a 100-year, 24-hour storm event to the berm crest (continuous flat surface).
 - ii. Construct berm crest width of five feet, minimum.
 - iii. Provide a wet pretreatment basin/cell upstream of all infiltration and filtration systems unless another method is approved by the District Water Resources Engineer.
 - iv. Underground structural stormwater storage and/or infiltration facilities will not be approved on this project, unless approved by the District Water Resources Engineer.

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- b. Wet Stormwater Ponds and Filtration Basins:
 - i. Line stormwater ponds and filtration basins if they are located within a very high or a high-vulnerability area of a Drinking Water Supply Management Area (DWSMA), within an Emergency Response Area (ERA), or located within contaminated soils.
 - ii. Provide a minimum depth from the normal water level (NWL) to the pond bottom of at least three feet and a maximum depth of 10 feet.
 - iii. Provide a 1:10 (V:H) bench extending from a wet pond NWL a minimum of 10 feet horizontally into the pond. Above the NWL, slopes must be no steeper than 1:3 (V: H) with 1:4 slopes preferred.
 - iv. Base filtration rates for the design of the filtration basin on the MPCA Stormwater Manual. Base ponding depth within the filtration basin on the design filtration rate and a maximum 48-hour drawdown period.
- c. Infiltration Basins:
 - i. Infiltration basins shall not be located within a very high or a high-vulnerability DWSMA or within an ERA. For proposed infiltration within other DWSMA vulnerability areas, written approval must be received from the corresponding City.
 - ii. Infiltration is not permitted in areas with soil or groundwater contamination, karst, within three feet of a regional groundwater table, in Hydrologic Soil Group D, where soil infiltration rates are more than 8.3 inches per hour without modification, within 200 feet of a private water supply well, within 100 feet from a septic system, or within 100 feet of buildings or building foundations.
 - iii. Base infiltration rates for the design of infiltration basins on measured infiltration rates along with the MPCA Stormwater Manual correction factor. Alternatively, use the MPCA Stormwater Manual design infiltration rates for the applicable soil texture.
 - iv. Provide an overflow to establish the maximum water quality ponding depth to achieve the required maximum 48-hour drawdown period.

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d. Hydrologic Methods:

- i. Design the drainage system so pre-project conditions are not exceeded for flood damage potential.
- ii. Design stormwater storage and treatment facilities using the Atlas 14, 100-year, 24-hour rainfall event with an antecedent moisture condition of 2.

9.1.3. All deliverables must be prepared using approved drainage design software.

Software	Possible Vendor	Functions
HydroCAD	HydroCAD Software Solutions LLC	• Generate NRCS (SCS) hydrograph • Develop stage-storage and stage-discharge for ponds • Combine/route hydrographs through ponds and channels
XP-SWMM	Innovyze	• Generate NRCS (SCS) hydrograph or model historical storm • Dynamic routing of hydrographs through ponds, pipes, and channels with varying tailwater/flow conditions

9.2. Preliminary Stormwater System Analysis

9.2.1. The Contractor will compile available water resources-related information, regulatory requirements applicable to the project, and develop a water resources design criteria summary document.

9.2.2. The summary document must include and identify:

- a. Existing stormwater drainage plans, models, and survey data including available data on culverts, ditches, storm sewer systems, and stormwater treatment systems within the project area.
- b. Information collected during the field survey relating to existing conditions.
- c. Available soil conditions where infiltration, filtration, and wet ponds are proposed and where stormwater trunk line piping is proposed. Identify the source(s) of the data including web-based data, soil borings, and other.
- d. Water resources issues including, but not limited to, areas with historically inadequate drainage (e.g., known flooding areas, citizen-identified concerns, and complaints), environmentally sensitive areas, localized flooding, and maintenance problems associated with drainage, erosion areas, high groundwater table areas, areas known to contain contaminated soil or water, karst areas, ERAs, and DWSMAs including the degree of vulnerability of each DWSMA throughout the project area.
- e. Volume control, water quality, and rate control requirements as imposed by federal and state government regulations, MnDOT District Hydraulic Guidelines, watershed district and/or watershed management organization standards and rules, and any local governmental unit standards and rules.

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- f. Existing drainage systems that require cleaning and/or inspection and make recommendations if features need repair or replacement.

9.2.3. The Contractor will prepare drainage overview map(s) for the project area including:

- a. Existing and proposed drainage features including, but not limited to, culverts, ditches, storm sewer, outfalls, drop inlets, catch basins, wet ponds, dry ponds, infiltration basins, and filtration basins. Available municipal drainage system information must be included.
- b. Delineated drainage areas to each point of inflow and outflow from the project. Existing and proposed drainage areas must identify the time of concentration and modeled peak flows for the design events identified in the water resources design criteria summary. Existing and proposed ponding or detention areas must show the model peak water surface elevation for the 100-year design storm event.
- c. All waters within one mile of the project that receive project runoff: public waters, outstanding resource value waters, special waters, and impaired waters.
- d. Federal Emergency Management Agency (FEMA) Floodplain boundaries, Watershed District flood elevations and/or floodplain boundaries, National Wetlands Inventory (NWI) wetland boundaries, jurisdictional ditches, karst areas, ERAs and DWSMAs, and other relevant drainage system information including agricultural drainage tile systems within and adjacent to the project area.
- e. Existing drainage infrastructure and locations for repair, lining, replacement, and erosion control recommendations.

9.2.4. Deliverables:

- a. Water resources design criteria summary
- b. Drainage overview map(s) for existing and proposed conditions

9.3. Preliminary Stormwater System Design

9.3.1. The Contractor will:

- a. Develop preliminary existing and proposed conditions hydrologic/hydraulic models of the project area and perform modeling as necessary to ensure project conformance to project design standards and permitting requirements. Analyses will be completed for the design storm events identified in the water resources design criteria summary document.
- b. Prepare a preliminary stormwater system design and a corresponding preliminary stormwater design report. The design and report must include documentation of the preliminary design, including how the meets the requirements identified in the water resources design criteria summary document. The report must provide documentation of the following:
 - i. Total disturbed soil area, existing and proposed impervious area, reconstructed impervious area, and resulting regulatory requirements for volume control and water quality treatment.
 - ii. Preliminary sizes and locations of culverts, storm sewer trunk lines, and outfalls.
 - iii. The location, size, type, slope, computed headwater for the existing (where applicable) and proposed conditions discharges, and preliminary invert elevations of each culvert and outfall.

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- iv. Preliminary location, surface area, and treatment volume depth of potential stormwater treatment systems including preliminary grading sufficient to establish construction limits and right-of-way needs.
- v. Construction limits and required right-of-way for all drainage system facilities and stormwater treatment systems.
- vi. How the preliminary drainage system design will preserve existing drainage patterns wherever possible unless approved by the District Water Resources Engineer.
- vii. Modeling results of existing and proposed conditions stormwater systems as required for project permitting and/or as directed by the District Water Resources Engineer.

9.3.2. Deliverables:

- a. Existing and proposed conditions hydrologic/hydraulic models
- b. Preliminary stormwater system design
- c. Preliminary stormwater design report

10. Project Bidding

10.1. Bidding

- 10.1.1. The City uses electronic bidding (QuestCDN) for posting Project Manual and acceptance of required project documents and bids from potential construction contractors.
- 10.1.2. The Contractor will set up and post all applicable project bidding information required by State statute.
- 10.1.3. The Contractor will prepare and post all necessary public notices prior to, and during, the project advertisement.

10.2. Create Plan Addenda and Clarifications

- 10.2.1. The Contractor will prepare addenda to construction plans as directed by the City based on questions during project bidding.
- 10.2.2. Question responses that do not require addenda or changes to project documents will be posted as project clarifications and distributed to all plan holders.
- 10.2.3. Deliverables:
 - a. Any updated items from the bidding design package
 - b. Project clarifications as necessary

10.3. Bid Opening

- 10.3.1. The Contractor will be available and present to open bids electronically. Bid opening will be at City Hall. City's Project Manager, or applicable delegate, must be present for the bid opening.

City Contract No.: 23-27_IGHMSA_E_WO_06
City Project No.: 2023-08 Babcock Trail Multi-Use Trail
Exhibit A: Specifications, Duties, and Scope of Work

11. Design Survey

Provide right of way staking that identifies all existing and proposed rights of way and easements based on proposed construction needs.

11.1. File Format

- 11.1.1. Deliverable format for survey data will be an ASCII file in City format using linework and comment coding for inclusion into AutoCAD files, using the current versions of AutoCAD.

11.2. Standards and Guidance

- 11.2.1. Survey work must meet best management practices (BMPs) for surveying.
- 11.2.2. All work shall be completed using the Dakota County Coordinate System North American Datum (NAD) 83, 1986 adjustment and North American Vertical Datum (NAVD) 88 vertical datum.

11.3. Items Provided by the City

- a. Known drainage infrastructure information within project area (note: drainage structure information may not be all inclusive).
- b. Horizontal and vertical datum requirements.
- c. Apparent high-water information or requirements when available.

11.4. Conduct Topographic Survey

- 11.4.1. The Contractor will:

- a. The Contractor will send out a mass mailing to notify landowners of survey intention.
- b. Prepare a topo survey work plan and schedule for all survey activities and will review work progress with the City at scheduled PMT meetings.
- c. Collect survey data necessary to complete design and provide information necessary for construction field work.
- d. Provide right of way staking that identifies all existing and proposed rights of way and easements based on proposed preliminary construction needs.

- 11.4.2. Deliverables:

- a. Topo survey work plan and project schedule
- b. ASCII file with all survey data, including header Information containing horizontal and vertical datum
- c. Field shots imported into a AutoCAD
- d. Survey report

For Invoice No.: _____

City Contract No.: 23-27_IGHMSA_E_WO_06 Billing Period: from _____ to _____
City Finance ID: _____

Contract Notice to Proceed Date: []
Contract Expiration Date: []

From: []
[]
[]

Contractor Project No. XXXXXXXX

Project 2023-08 Babcock Trail Multi-Use Trail

Notes	Description	Contract Value	Amount Billed to Date	Previous Amount Billed	Current Amount Due
	Project Management	XXXXXXXX			
	Programmatic Categorical Exclusion (CATEX)	XXXXXXXX			
	Construction Limits	XXXXXXXX			
	Right of Way and Easement Acquisition	XXXXXXXX			
	Utility Coordination	XXXXXXXX			
	Trail Design & Div S	XXXXXXXX			
	Hydraulic Design	XXXXXXXX			
	Stormwater Design	XXXXXXXX			
	Project Bidding	XXXXXXXX			
	Design Survey	XXXXXXXX			
	Subtotal	XXXXXXXX			
	Total				

Contractor's Project Manager

Date



Babcock Trail Multi-Use Trail
Client: City of Inver Grove Heights
SEH Fee Estimate & Deliverable/Assumption Summary
Date: November 13, 2023

Billing Title		CSM	PM	PE	PE	Grad Eng	Sr Tech	Planner	GIS Analyst	ROW Specialist	RLS	Survey Crew Chief	Admin Tech	Subconsultants	Expenses	Total
Task #1 - Project Management																
1.1	Project Coordination and Administration															
	Develop & execute County agreement	1	2													3
	Create project in accounting system		2										1			3
	Develop Quality Management Plan		2										1			3
	Project schedule and fee review		4													4
	Invoice management		12										15			27
Deliverables:	Quality management plan and invoicing															
Assumptions:	Expenses shown include computer charges, mileage, survey and vehicle equipment, and reproductions															
1.2	Project Meetings															
	Kickoff meeting	1	4													5
	PMT meetings	15	30	2	2											49
	Stakeholder Involvement/Meetings	3	6													9
	Public Meeting															
	Prepare presentation and project boards	1	4				8		4							17
	Attend public meeting	4	4													8
	City Council meeting		4													4
Deliverables:	Meeting agendas and minutes; public meeting and City Council meeting presentations and attendance															
Assumptions:	Kickoff, PMT, and stakeholder meetings will be held virtually. 30 PMT meetings will be held. Three stakeholder meetings (one each) with Metro Transit, Dakota County, and MnDOT will be held															
	Task Hours Summary	25	74	2	2		8		4				17	N/A	N/A	132
	Task Fee Summary	\$4,364.91	\$20,267.72	\$447.58	\$332.07		\$1,035.53		\$712.03				\$2,247.85		\$88.06	\$29,495.75
Task #2 - Programmatic Categorical Exclusion																
2.1	Prepare CATEX Document															
	Prepare short form CATEX environmental document							90								90
Deliverables:	Attachment B checklist; AD 1006 or NRCS-CPA-106 form (if required); Floodplain assessment; Environmental Due Dilligence Form #1 (EDD-1); Draft and final PCE with supporting documentation; Environmental commitments list															
Assumptions:	No noise analysis will be required; no special studies will be required by MnDNR or MnDOT Office of Environmental Stewardship															
	Task Hours Summary							90						N/A	N/A	90
	Task Fee Summary							\$15,356.47								\$15,356.47

Billing Title		CSM	PM	PE	PE	Grad Eng	Sr Tech	Planner	GIS Analyst	ROW Specialist	RLS	Survey Crew Chief	Admin Tech	Subconsultants	Expenses	Total
Task #3 - Construction Limits																
3.1	Cross Sections															
	Site visit and existing conditions documentation photos						5									5
	Create project base files (BA, XG, RW)						6				10					16
	Create and refine trail alignment						8									8
	Create and refine trail profile						8									8
	Create and refine proposed geometrics						6									6
	Create and refine trail corridor model		1				16									17
	Review trail impacts and easement needs		1				2									3
	Develop draft and final construction limits map						20									20
	QA/QC	1	2				4									7
Deliverables:	Preliminary typical sections, draft/final construction limits map															
Assumptions:	Construction limits map will show typical sections, trail alignment and profile, proposed stormwater features, utility impacts, easement/right of way needs, and cross sections. All linework, alignments/profiles, and other design information developed with the 30% design and feasibility study will be provided to SEH.															
	Task Hours Summary	1	4				75				10			N/A	N/A	90
	Task Fee Summary	\$174.60	\$1,095.55				\$9,708.11				\$1,824.99				\$29.25	\$12,832.50
Task #4 -Right of Way and Easement Acquisition																
4.1	Right of Way															
	Project Management									10						10
	Public records search and creation of parcel tracking spreadsheet									2						2
	Review titles									5						5
	Prepare full title reports									2						2
	Prepare and send early notification of acquisition letters									2						2
	Complete title investigations and meet with owners									10						10
	Evaluate and review owner concerns									4						4
	Complete value calculation sheet									20						20
	Review conveyance documents									8						8
	Prepare and send offer letters									5						5
	Negotiate with property owners									4						4
	Complete administrative settlements and prepare revised offers									48						48
	Completion of project files									6						6
	Prepare and submit items to be recorded									2						2
	Documentation and file transfer									4						4
	Draft easement exhibits										16					16
Assumptions:	City's attorney will prepare the conveyance documents; 5 temporary construction easements and 4 permanent easements/ROW acquisition will be required															
	Task Hours Summary									132	16			N/A	N/A	148
	Task Fee Summary									\$17,362.01	\$2,919.99				\$438.75	\$20,720.75

Billing Title		CSM	PM	PE	PE	Grad Eng	Sr Tech	Planner	GIS Analyst	ROW Specialist	RLS	Survey Crew Chief	Admin Tech	Subconsultants	Expenses	Total
Task #5 - Utility Coordination																
5.1	Conduct Utility Meetings															
	Develop utility conflict resolution matrix		4													4
	Conduct 60% private utility design meeting	1	3													4
Deliverables:	Meeting agenda, exhibits, and minutes; utility conflict resolution matrix; draft plan utility sheets; utility communication log															
Assumptions:	Meeting will be held virtually; utility design change meeting will not be required															
5.2	Utility Coordination Process															
	Complete Gopher State One Call						2						2			4
	Private utility correspondence and follow up		4				4									8
	Review relocations plans, schedules, estimates, and permit applications		2				8									10
	Prepare and send utility verification letters		3													3
	Review verification letter responses		1													1
	Supporting information for Draft Notice and Orders		2				2									4
	Supporting information for utility agreements		2				2									4
	Utility plans/tabulations (see sub-task 6.2)															
Deliverables:	Map of utility locations; utility relocations plans from utility owners; GSOC ticket; utility verification letters and responses; supporting information for draft Notice and Orders; final utility plans/tabulations															
Assumptions:	Utility design change meeting will not be required. Design changes will be minor enough that changes may be communicated directly with individual utilities. City staff will develop and send Notice and Orders with supporting information provided by SEH. Verification letters will be sent electronically															
	Task Hours Summary	1	21				18						2	N/A	N/A	42
	Task Fee Summary	\$174.60	\$5,751.65				\$2,329.95						\$264.45			\$8,520.65
Task #6 - Trail Design Plans and Division S Special Provisions																
6.1	Trail Design															
	Refine trail alignment						4									4
	Refine trail profile						4									4
	Refine proposed geometrics						2									2
	Refine trail corridor model						8									8
	Retaining wall design			90												90
	Geotechnical subconsultant (Glacial Ridge Drilling)															
Deliverables:	Final geotechnical investigation report															
Assumptions:	Two retaining walls in locations shown in feasibility study will be required															
6.2	Develop Construction Plans															
	Title Sheet						2									2
	Statement of Estimated Quantities						4									4
	General Notes and Earthwork Summary						6									6
	Typical Sections						6									6
	Tabulations (private utilities, storm sewer, pavement markings, signage)						12									12
	Details						6									6
	Alignment Plan						4									4
	Trail Plan/Profile		2				20									22
	Storm Sewer Profiles		2				8									10
	Utility plans		2				16									18
	Intersection Details		2				20									22
	Retaining wall plan/profiles and details						16									16
	Traffic Control Plan		1				4									5
	Erosion Control/SWPPP (see sub-task 7.1)						16									16
	Signing/Striping						12									12

Billing Title		CSM	PM	PE	PE	Grad Eng	Sr Tech	Planner	GIS Analyst	ROW Specialist	RLS	Survey Crew Chief	Admin Tech	Subconsultants	Expenses	Total
	Cross Sections						8									8
	60% quantities and OPC						16									16
	90% quantities and OPC						12									12
	100% quantities and OPC						8									8
	QA/QC	2	8													10
	Submit 60% and 90% documents for City review		2				4									6
	Prepare MnDOT 60%, 90%, and final submittals		4				2									6
	Develop comments and response summary		2				2						8			12
Deliverables:	60%/90%/final plans and cost estimate; Comments and response summary documentation															
Assumptions:	Traffic control plan will generally consist of calling out recommended field layouts on a plan sheet; project review will be completed using Bluebeam Studio session															
6.3	Special Provisions and Project Manual															
	Front end documents		1										1			2
	Bidding requirements		1										1			2
	Geotechnical data		1										1			2
	Contract forms		1										1			2
	Conditions of the contract		1										1			2
	Supplementary conditions		4										1			5
	Special provisions		12										1			13
	Quality control review	2											1			3
Deliverables:	60%/90% draft project manual and contract time estimation; final project manual															
Assumptions:	Private utility relocation permitting/agreements with MnDOT, City of Eagan, and City of Inver Grove Heights will be completed by others; condition and age information of City-owned sanitary sewer, water main, and storm sewer to be provided by City of Eagan and/or City of Inver Grove Heights; 30% and 60% utility meetings will be held separately for each phase (6 meetings total)															
	Task Hours Summary	4	46	90			222						16	N/A	N/A	378
	Task Fee Summary	\$698.39	\$12,598.85	\$20,141.07			\$28,736.01						\$2,115.63	\$10,109.00		\$74,398.94
Task #7 - Hydraulic Design																
7.1	Hydraulic Analysis															
	Standards and Guidance				1	2										3
	Preliminary Hydraulics Design/Recommendation				2	28										30
	Final Hydraulics Design/Recommendation				2	28										30
	Develop Staging for Temporary Drainage				2	6										8
	Prepare SWPPP and review Erosion Control plans				2	12										14
Deliverables:	Preliminary and final hydraulic design reports (60%, 90%, and final design); existing and proposed hydraulic models; stormwater and hydraulic design plans and special provisions; SWPPP with temporary drainage staging; temporary staging plans and special provisions															
Assumptions:	Assumes less than 1 acre of impervious area will be added															
	Task Hours Summary				9	76								N/A	N/A	85
	Task Fee Summary				\$1,494.31	\$11,015.74										\$12,510.06

Billing Title		CSM	PM	PE	PE	Grad Eng	Sr Tech	Planner	GIS Analyst	ROW Specialist	RLS	Survey Crew Chief	Admin Tech	Subconsultants	Expenses	Total
Task #8 - Stormwater Design																
8.1	Storm Sewer Design															
	Standards and Guidance				1	2										3
	Stormwater system analysis				4	28										32
	Stormwater system design				4	28										32
Deliverables:	Water resources design criteria summary; drainage overview maps (existing and proposed conditions); hydraulic models (existing and proposed conditions; preliminary stormwater system design and drainage report															
Assumptions:																
	Task Hours Summary				9	58								N/A	N/A	67
	Task Fee Summary				\$1,494.31	\$8,406.75										\$9,901.06

Task #9 - Project Bidding																
9.1	Bidding Administration															
	Prepare ad for bid & electronic bid docs		1										8			9
	Respond to bid questions & prepare addenda		4				4						2			10
	Attend bid opening		2													2
	Prepare tabulation of bid and award recommendation letter		3										2			5
Deliverables:	Electronic bid documents; addenda; project clarifications; bid tabulation and award recommendation letter															
Assumptions:	Bids will be opened electronically at City Hall															
	Task Hours Summary		10				4						12	N/A	N/A	26
	Task Fee Summary		\$2,738.88				\$517.77						\$1,586.72			\$4,843.37

Task #10 - Design Survey																
10.1	Topographic Survey															
	Prepare and send mass mailing to notify landowners of survey intention		2						2				2			6
	Develop topo survey schedule		1									1				2
	Complete topographic survey											20				20
	Stake right of way and easement acquisitions											8				8
Deliverables:	Draft letter for City review; mass mailing; topographic survey schedule; survey data and CAD file; survey report															
Assumptions:	Includes searching for existing property corners. Assumes all right of way and easements will be staked once during a single trip.															
	Task Hours Summary		3						2			29	22	N/A	N/A	56
	Task Fee Summary		\$821.66						\$356.02			\$3,738.90	\$2,908.99		\$1,494.90	\$9,320.46

Project Summary																
	Project Hours Summary	31	158	92	20	134	327	90	6	132	26	29	69	N/A	N/A	1,114
	Project Fee Summary	\$5,412	\$43,274	\$20,589	\$3,321	\$19,422	\$42,327	\$15,356	\$1,068	\$17,362	\$4,745	\$3,739	\$9,124	\$10,109	\$2,051	\$197,900
	Cost per Hour	\$175	\$274	\$224	\$166	\$145	\$129	\$171	\$178	\$132	\$182	\$129	\$132	N/A	N/A	\$167

Request for Council Action

SUBJECT: **Resolution Approving an Updated Special Assessment Policy**

MEETING DATE: November 27, 2023

ITEM TYPE: Consent Agenda

CONTACT: Brian Connolly, Public Works Director, 651.450.2571

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, approving an updated Special Assessment Policy.

BACKGROUND

The City has utilized a Special Assessment Policy for public improvements dating back to 1981. The most recent update to the City's Special Assessment Policy was adopted by the City Council in 2016. As part of the Citizen Task Force report on the City's Pavement Management Program, which was completed in June, 2022, it was noted that while current Special Assessment Policy provisions should generally remain as defined, some changes to provide clarity and transparency for the public and consistent application by the City on future projects were recommended. Through the execution of the 2022 and 2023 Pavement Management Initiative projects, as well as the feasibility study for the 2024 Pavement Management Initiative projects, staff have taken steps to review the Special Assessment Policy provisions, and request feedback from the public, consultants, and the City Council as to ways to improve the Special Assessment Policy.

The City Engineer and Public Works Director provided a comprehensive update of the City's Pavement Management Initiative projects as part of the September 5, 2023 City Council worksession. As part of that effort, a draft update to the City's Special Assessment Policy was provided to the City Council, and staff reviewed the recommended changes. A follow-up correspondence regarding questions brought up during this worksession was provided to the City Council via staff email on October 30, 2023 (attached).

The following key Special Assessment Policy provisions have been incorporated into the proposed policy revisions:

1. Clearer formatting and use of "plain language", including a glossary of common terms (Appendix A)
2. Clarification of the typical public improvement process for which special assessments may be utilized to fund improvements (Section 4)
3. Clarification of special assessment calculation methods utilized (Section 5), and the addition of visual examples of calculation methods (Appendix B)
4. Addition of a special assessment rate for the upgrade of gravel roads to paved roadways (Section 6)

5. Modification of the payment terms for special assessments based on assessment value (as opposed to improvement type) (Section 7)

One item discussed previously with the Council but not included in the attached policy at this time is a change in policy that would allow property owners to pay a portion of their assessment up front and then finance the remaining balance through their property taxes. Currently, the choices are to either pay it all at the time the assessment is levied or to have the entire amount certified to the County for payment with the parcel's property taxes over a period of years. The attached email includes some additional information on this topic and reasons why staff is not recommending proceeding with this change at this time.

If approved by the City Council, the updated Special Assessment Policy would be effective as of January 1, 2024. The current Special Assessment Policy (dated January 25, 2016) would still apply to all current projects that have had feasibility studies completed and have been ordered by the City Council, including the 2024 Pavement Management Initiative projects.

FISCAL IMPACT

The approval of an updated Special Assessment Policy does not have any immediate fiscal impact. The application of the Special Assessment Policy will have a fiscal impact on a project-by-project basis, and will be detailed via individual project feasibility reports and project budgets.

RECOMMENDATION

Staff recommend the adoption of the attached Resolution, approving an updated Special Assessment Policy for the City of Inver Grove Heights.

ATTACHMENTS

1. Resolution - Special Assessment Policy
2. Special Assessment Policy Memo to Council - 2023-10-30
3. Special Assessment Policy (FINAL)

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

RESOLUTION NO. _____

RESOLUTION APPROVING AN UPDATE TO THE CITY'S SPECIAL ASSESSMENT POLICY

WHEREAS, on January 25, 2016, the City Council approved the most recent version of the City's Special Assessment Policy (Resolution 16-04); and

WHEREAS, as part of the Final Report of the Pavement Management Program Citizen Task Force, which was accepted by the City Council on June 13, 2022 (Resolution 2022-121), the general provisions of the Special Assessment Policy were found to be reasonable, while clarifications could be made to make the policy provisions clearer and more transparent to the public, and applied more consistently by the City; and

WHEREAS, on September 5, 2023, staff presented a draft update of the Special Assessment Policy to the City Council, and solicited feedback as to the format and provisions contained therein; and

WHEREAS, the final version of the Special Assessment Policy has incorporated the recommendations of the City Council and those as identified in the Final Report of the Pavement Management Program Citizen Task Force and as recommended by staff.

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

1. The updated Special Assessment Policy, dated November 27, 2023, is hereby adopted.
2. The updated Special Assessment Policy is effective as of January 1, 2024, and will supersede all previous assessment policies, and such amendments thereto.
3. The Special Assessment Policy adopted January 25, 2016, via Resolution 16-04, shall remain in effect for all projects where the feasibility study has been completed and the project ordered by the City Council prior to January 1, 2024.

Approved by the City Council of the City of Inver Grove Heights this 27th day of November 2023.

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

Brian Connolly

From: Brian Connolly
Sent: Monday, October 30, 2023 3:54 PM
To: Mayor and Council
Cc: Kris Wilson
Subject: Follow-up on Assessment Policy Update - September 5 CC Worksession
Attachments: Special Assessment Policy (DRAFT).pdf

Mayor and Councilmembers -

At the September 5, 2023 Worksession, Public Works staff provided an update on several Pavement Management Initiative-rated topics. One discussion item was on an update to the City's Assessment Policy that we have been working on for the past 9+ months. I've attached a copy of the draft version to this email to refresh your memory; this is the same version provided in the Council Packet for that worksession meeting.

At that meeting, we took several questions from Councilmembers regarding the Assessment Policy that required additional staff follow-up. It took staff some time to review, and we wanted to get through the 2023 project assessment hearings before providing this information, to avoid potential confusion between the current and the proposed policy. I want to summarize those inquiries in this email, and provide feedback accordingly.

1) There were some questions about the recommendation that paving of gravel roads be assessed at a rate of 55% (for roads with public utilities) and 80% (for roads without public utilities), and what the overall cost impact of that might be. The current assessment policy identifies the improvement of all gravel roads as "new" improvements, assessed at 100%.

- a. Of the 150 miles of roadways that the City maintains, only about 3 miles are gravel (2%). There is only one current roadway that is gravel and has public utilities located in it (1,100', or 0.2 miles, of 88th Street W. and Bacardi Ave, located near Argenta Trail/Aviary Path/TH 149). The remaining 2.8 miles of gravel roads are located in rural residential pockets of the Northwest Area or in the southern half of the City, and consist of short streets less than 0.3 miles in length, alley areas off of Babcock Trail, and about a 1-mile length of 105th Street east of Borman Ave. to TH 52. In the 2024-2028 CIP, the segment of 88th Street and Bacardi Ave. are proposed to be upgraded in 2025 (due primarily to a sanitary sewer improvement need, and completion of improvements to Argenta Trail in coordination with the City of Eagan). Staff receive regular inquiries from several of the other "gravel street" neighborhoods about paving upgrades in the future, although none have been programmed at the present time.
- b. With that context, staff have estimated the cost for the Bacardi Ave. project, and tabulated the cost impacts below, comparing the existing City assessment policy (100% assessment) with the current modifications:

	Costs				
	Street	Storm	Sewer	Water	TOTAL
Bacardi/88th Street	\$255,000	\$30,000	\$7,000	\$30,000	\$322,000

100% Assessment (Current Policy)

	Assessment (100%)	Pavement Management ⁽¹⁾	Utility Funds	TOTAL
Total	\$237,500	\$47,500	\$37,000	\$322,000

(1) City pays for portion of costs along ROW and/or non-assessable parcels (i.e., parcels with no access or benefit)

55% Assessment (Proposed Policy)

	Assessment (55%)	Pavement Management	Utility Funds	TOTAL
Total	\$130,625	\$154,375	\$37,000	\$322,000

At a 55% assessment, the City would pay roughly \$107,000 more for the project. It is worth noting, however, that the assessment rate for the 100% vs. the 55% assessment varies dramatically:

	Assessment Rate
Per Parcel Assessment (100%)	\$23,750
Per Parcel Assessment (55%)	\$13,063
Benefit Appraisal (per parcel)	\$12,000 - \$15,000

It is likely, if the City did a formal benefit appraisal on the benefitted parcels, the assessments for this specific neighborhood would be capped around \$12,000 - \$15,000. In the case of the 100% assessment, the only way the City could assure that the full assessment is paid by the benefiting properties is by having those property owners agree to waive any assessment challenge. In other words, there would need to be unanimous consent among the property owners to pay those costs. This particular neighborhood has petitioned at least two prior times since the year 2000 to have a project that paves Bacardi Ave.; in both instances, it was not advanced by Council due to the high assessment values. So, it is likely the City would need to absorb a greater portion of the project costs if this project is advanced. It's not a total coincidence that at a 55% assessment rate, the assessments much more closely represent the anticipated property benefit; this is how the overall assessment policy has operated over the past 20 years.

- c. For areas with no public utilities (proposed to be assessed at an 80% rate), the assessment value is proposed to be higher than roads with public utilities (but lower than the current 100%) for two key reasons:
 - i. For roads like Bacardi Ave., there is significant City benefit to having paved roads where public utilities exist for maintenance access and asset management purposes. Currently, the City does not have easy access to water valves or sewer manholes, as they are buried under gravel and inaccessible without excavation. This is time consuming, and in the case of winter access needs, virtually impossible to achieve without substantial additional costs that wouldn't be experienced in areas with paved roadways. The City collects utility fees for water and sewer use from these property owners, and the cost for permanent roadway upgrades can be partially appropriated to the respective utility funds.
 - ii. For other rural roads, residents that have previously petitioned the City (in some cases, several different times over the years) for pavement have been reluctant to pay the 100% assessment for such work, and projects have typically failed to advance beyond the feasibility stage (for which the City does not assess the cost for such study or design). The 100% assessment fails to recognize that, in many cases, these roads have been constructed to some acceptable service level where the gravel and/or subgrade material has value, and can be reincorporated into any roadway paving

project. The cost to upgrade the roadway with storm culverts or curb and gutter would represent a tangible benefit to adjacent properties, and as such, one could reason that more of the cost for these “upgrades” should be shouldered by the benefiting properties. The City also benefits from a maintenance standpoint, but not as much as may be realized in neighborhood where public utility access is needed.

- d. If the tabulation for Bacardi Ave. were extrapolated to cover the paving/upgrade of all gravel roads in the City, the City would be expected to shoulder approximately **\$800,000** (in 2023 costs) from the Pavement Management-Local Fund, for upgrading all existing public gravel streets to gravel. That represents about 6.7% of the average year-end fund balance for the next 5 years. So, fiscally, the fund can sustain this change, particularly if such roadway upgrades occur over an extended period of time and remain property-owner driven, or otherwise supplemented with external funding (i.e., Dakota County for 105th Street if upgraded as part of a future greenway project).

2) There were questions about the fiscal impact to the City of switching to a value-based assessment payback period (see table in Section 7 of the policy), as opposed to the current “project type based” payback period. Most on the Council seemed to agree that a value-based payback would be more equitable, but stopped short of discussing an agreeable range of values for each assessment level.

- a. Under the current system, mill and overlay projects have a 5-year payback period, while all other projects have a 10-year payback. The table below identifies the number of parcels that fell under each type of payback for 2022, 2023, and 2024 projects, along with the low, average, and high per-parcel assessment rate for those projects.

	2022 Projects				2023 Projects			
	Qty	Low	Average	High	Qty	Low	Average	High
5-Year Assessments	395	\$3,046	\$3,509	\$8,007	230	\$1,051	\$2,335	\$4,943
10-Year Assessments	15	\$2,149	\$34,529	\$103,319 ⁽¹⁾	302	\$1,247	\$10,285	\$144,452 ⁽¹⁾

(1) Large commercial parcels assessed on an area basis.

- b. The “worst case” scenario for the City in terms of fiscal impact on the City’s bottom line would be the addition of a 15-year payback option for the highest-cost assessments (over \$10,000), and applying that to all assessments. Staff modeled those numbers against the Pavement Management-Local Fund balance prior to the September 5 meeting, and noted that if all assessments were in range detailed for the 15-year payback period, we’d see a fiscal impact of about \$300,000/year (or roughly 2.5% of the year-end fund balance) for each of the next 5 years. This is a “worst case scenario”; as you can see above, most of the anticipated assessment values will fall in the 5- or 10-year assessment range (under \$5,000 or under \$10,000, respectively). If only 20% of the assessments are in the highest cost tier (15-year payback), the impact to the Pavement Management-Local Fund balance would be much lower (closer to \$60,000 per year; 0.5% of the total fund balance).
- c. In all cases, the City would recuperate any fund balance lost via interest on assessments over the period of the assessment. The year-to-year impact would be reduced over time as more assessment revenue is collected and, in theory, that difference would be reduced to \$0 if we bond for assessment costs, as is currently recommended by Finance staff.
- d. State Statute allows assessment payback to occur up to 30 years; Staff do not recommend this, as it would require much longer bonding terms. As it stands, most PMI bonding to-date has been done on a 5-year or 10-year basis. It is likely the City will maintain 10-year bonds for assessments, unless all assessments in a given year fall under the 5-year or 15-year term.

3) Council seemed to agree that some form of partial assessment payment may be reasonable in the future, but was unsure as to whether a specified percentage should be allowed, and what types of numbers we're seeing from recent project payoffs (i.e., how many people actually pre-pay their assessment in-full).

- a. Staff do not have very good historical data in regard to past assessment payoffs, and how many property owners choose to do so on an annual basis. Dakota County also does not track this information on a project-by-project basis. Staff will be monitoring this moving forward starting with the 2023 PMI project assessments, but generally believe that somewhere on the order of 2-5% of properties pay their assessment in-full within the first 30 days. Current staff in both the Finance Department and Engineering Division have noted very few, if any, inquiries in the past few years regarding partial payment of assessments. This may change if interest rates continue to increase in the future, but at the current rate (4.95% for a 10-year assessment), staff haven't fielded calls regarding partial payment for 2023 assessments.
- b. The City lacks current assessment tracking systems to manage partial payments. The City currently manages payments manually, and accepting full payments is simple and streamlined, as the costs get directly and fully deducted from the assessment roll before sending to the County. There is no calculation of revised interest payment, but doing so on the assessment roll becomes both time consuming and time-sensitive for staff to complete and perform a quality control review before certifying the assessments to the County. The City's Finance Department is in the process of implementing an assessment payment system that will allow direct payments to be made online in the future (likely starting with 2024 projects), but it is unclear what logistical or programming edits would be needed for the program to track and/or document partial assessment payments and subsequent annual interest calculations.
- c. As noted in the presentation on September 5, the City would need to pass an Ordinance allowing partial payment of any kind, in accordance with State Statute 429.
- d. Due to the lack of data, and the logistics of creating a new Ordinance to address partial assessment payment, staff are not recommending proceeding with such an effort at the present time. Should the current or future Councils wish to pursue this, an amendment to the Assessment Policy can be adopted to accommodate such a request at a future date.

We are proposing to bring this assessment policy back to the City Council for consideration of adoption on November 27, with the above-noted items addressed as specified. I welcome further questions or comments as we make the final modifications over the coming weeks.

Thank you.

~Brian



Special Assessment Policy

Adopted by City Council: 11/27/2023 – Resolution 2023-XXX

This Policy is effective as of January 1, 2024, and will supersede all previous assessment policies, and such amendments thereto. The Special Assessment Policy adopted January 25, 2016, shall remain in effect until that date, and for all projects where the feasibility study has been completed and the project ordered by City Council prior to January 1, 2024.

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Section 1: Policy Purpose & Goals

The purpose of this policy is to establish a consistent, uniform, fair, and equitable manner of assessing *public improvements* to benefiting properties. The procedures used by the City of Inver Grove Heights for levying *special assessments* are designed to be in conformance with those specified by [Minnesota Statute, Chapter 429 - Local Improvements, Special Assessments](#).

The goals of the City of Inver Grove Heights special assessment policy are to:

1. Provide a stable and continuing source of funding within the financial capacity of the City to accommodate the infrastructure needs of new development, redevelopment, and maintenance of existing infrastructure facilities within the community in a cost-effective manner.
2. Provide the City Council and staff with clear guidelines and methods to efficiently distribute infrastructure costs to benefiting properties in an equitable and consistent manner, thereby enhancing the value of property by assigning a proportionate value of the improvements to the properties deriving from the improvement.
3. Provide an effective tool for the management of City resources to support a highly functional and well-maintained system of infrastructure that promotes economic development and growth, fosters a sense of pride throughout the community, and facilitates the development and adoption of short- and long-range capital improvement plans by identifying the magnitude and sources of funding available.

Section 2: Introduction

A *Special Assessment* is a charge imposed on real property to help defray the cost of public improvements. The State of Minnesota constitution allows the legislature to authorize local governments to use *special assessments* to help pay for local improvements based on the benefit the improvement provides to individual properties. Since 1953, that authority has been detailed in [Minnesota Statute, Chapter 429 – Local Improvements, Special Assessments](#). Chapter 429, as it is henceforth referenced in this policy, authorizes local government entities such as cities, towns, and counties to make specific improvements and recoup the costs through special assessments, and outlines the requirements and procedures that a local government entity must follow to impose *special assessments*.

The City of Inver Grove Heights (“City”) utilizes *special assessments* as a tool to help finance the construction of major infrastructure projects (roads, sidewalks/trails, storm sewer facilities, water facilities, sanitary sewer facilities, etc.), as well as the rehabilitation and/or replacement of public infrastructure as it ages. The City has utilized several versions of a formal special assessment policy (“Policy”) dating to 1981, with the most recent policy being adopted in 2016.

In 2022, the Pavement Management Program Citizen Task Force delivered a report focused on recommendations for the City to improve its Pavement Management Initiative, which included a review of the City’s Special Assessment Policy provisions. The primary recommendation of the Citizen Task Force related to the Policy was to maintain the general rates and structure of the assessment policy, but to make clarifying changes to ensure consistent application of the policy provisions for different types of projects. The Policy modifications put forth in this current version include:

- Use of “plain language”, to better explain technical aspects of the Policy.
- Inclusion of definitions for common words/phrases utilized throughout the Policy.
- Inclusion of links to referenced State Statute, City Code, and various other City Council-adopted documents that are utilized in the implementation of this Policy.
- Revised public improvement project process summary.
- Modified assessment calculation methods, with clear visual descriptions and examples of assessment calculations.
- Updated assessment rate tabulations and descriptions, standardizing language across different improvement types (street, utilities, etc.), and incorporating the revised Pavement Management Initiative project types identified through the Citizen Task Force effort.
- Condensed description of assessment payment period and process, including the addition of partial prepayment options and an assessment payment period based on *special assessment* amount, not project type.

Words that are *italicized* within the Policy are defined in **Appendix A - Definitions**.

The ***bold italicized*** words reference other sections within the Policy.

Section 3: Public Improvement Project Types

The types of *public improvements* that are eligible for the levying of *special assessments* are detailed in Chapter 429 ([§429.021](#)), with an additional provision in Minnesota Statute Chapter 459 ([§459.14](#)). At the discretion of the City Council, the City may choose to levy *special assessments* for any type of eligible project as allowed by Statute. The primary project types that the City regularly levies *special assessments* for new and/or rehabilitation/replacement of public infrastructure are:

- Streets, curb and gutter, and appurtenant improvements thereto (new and rehabilitated/replaced)
- Sidewalks, trails, and other non-motorized transportation facilities (new and rehabilitated/replaced)
- Storm sewer and storm water management systems (new and rehabilitated/replaced)
- Sanitary sewer systems (new)
- Water systems (new)
- Streetlights and street lighting systems, including decorative lighting (new and replaced)
- Abatement of nuisances as defined in City Code and allowed by [§429.101](#)

Section 4: Public Improvement Process

The *public improvement* process is defined by Chapter 429 and applies for projects where *special assessments* may be levied. Statute allows for some flexibility in how local governments can choose to review and approve projects, and how to levy *special assessments* (i.e., before vs. after construction). The City's *public improvement* process for projects with *special assessments* is as follows:

4.1 Project Initiation

Public improvement projects may be initiated in several ways. The following are the most common methods utilized by the City:

City Initiated Projects

On recommendation of staff through the Capital Improvement Plan (CIP) process, the City Council decides an improvement is necessary and desirable for the community, and schedules it for a specified year within the CIP.

Partner Agency Projects

A project may be initiated by a public agency, such as the Minnesota Department of Transportation (MnDOT), Dakota County, or an adjacent City.

1. Such partner projects generally include interagency agreements (i.e., joint powers and/or cooperative agreements) that detail the scope and cost of such projects, allowing the City to determine if participation in such a project is fiscally viable and/or in the best interest of the community, and plan for these projects through the CIP process.

Petitioned Projects

Chapter 429 ([§429.031](#)) specifies that *public improvements* may be initiated by *petition* of owners of not less than 35% in frontage of the real property abutting a requested improvement. Additionally, a developer may *petition* the City for *public improvements* related to a new subdivision or plat, to have the City provide new streets or public utilities to service new development. A developer *petition* will not be considered without the developer waiving all rights to appeal the assessment through a formal [Development Contract](#).

When property owners or a developer submit a *petition* for any *public improvement*, the following process will be undertaken:

1. The Engineering Division will receive and review the *petition* for completeness.
2. A staff member from the Engineering Division will be assigned to reach out to the *petition* submitter, and schedule a meeting to discuss the following items:
 - a. Scope and parameters of the *petition* as submitted.
 - b. Review items within the *petition* related to City Code, policy, CIP, or Chapter 429 that may impact the *petitioned* request.
 - c. Review *assessment waiver* provisions, if applicable.
 - d. Request and/or provide clarity on the needs and desires for a project, to provide education to petitioners regarding project planning, cost, and general process.

3. After the staff review and initial meetings with a petitioner, if a petitioner desires to move forward with formal presentation and review before the City Council, staff will prepare a schedule and timeline for a formal agenda item to be presented and prepare a submittal as part of a Regular Agenda item on a future City Council meeting. The petitioner will be informed of the proposed meeting date.
4. At the scheduled Council Meeting, staff will present to the City Council the *petition*, options to address the *petitioned* request, and staff's recommendation on how to proceed with the *petition* request, and the petitioner will be given an opportunity to speak to the Council.

4.2 Feasibility Report

In response to the City Council's desire to proceed with a project, the City Council will authorize the preparation of a *feasibility report* for the proposed *public improvements*. As defined in **Appendix A**, a *feasibility report* is an engineering and fiscal planning document that details whether a *public improvement* is necessary, cost-effective, and feasible to complete. The key components of a *feasibility report* include:

1. Project Scope
2. Cost Estimates
3. Funding Sources
4. List of Benefiting Properties
5. Preliminary Assessment Calculations and Preliminary/Draft *Assessment Roll*
6. Feasibility and Recommendations Regarding the *Public improvement*

4.3 Public Hearing

Upon completion of the *feasibility report*, the City Council schedules and holds a *public hearing*, to accept the *feasibility report* and discuss the merits of authorizing that a project proceeds to final design. *Public hearings* require specific public notification in accordance with Chapter 429 ([§429.031](#)), including two publications in legal newspapers, and direct notification to benefiting property owners via US Mail. After the *public hearing* is held, the City Council votes on a resolution ordering the improvements, setting a timeline for the project to be bid, and directing staff to prepare final plans and construction specifications. Upon authorizing the improvements, the assessments become *pending*, but will not be finalized until the assessment hearing.

1. A vote on a resolution is typically held on the same date as the *public hearing*, but the City Council may choose to table the discussion or extend the *public hearing* to a future meeting date. A formal vote to authorize a *public improvement* must be held within six months of the initial *public hearing* date, or else the *public hearing* process must re-start.
2. *Public improvement* projects with assessments that are initiated through the *petition* process and meet the requirement of 35% *front footage*, as described in **Section 4.1**, may be authorized via the *public hearing* process with a three-fifths majority vote of the City Council.
 - a. *Public improvement* projects with assessments initiated in any other manner (City or other public agency) require authorization via the *public hearing* process with a four-fifths majority vote of all members of the City Council.
3. *Public hearings* are not necessary for *petitioned* projects where 100% of the benefiting property owners have *petitioned* for the project, or 100% of benefiting property owners have

signed an *assessment waiver*. A City Council resolution with a three-fifths majority vote is still necessary to authorize improvements for either of these scenarios.

4.4 Final Plan Design, Bidding, and Construction

Final plan and construction specification compilation occurs following the City Council authorization of improvements. While City Council approval of plans and specifications and authorization of the advertisement for contract bids is not required under Chapter 429 ([§429.041](#)), the City chooses to follow this step to ensure transparency in the assessment process, and to consider any changes in cost or scope that may have occurred through the final plan design process.

The advertisement period for bids is detailed in Chapter 429 and varies based on the estimated construction cost for the *public improvement*. The City typically uses a sealed bid process and advertises bids for *public improvements* with *special assessments* for at least three weeks. Upon receipt of bids, the sealed bids are opened, and the bids are reviewed by staff for conformance with the contract bidding documents, and a formal bid tabulation is developed. If the bids are found to be in conformance with anticipated budgets, staff prepare a recommendation and resolution for the City Council to award a contract based on the bid requirements (lowest responsible bidder or best-value alternative). Concurrently, staff will prepare a final project budget resolution for the City Council to review and approve, comparing the *feasibility report* costs and the as-bid costs, and detailing the funding sources to be utilized for the construction of the *public improvement*.

Upon City Council approval of resolutions awarding a contract and setting the project budget, construction of the *public improvement* in accordance with the plans and specifications commences. The timeframe for construction of every project varies and will impact the final timing of the *assessment hearing*, as detailed in **Section 4.5**.

Should a *project bid* not be awarded, due to financial or other project concerns of staff or the City Council, staff will provide recommendations as to the next steps in the project review process. These steps may include revised plans, re-bidding, or potential tabling or termination of a project.

4.5 Assessment Hearing

When a project is deemed to be *substantially complete*, the *assessment hearing* is scheduled. Chapter 429 ([§429.061](#)) allows for the *assessment hearing* to be held prior to construction (based on estimated *public improvement costs* after bids are received); however, the City typically holds the hearing after construction is *substantially complete*, allowing final assessments to be based on the actual project costs incurred.

1. After completion of a project, a final cost report is prepared that calculates the actual project costs (construction costs plus all overhead costs such as legal, engineering, administrative, and finance (LEAF) costs).
2. The final *assessment roll* is generated and cross-checked against the preliminary *assessment roll* for accuracy in address and assessment calculation data.
3. Notice for the *assessment hearing* (time, place, and assessment amount) is performed in accordance with Chapter 429. This notice includes one publication in a legal newspaper, and direct notification to benefiting property owners via US Mail.

4. The City Council conducts the *assessment hearing* at a City Council meeting. Following the *assessment hearing*, the City Council votes on a resolution to adopt the *assessment roll*, thereby levying the assessments and beginning the assessment collection process.

4.6 Assessment Payment and Certification

After the *assessment hearing* is held, there are several options for benefiting property owners to pay their assessment, and steps that City staff take to certify assessments with the Dakota County Auditor. These items are detailed in ***Section 7***.

Section 5: Assessment Calculation

Assessable costs may be distributed to *benefited properties* using a variety of *assessment methods*. The specific method chosen depends on the project type, parcel layout, and parcel type/zoning classification. The City utilizes three primary assessment calculation methods for *public improvements*:

- 1. Per Lot
- 2. Adjusted Front Footage
- 3. Area

Assessments must be applied uniformly to the same classification of property within an assessed area. That means that for some properties (i.e., residential lots zoned R-1, R-2, E-1, etc.), the per lot *assessment method* may provide the most equity, while for other properties (i.e., business or PUD lots), the *area* or *front footage* method may be more equitable. The City endeavors to be consistent in the application of assessments and may utilize one or more of the assessment calculation methods for a project. The specific type of assessment calculation utilized, and the calculation applied thereto, will be detailed in the *public improvement feasibility report* for each project and summarized in the *assessment roll*.

5.1 Per Lot Assessment Method

When the “per lot” *assessment method* is utilized, all lots in the *assessable area* with similar zoning classification are assessed equal amounts, independent of their area or *front footage*. The “per lot” method for assessments is most utilized for street improvement projects, where most, if not all, properties are single-family residential (E-1, E-2, R-1, and R-2 parcels where the number of dwelling *units* can be ascertained). The *assessable cost* is divided by the total number of properties to determine the *per-property assessment rate*.

Example:

Total Assessable Cost:	\$10,000
Number of Lots/Properties:	5
Per Lot Assessment:	$\$10,000/5 \text{ Lots} = \underline{\underline{\$2,000/\text{Lot}}}$

Special Considerations

- 1. When a “per lot” *assessment method* is utilized in combination with an “*adjusted front foot*” or “*area*” *assessment method*, the sum of the total *adjusted front footage* or total area attributed to be assigned on a “per lot” basis will be calculated, and the total divided by the total number of lots to determine a “per lot” *assessment rate*. Refer to example in **Exhibit B-1** and **Exhibit B-2** in **Appendix B**.
- 2. For street improvement projects, corner residential lots will be assessed on a “per lot” basis for the street where the primary driveway access is located. If a residential property has two driveway accesses, the driveway on the longest *adjacent/abutting property* frontage will be identified as the “primary” driveway. If no driveway exists on a parcel, the access frontage will be the side on which the property address is assigned. Refer to example in **Exhibit B-1** in **Appendix B**.

3. When considering larger residential lots for a per *lot assessment*, the ability for a lot to subdivide shall be considered. The *assessable cost* of the *public improvement* may be allocated to subdividable lots based on the number of residential parcels that the property could be subdivided into. The number of lots will be based on the size of surrounding residential properties in the *assessable area*, City Code requirements for lot subdivision, and zoning classification.

5.2 Adjusted Front Foot Assessment Method

The “*adjusted front foot*” assessment method considers that individual parcels vary by size, area, zoning classification, and land use type. The procedure for calculating the “*adjusted front foot*” for different parcels will vary based on the following conditions:

1. Rectangular Lots: The *adjusted front footage* is the actual *front footage* of the lot.
2. Odd-Shaped Lots: For use on lots that exist on cul-de-sacs and curved streets where the front and back lot footage is not proportional to the lot depth. The computation for *adjusted front footage* may be computed as follows:
 - a. Taking the average of the front and back *front footage* of the lot; or
 - b. Using the width of the lot at the building setback line, as defined in City Code; or
 - c. Using the average lot width for comparable properties in the *assessable area*; or
 - d. Another method deemed appropriate and detailed in the feasibility study to calculate the assessment fairly and equitably for the property and approved by the City Council.
 - e. Refer to examples in **Exhibit B-3** in **Appendix B**.
3. Flag Lots: For use on lots that are flag-shaped and have main access to a street or project area but are otherwise “landlocked” by other properties with no secondary street frontage or access. The *adjusted front footage* for flag lots shall be considered the greater of the rear-lot property line (farthest from the street access), or the sum of the main access frontage plus the portion of the lot that is adjacent and parallel to, but not abutting, the street *right-of-way*. Refer to example in **Exhibit B-3** in **Appendix B**.
4. Corner Lot Adjustment (Single-Family Residential Properties Only): **NOTE: This method only applies to projects where single-family residential parcels are assessed on an adjusted front footage basis.** For a corner lot assessment, the short side is assessed for the actual *front footage* and the long side is assessed for *front footage* that exceeds 135'. Refer to example in **Exhibit B-3** in **Appendix B**.
5. Non-Single-Family Lot Adjustment: **NOTE: This method only applies to projects where single-family parcels are within a project’s assessable area.** The actual frontage for non-single-family lots (all zoning classifications other than E-1, E-2, R-1, and R-2 parcels where the number of dwelling units can be ascertained), after applying the procedures noted in items 1-3 above, will be multiplied by a factor of two (2) for any *adjacent/abutting property frontage* where a driveway exists to calculate the *adjusted front footage*. This is done to account for the fact that non-single-family parcels may have multiple access points to a roadway and generate more traffic than single-family parcels. For non-single-family parcels with *adjacent/abutting property frontage* that does not have a driveway, the *adjusted front footage* will be as measured as the actual frontage. Refer to **Exhibit B-1** in **Appendix B**.

6. Common Interest Parcels: When *common interest* parcels exist within an *assessable area*, the *adjusted front footage* shall be calculated as defined in item 5 above, and subsequently divided equally to all taxable parcels with a *common interest* in that parcel.

Adjusted front footage will be determined based on plat maps, section maps, and property data supplied by Dakota County via GIS or other digital mapping means. In areas where parcels are unplatted, the centerline length of the roadway or utility improvement may be utilized and extrapolated to calculate the *front footage* of an *adjacent property*.

Upon determination of the “adjusted front foot” calculation for each parcel within a project’s *assessable area*, the *assessable cost* is divided by the sum of the “adjusted front foot” calculation for all properties to determine a per-adjusted front foot *assessment rate* for the project.

Example:

Total Assessable Cost:	\$10,000
Total Adjusted Front Footage:	2,000 Feet
Per Adjusted Front Foot Assessment:	$\$10,000 / 2,000 \text{ Feet} = \textbf{\$5/Adjusted Front Foot}$

Special Considerations

1. When an “*adjusted front foot*” *assessment method* is utilized in combination with an “per lot” *assessment method*, the sum of the total *adjusted front footage* attributed to be assigned on a “per lot” basis will be calculated, and the total divided by the total number of lots to determine a “per lot” *assessment rate*. Refer to example in ***Exhibit B-1*** in ***Appendix B***.

5.3 Area Assessment Method

The “area” *assessment method* shall be based on the area (square feet or acres) of benefiting properties within an *assessable area*. Upon determination of the total area calculation for each parcel within a project’s *assessable area*, the *assessable cost* is divided by the sum of the “area” calculation to determine a per-square foot (or per acre) *assessment rate* for the project.

Example:

Total Assessable Cost:	\$10,000
Total Parcel Area:	1,000 Square Feet
Per Square Foot Assessment:	$\$10,000 / 1,000 \text{ square feet} = \textbf{\$10/Square Foot}$

Special Considerations

1. When an “area” *assessment method* is utilized in combination with an “per lot” *assessment method*, the sum of the total area attributed to be assigned on a “per lot” basis will be calculated, and the total divided by the total number of lots to determine a “per lot” *assessment rate*. Refer to example in ***Exhibit B-2*** in ***Appendix B***.
2. Stormwater Easements: Parcels that contain a drainage and utility easement for the purposes of stormwater ponding or stormwater treatment will have the area calculation reduced by the area of the stormwater ponding easement. For instance, a 50,000 square foot parcel that is encumbered by a 10,000 square foot stormwater ponding easement will have an *assessable area* of $50,000 - 10,000 = 40,000$ square feet.

- a. Front, rear, and/or side yard drainage and utility easements that are applied equally throughout a plat that covers all or portions of the *assessable area* will not be considered for area calculation reduction.
 - b. Properties with stormwater ponding facilities that are not encumbered by a dedicated easement will not receive a reduction in the *assessable area*.
3. *Common Interest Parcels*: When *common interest* parcels exist within an *assessable area*, the area shall be calculated and subsequently divided equally to all taxable parcels with a *common interest* in that parcel.

5.4 Recommended Assessment Calculation Methods

Table 5.4.A summarizes the assessment calculation methods that can be implemented for each type of zoning classification within the City.

TABLE 5.4.A - Assessment Calculation Method

Zoning Type		Assessment Calculation Method		
Code	Definition	Per Lot	Adjusted Front Footage	Area
A	Agricultural	X	X	X
E-1 & E-2	Estate Lots (Residential)	X ⁽⁴⁾	X	
R-1	Residential (Single-Family Homes)	X ⁽⁴⁾	X	
R-2	Residential (Duplex/Triplex)	X ⁽²⁾	X ⁽¹⁾⁽²⁾	
R-3	Residential (Apartments/High Density)		X ⁽¹⁾	
R-4	Manufactured Homes		X ⁽¹⁾	X
B-1 - B-4	Business		X ⁽¹⁾	X
OP	Office Park		X ⁽¹⁾	X
PUD	Planned Urban Development		X ⁽¹⁾⁽³⁾	X
I-1 & I-2	Industrial		X ⁽¹⁾	X
P	Public/Institutional		X ⁽¹⁾	X

- (1) *Front footage* rate is doubled for multi-family zoning (R-2, R-3, R-4), business, office park, industrial, and public/institutional zoning classes when assessments calculated based on the "*adjusted front footage*" method only.
- (2) Where number of dwelling *units* can be confirmed, per lot rate may apply to R-2 zoning classifications when calculated based on a "per lot" basis alone, or in combination with other assessment calculation methods.
- (3) In PUD's, the current land use type may be utilized to determine *front footage* rate to apply.
- (4) Refer to "lot equivalent" definition in **Appendix A**

The zoning classifications noted above are based on the zoning classification in place at the time of the adoption of this policy. Current zoning classifications are available on the City's website: [Zoning Classifications](#).

The "per lot" method shall be utilized to the greatest extent possible on Pavement Management Initiative projects where the majority of properties are zoned single-family residential (E-1, E-2, R-1, and R-2 parcels where the number of dwelling *units* can be ascertained).

5.5 Unique Property Considerations

There are several types of unique property situations that may arise within the *assessable area* of a project. The following types of property are most encountered in the performance of Capital Improvement Projects where *special assessments* are utilized:

Public Right-of-Way

When a *public improvement* fronts the *right-of-way* of a City, County, State, or other political subdivision, that *right-of-way* shall be excluded from the calculation of *special assessments*.

Frontage Roads

Frontage roads along highways or other arterial streets are deemed to be of benefit to the adjacent properties. The cost of any *public improvements* on such frontage roads, notwithstanding any roadway width adjustments as defined in **Section 6.1**, will be assessable to the benefiting properties along the frontage road as follows:

1. For non-single-family parcels (all zoning classifications other than E-1, E-2, R-1, and R-2 parcels where the number of dwelling *units* can be ascertained), the entire cost of the roadway width for the *adjacent/abutting property* frontage will be assessed.
2. For single-family parcels (zoning classifications E-1, E-2, R-1, and R-2 where the number of dwelling *units* can be ascertained), the cost for half of the roadway width for the *adjacent/abutting property* frontage will be assessed.

Tax-Exempt Property

Apart from *public right-of-way*, benefiting property owned by the City, County, State, or other political subdivisions shall be regarded as being assessable on the same basis as if the property was privately owned. Property owned by other tax-exempt organizations such as charitable organizations, religious organizations, and school districts shall be regarded as being assessable on the same basis as if the property was taxable. The assessment calculation method for these properties will be applied based on the zoning classification of the benefiting property, to calculate the assessment fairly and equitably for all benefiting parcels.

1. When the calculated assessment for public property is not identified in a formal *assessment roll* for the *public improvement* project, the public property assessment cost will be otherwise identified in the budget for the *public improvement*, and where applicable, the payment of costs identified through an inter-agency cost sharing agreement.
2. The calculated assessment for private, tax-exempt property will be shown on the *assessment roll* for the *public improvement* project.

Railroad Property

While railroad property is assessable in accordance with Chapter 429, not all types of railroad property may be found to receive a *special benefit* from a *public improvement*. Determination of the *special benefit* and whether a railroad property is considered assessable will be determined through the *feasibility report* process.

Indirect Property Access

Properties that are in the *assessable area* of a *public improvement* and have access via easement (i.e., a private road or driveway) are considered to have indirect property access. Where such properties exist, the assessment calculation shall be based on the per lot or area assessment method as detailed in **Section 5.1**, or the area assessment method as detailed in **Section 5.3**, respectively. Indirect parcels shall be assessed at 50% of an equivalent direct access property of the same zoning classification.

Undeveloped Property

Undeveloped land within an assessable area may be assessed in accordance with the highest and best use of the property, as defined in the City's most current Comprehensive Plan. The zoning classification assigned to undeveloped property for the purposes of calculating a special assessment will be the zoning classification with the greatest density of development when comparing the current zoning classification, and the land use classification as defined in the Comprehensive Plan.

Section 6: Assessment Rates

The *assessment rate* that is utilized for a *public improvement* project will be based on the type of project being performed. **Table 6.1.A** summarizes the *assessment rates* applied to the noted project types:

TABLE 6.1.A - Assessment Rates

	Project Type	Percent Assessed
Street Improvements (Includes Storm Sewer)	New Construction	100%
	Reconstruction	35%
	Partial Reconstruction/Reclamation	55%
	Mill & Overlay	80%
	Gravel Road Paving (no Public Utilities)	80%
	Gravel Road Paving (with Public Utilities)	55%
	Routine Maintenance	Not Assessed
Utility Improvements (Sanitary Sewer & Water)	New Construction	100% ⁽¹⁾
	Reconstruction/Replacement	(2)
Other Improvements	Sidewalks/Trails (New Construction)	(3)
	Sidewalks/Trails (Repair)	(4)
	Sidewalks/Trails (Reconstruction/Replacement) ⁽⁵⁾	55%
	Streetlights	(6)

(1) Refer to **Section 6.2** regarding oversizing and over-depth costs.

(2) Refer to **Section 6.2** regarding assessments related to reconstruction/replacement costs.

(3) Refer to **Section 6.3** regarding application of special assessments for new sidewalks/trails.

(4) Refer to **Section 6.3**. Spot repair of existing sidewalk/trail facilities performed in conjunction with a street and utility project will be assessed at the same rate as the street improvements for the neighborhood in question.

(5) Includes full removal and replacement of existing sidewalk or trail facilities, or where applicable for bituminous trails, a mill and/or overlay.

(6) Refer to **Section 6.3** regarding new street light assessments.

6.1 Street Improvements

Street improvements are most often undertaken as part of the City's Pavement Management Initiative. These *public improvements* often include work on the pavement section, curb and gutter, adjacent sidewalks and trails, storm sewer systems, ditches, and boulevard areas within the *public right-of-way*.

New Construction

The construction of new streets with a full street section, curb and gutter (if within Municipal Urban Services Area (MUSA) boundary), storm sewer system, and appurtenant improvements in accordance with the current City [engineering design standards](#) for roadway classification is considered “new construction.” Costs of construction of new streets will be assessed based on the following minimum design standards:

1. 7-ton axle load (for local/residential streets).
2. 9-ton axle load (for collector and State Aid streets).
3. 6’ sidewalk (for local streets, when required by City Code).
4. 10’ bituminous trail and 6’ sidewalk (for collector and State Aid streets).
5. Design width of 32’ curb-face to curb-face (all street types).
6. Storm sewer facilities necessary to accommodate the above minimum roadway design standards, including piping, manholes, and stormwater treatment facilities (ponds, treatment structures, infiltration basins, etc.)

Where the installation of a roadway or stormwater features exceed the minimum standards noted above, the City Council may authorize funding of the improvements via any method deemed acceptable, including *special assessments*.

Reconstruction

Reconstruction is defined as the removal and replacement of pavement, curb and gutter (in urban areas), aggregate base and subgrade replacement, the partial or full reconstruction of storm sewer systems (including ditch grading for rural areas), and appurtenant improvements in accordance with the current City [engineering design standards](#).

Where sidewalks or bituminous trail currently exist, the partial or full replacement of those facilities will be included in the *assessable cost* for the *public improvement* project.

Partial Reconstruction/Reclamation

Partial Reconstruction/Reclamation is defined as the removal/recycling of pavement and/or aggregate base, spot curb repair (in urban areas) and spot storm sewer repairs (including minor ditch grading for rural areas), and appurtenant improvements in accordance with the current City [engineering design standards](#). Partial reconstruction/reclamation may include spot subgrade correction (not to exceed 50% by total area of the *public improvement*).

Where sidewalks or bituminous trail currently exist, the partial or full replacement of those facilities will be included in the *assessable cost* for the *public improvement* project.

Mill & Overlay

Mill and overlay is defined as the removal of the top 1.5"-4" of pavement via mechanical milling, and placement of new bituminous pavement surfacing on the roadway. Work may include spot repairs to storm sewer structures and/or castings, and spot curb repair in accordance with the current City [engineering design standards](#).

Where sidewalks or bituminous trail currently exist, spot repairs or replacement of those facilities (less than 35% by area) will be included in the *assessable cost* for the *public improvement* project. If full replacement of sidewalk or bituminous trail is performed (greater than 35% by area), the sidewalk and bituminous trail work will be reclassified under the "partial reconstruction/reclamation" category for calculating the assessment.

Gravel Road Paving

Existing gravel roads that are upgraded with pavement will include grading of the roadway and ditches, installation of storm sewer culverts, shoulder aggregate, and where necessary to accommodate drainage, installation of curb and gutter. The *assessment rate* for paving of gravel roads has been separated into the following two categories:

1. Gravel Roads with no Public Utilities: These are existing gravel roads with no sanitary sewer or water service, and/or located outside the Metropolitan Council's Municipal Urban Service Area (MUSA) boundary. The cost for the *public improvement* to upgrade the street to a paved street (with or without curb and gutter) and install storm sewer systems are assessed at a rate of 80% to *benefited properties*.
2. Gravel Roads with Public Utilities: These are existing gravel roads with sanitary sewer and/or water service, and are located inside the Metropolitan Council's Municipal Urban Service Area (MUSA) boundary. The cost for the *public improvement* to upgrade the street to a paved street (with or without curb and gutter) and install storm sewer systems are assessed at a rate of 55% to *benefited properties*.

Routine Maintenance

Routine maintenance activities include patching of potholes, placement of crack sealing, sealcoating, broad area patching (patching large segments of roadway utilizing City crews to address deteriorating sections of pavement without removal or replacement of existing pavement or subgrade surfaces), and other maintenance techniques that are deemed to be routine in nature are not assessed.

As it relates to storm sewer, routine maintenance includes cleaning of storm sewer structures, cleaning of pond sediment, replacement of castings (separate from Pavement Management Initiative street improvements), replacement of inlet and outlet structures from stormwater or infiltration basins, and other routine inspection and maintenance required as part of the City's Municipal Separate Storm Sewer System (MS4) permit with the Minnesota Pollution Control Agency.

Assessment Reduction for Wide Roadways

For the purposes of calculating street assessments for residential properties, the assessable rate calculation will be based on the lesser of:

1. 32' wide roadway (curb face to curb face); or
2. The actual road width, measured from curb face to curb face (or in the case of rural roads, from edge of pavement to edge of pavement), perpendicular to the centerline of the road.

For roads wider than 32' (curb face to curb face), the cost for the additional width of pavement over 32' will not be assessed.

For neighborhood reconstruction projects where road widths may vary between streets, the average of all roadway widths will be measured and applied equally to all *benefited residential properties* within the project area when determining if an assessment reduction for road width is applicable. There will be no assessment reduction associated with cul-de-sac or intersection areas.

There will be no assessment reduction associated with road width for adjacent/abutting property that is zoned as non-single-family (all zoning classifications other than E-1, E-2, R-1, and R-2 where the number of dwelling *units* can be ascertained).

6.2 Utility Improvements

Utility improvements include *public improvements* associated with the City's sanitary sewer and water main utilities. Improvements to these utilities are typically undertaken via new or redevelopment activities, or as part of the City's Pavement Management Initiative. In certain undeveloped areas within the Metropolitan Council's Municipal Urban Service Area (MUSA) boundary, extension of sanitary sewer and watermain may be requested by property owners via *petition* and considered in accordance with **Section 4.1**.

Storm sewer improvements are categorized the same as street improvements and are detailed in **Section 6.1**.

New Construction

Sanitary sewer and watermains installed as part of new subdivisions are assessed at a rate of 100%. This includes all costs associated with excavation, backfilling, compaction, and material costs required to complete the installation of the *public improvements* in accordance with the current City [engineering design standards](#). Credits resulting from the oversizing or over-depth of sewer and water utilities are detailed in **Table 6.2.A**. Trunk area charges are levied to all un-platted property at the time of plat in accordance with [City Code Title 3, Chapter 4](#). Where sanitary sewer or water service are extended to previously-platted or un-platted property, the assessment for the *trunk area assessment* will be determined as specified in [City Code, Title 3, Chapter 4](#). The City may levy a *lateral assessment* for any costs of sanitary sewer or water main extension that are above and beyond the *trunk area assessments*.

Reconstruction/Replacement

Reconstruction or replacement of existing sanitary sewer and water main infrastructure is not assessed, when reconstruction or replacement is a result of routine maintenance, or replacement of existing facilities with new facilities of similar size. Where water and sewer facilities may require upsizing via a *public improvement* due to new property development or redevelopment, the cost for the replacement may be assessed as "new construction", but only to the new development or redevelopment property *benefited* by the upsizing improvement.

Water service lines are owned by the City from the mainline to the curb stop, generally located at the *right-of-way*/property boundary. The remaining water service from the curb stop to the building is owned by the respective property owner. Sanitary sewer service lines are owned by the respective property owner from the sewer main to the building, including the portion in the *right-of-way*. In the course of reconstruction or replacement of the mainline, the City may identify defective service lines that are owned by a private property owner and may require replacement. The costs for service line replacement that is not owned by the City will be 100% assessed to the *benefited property*.

Oversize & Over-Depth Considerations

The oversizing of sanitary sewer and watermain, and the installation of sanitary sewer at a depth necessary to serve adjacent development, is often necessary to ensure the design and installation and extension of new utility services is adequate to serve future development needs. The City recognizes that the oversizing or over-depth installation of sanitary sewer and water utility infrastructure provides benefit beyond individual development and subdivisions, and as such, the City will provide for a credit to developers or property owners who install these utilities. **Table 6.2.A** summarizes the oversizing and over-depth considerations the City will utilize in determining development utility credits:

TABLE 6.2.A - Utility Oversize & Over-Depth Considerations

	Oversize	Over-Depth	Calculation of Credit
Sanitary Sewer	12" or larger	24 feet or greater	Material Cost Difference (compared to 12" Sanitary Sewer) Material and Labor Cost (compared to 12" sanitary sewer at 24' depth)
Water Main	12" or larger	N/A	Material Cost Difference (compared to 12" Water main)

The calculation of cost differential related to utility oversize and over-depth credits will be determined by the City Engineer, and as agreed to in the [Development Contract](#) for the proposed *public improvements*.

6.3 Other Improvements

Other types of improvements include stand-alone sidewalk and bituminous trail improvements, street light installation, and other general improvements that may be eligible for *special assessments* in accordance with Chapter 429 ([§429.021](#)).

Sidewalks and Trails

Where **new** sidewalks/trails are proposed to be constructed as part of an adopted City Comprehensive Plan or City or County Sidewalk/Trail Plan, the costs for installation of these sidewalks may not be assessed. All remaining types of **new** sidewalks and trails, including but not limited to those constructed as a result of a property owner petition, as part of new street construction as defined in **Section 6.1**, or as part of a new development plat, the costs will be assessed to benefited properties at the “new street construction” rate as defined in **Table 6.1.A**.

Where existing sidewalks and trails serve a local neighborhood or street, the cost for spot repairs for these facilities may be assessed in conjunction with a street improvement project at the rates detailed in **Section 6.1**. Full reconstruction/replacement of existing sidewalk or trail facilities will be assessed at the rate noted in **Table 6.1.A**.

Maintenance activities such as patching, crack sealing, sealcoating, mud jacking, or grinding of trip hazards are considered routine maintenance, and are not assessed.

Streetlights

All costs for new streetlights installed as part of constructing *public improvements*, or the addition or replacement of streetlights to a neighborhood where streetlights provide insufficient coverage or did not previously exist, are to be assessed to the *benefited properties* at a rate of 100%. Further information regarding determination and assignment of street lighting costs are detailed in [City Code, Title 7, Chapter 4](#).

6.4 Special Benefit Analysis and Assessment Caps

To determine the *special benefit* received by a *benefiting property* due to a *public improvement* project, the City will perform a review of County-appraised property values for *benefitting properties* during the *feasibility study* process, to determine if the assessment rates are reasonable in value. In cases where the City believes the assessment rates for a project may exceed the *special benefit* value for properties within the *assessable area*, the City Council may request a *special benefit* analysis be performed by an independent appraiser, and the results will be included in the *feasibility study*. The assessment rates will be “capped” at the *special benefit* value for each property within the *assessable area*, as summarized in the preliminary assessment role in the *feasibility study*.

Section 7: Payment

Special assessments shall be levied for the designated term as summarized below:

\$0.00 - \$999.99	1 Year
\$1,000 - \$4,999.99	5 Years
\$5,000 - \$9,999.99	10 Years
\$10,000 and over	15 Years

Exceptions to these terms may be determined through *assessment waiver* agreement, [Development Contract](#), or deferment agreement (refer to **Section 8.2**), as approved by the City Council.

7.1 Assessment Interest

Accrual of interest will commence beginning on January 1 of the year following the certification of the *special assessment*, unless otherwise specified by the City Council.

The interest rate is determined via the following process:

1. If the City issues bonds for the *public improvement*, the rate will be the City's current year bond rating +2%.
2. If the City does not issue bonds for the *public improvement*, the rate will be the current market interest rate for an AAA rated bond +2% at the time of the *assessment hearing*.

7.2 Assessment Payment and Certification

After the *assessment hearing* is held, benefiting property owners to pay their *special assessment* in several ways:

1. Property owners can pay all of their assessment "interest free" by submitting payment directly to the City of Inver Grove Heights within 30 days of the *assessment hearing*.
2. Following the 30-day period after the *assessment hearing*, the City will certify assessments to Dakota County, and will no longer accept assessment payments.
3. Upon certification to the County, any unpaid assessment will be added to the benefiting parcel's property taxes, with annualized installments based on the term of the assessment.
 - a. Assessments levied on or before October 31 will be included in the next year's property taxes (Example: Assessments levied on September 1, 2023, will be included in the 2024 property taxes)
 - b. Assessments levied on or after November 1 will be included in the following year's property taxes (Example: Assessments levied on November 15, 2023, will be included in the 2025 property taxes).
4. Payment of any remaining assessment balance can be made at any time after certification of the assessment to Dakota County by making payment directly to the Dakota County Auditor.
 - a. A property owner may pay all of their assessment "interest free" to the Dakota County Auditor until noon on the last business day of the calendar year in which the assessment was levied.
 - b. After that time, interest will be due on any payoff amount for the calendar year in which the payment is made.

Section 8: Deferrals

Chapter 429 ([§429.061](#)) allows for *deferred* or delayed assessments. The City approved Resolution 09-13 on January 26, 2009, approving a deferral policy for special assessments. This section provides a summary of Resolution 09-13 and is meant to cover the most frequent cases encountered by the City in the performance of Capital Improvement Projects where *special assessments* are utilized.

8.1 Hardship Deferment

Deferment based on will be considered based on the following:

1. The property upon which the assessment is levied is a homestead property; AND
 2. One or more owners of the property meet the following criteria:
 - a. Is over 64 years of age; or
 - b. Is retired by virtue of a permanent and total disability; or
 - c. Is a member of the Minnesota National Guard or other military reserve service who is ordered into active military service, as defined by [Minnesota Statute, Chapter 190.05](#), subdivision 5(b) or 5(c), as stated in the person's military orders;
- AND
3. Payment of the assessment would be a hardship for the owner(s) of the property.

Hardship Definition

"Hardship" shall be deemed to exist if:

1. The average annual payments of principal and interest for all assessments levied against the property exceed one percent (1%) of the owner's adjusted gross income as filed in the owner's U.S. income tax return for the tax year prior to the year in which the assessment was certified; and
2. The total amount of the principal of the *levied assessment* exceeds \$300.

This definition is intended to provide a guideline for implementation of equitable hardship determination across all *public improvement* and property types. The City Council may determine that a hardship exists based on exceptional and unusual circumstances not covered by the standards and guidelines where the determination is made in a non-discriminatory manner and does not give the property owner an unreasonable preference or advantage over other property owners.

Hardship Deferment Application Process

Individuals seeking deferral shall make their application on a form prescribed by the City Clerk (See **Appendix C**). The form shall require the property owner to furnish to the City Clerk the documentation necessary to prove the hardship in accordance with the "Hardship Definition" section above.

If the City Council agrees to a hardship deferment, it shall be memorialized via a resolution approved by the City Council, and subsequently recorded with Dakota County and on file with the Dakota County Auditor. The resolution shall state the assessment amount, deferral period, interest rate, and criteria regarding termination of deferrals, as defined in the following section.

Deferment Payment and Termination

If a deferral is granted, the payment of annual installments of principal and interest with respect to the *special assessment* shall be *deferred* until occurrence of one of the following:

1. The death of the eligible owner; provided no other owner is otherwise eligible for the benefits under the deferral resolution.
2. The sale, transfer, donation, or subdivision of the property, or any part thereof.
3. Contracting to sell, transfer, or donate the property.
4. The property no longer has its homestead status.
5. The owner is no longer eligible for deferral.
6. The City Council determines, for any reason, that there would be no hardship to require immediate full or partial payment.

The interest shall accrue during the period of deferment and shall be added to the principal amount of the *special assessments*, and both principal and interest shall become payable at the end of the deferment.

If the deferment ceases prior to the last year over the term by which the original assessments were levied (refer to **Section 7**), then the *deferred* unpaid installments of principal, together with the accrued interest, shall become due and payable with the real estate taxes in the next calendar year. The remaining principal installments, if any, together with interest, shall be paid in the years originally levied.

If the deferment ceases in or after the last year over the term by which the original assessments were levied (refer to **Section 7**), then the entire unpaid principal amount of the *special assessments*, together with the accrued interest, shall become due and payable with the real estate taxes in the next calendar year.

8.2 Other Deferments

The City Council has the authority to defer assessments for unimproved or undeveloped property as deemed appropriate. If deferments are granted for unimproved property, they shall be for a term of no longer than 15 years, and interest shall accrue over the period of the deferment.

Deferments shall be memorialized via a formal deferment agreement, and a resolution approved by the City Council. These documents shall be subsequently recorded with Dakota County and on file with the Dakota County Auditor. The deferment agreement and resolution shall state the assessment amount, deferral period, interest rate, and criteria regarding termination of deferrals.

Section 9: References

The digital references listed below were utilized in the compilation of this Policy and are accurate as of the date of adoption.

Minnesota Statute, Chapter 190: <https://www.revisor.mn.gov/statutes/cite/190>

Minnesota Statute, Chapter 429: <https://www.revisor.mn.gov/statutes/cite/429>

Minnesota Statute, Chapter 459: <https://www.revisor.mn.gov/statutes/cite/459.14>

League of Minnesota Cities – Special Assessment Toolkit: <https://www.lmc.org/wp-content/uploads/documents/Special-Assessment-Toolkit.pdf>

City of Inver Grove Heights – City Code:

https://codelibrary.amlegal.com/codes/invergrovehstmn/latest/invergrovehst_mn/0-0-0-1

City of Inver Grove Heights Zoning Classifications:

<https://igh.maps.arcgis.com/apps/MapSeries/index.html?appid=d3b2e6703e514b9cbc9156a449036ce4>

Appendix A - Definitions

Adjacent/Abutting Property: A property directly adjacent to a *public improvement*

Access: Properties shall be considered to have access to public street improvements when they may enter onto the improvement from a private driveway, private road, common driveway, shared easement, or public street. A property with an alley or front and rear/side street footage will be deemed to have primary access on the frontage where the driveway is located. Refer to **Section 5** for determination of “primary” driveway location where more than one driveways exist.

A property need not be an *adjacent/abutting property* to have access to the street; such properties will be considered to have *indirect access*. Properties shall be considered to have access to underground utility improvements when they directly abut a public utility improvement within a street or utility easement, and the utility is less than 150 feet from the property.

Adjusted Front Footage: Where the *assessable footage* of a *benefited property* has been modified by an adjustment factor to more accurately represent the true benefit that a property receives from an improvement in comparison to other properties in a project area. The adjustment will be based on the design parameters of the that are applicable to that parcel, as approved by the City Council. Refer to the “Assessment Calculation” section of this policy.

Assessable Area: The area of an *adjacent/abutting property*, and/or a property with access, to an improvement.

Assessable Cost: The portion of the *public improvement cost* to be financed by *special assessments*.

Assessable Footage: The *front frontage* of an *adjacent/abutting property*, and/or a property with access, to an improvement, minus any non-assessable frontage and/or corner lot credits.

Assessment Hearing: A hearing held during a City Council meeting, where the project costs and final *assessable costs* are summarized based on the expected final project costs, and the final *levied assessments* are determined and voted on by the City Council.

Assessment Method: The method of distributing *assessable costs* to benefiting parcels. Refer to **Section 5**.

Assessment Rate: The *assessable cost* calculated by the *assessment method* utilized. The *assessment rate* may be weighted to apportion the benefits of the *public improvement* fairly and equitably to properties of different zoning or land use classifications.

Assessment Roll: A tabular format of all *special assessments* for a *public improvement*, including the current property owner name, property address, property identification number, *special assessment rate*, and individual property assessment. A draft *assessment roll* is prepared with the Feasibility/Preliminary Report based on preliminary cost estimates, while a final *assessment roll* is prepared for the *Assessment Hearing* based on as-bid or final construction costs.

Assessment Waiver: A legal document whereby a benefiting property owner has agreed to pay and not challenge a *special assessment*.

Benefited Property/Assessable Property: A property determined to receive a *special benefit* due to a *public improvement*. Typical *benefited properties* may consist of *adjacent/abutting properties*, and/or property with access, to a *public improvement*, and properties where a *special benefit* may be realized by a *public improvement* in an *assessable area*. Property owned by other political subdivisions, school districts, non-profit organizations, and other parcels exempt from property taxes are *benefited property* when adjacent/abutting or with access to a *public improvement*.

Certified Assessment: An assessment that has been levied and forwarded to the Dakota County Auditor for including on the property tax rolls.

City Cost: The cost share of a *public improvement* that the City will pay based on this special assessment policy, as approved by the City Council.

Common Interest: Parcels zoned as planned urban developments (PUD) and for manufactured home communities, as well as properties with common-interest ownership via homeowner's associations (HOA) such as townhomes, condominiums, and where applicable, single-family homes.

Deferred Assessment: A *certified assessment* for which the levy will be delayed. Refer to ***Section 8***.

Feasibility/Preliminary Report: An engineering and fiscal planning document that details whether a *public improvement* is necessary, cost-effective, and feasible to complete. A feasibility or preliminary report is mandated by Chapter 429 ([§429.031](#)), unless *petitioned* by 100% of *adjacent/abutting property* owners requesting the full cost of an improvement be assessed against their properties.

Front Footage: The distance measured along the *right-of-way* line that directly abuts an improvement. Where improvements occur in unplatted areas or where *right-of-way* exists by prescriptive easements or rights, the *front footage* will be the distance measured along the centerline of the road in which the improvement is occurring.

Indirect Access: A property that may have access to a *public improvement*, is a *benefited property*, but is not an *adjacent/abutting property*. Access may be through a public or private easement, private road, driveway, or a common/shared driveway.

Improvement Cost: The total cost of the *public improvement* which shall include, but not be limited to: preliminary design, final design, *right-of-way*, easement, construction, legal, engineering, administrative, finance, and other costs associated with the improvement.

Lateral: The portion of a *public improvement* that provides direct utility service to a limited area as necessary to provide a minimum standard service to meet the area's immediate or future service demands.

Lateral Assessment: The *assessable costs* calculated to account for the cost of extension of *lateral* sanitary sewer or water service to a *benefited property* as part of a *public improvement*. The *lateral assessment* for a given utility is typically calculated by taking the total utility cost, subtracting the *trunk area assessment*, and then appropriating the cost fairly and equitably to properties based on the *assessment method* utilized.

Levied Assessment: An assessment that has been approved by the City Council.

Lot Assessment: The assessable cost of a *public improvement* is allocated to each property based on the classification of the zoning/land use of the property. Refer to ***Table 5.4-A*** in ***Section 5.4***.

Pending Assessment: A *preliminary assessment* that has been specified in a feasibility study/report that has been accepted by the City Council via a Council Resolution.

Petition: A formal request submitted by *adjacent/abutting property* owners to the City to request a *public improvement*. *Petitions* require a minimum of 35% of the property owners, determined by *front footage of adjacent/abutting property*, to be included in the *petition* to meet the requirements of Chapter 429 ([§429.031](#)) related to City Council approval for a *petitioned public improvement*.

Project Bid: The formal process of selecting a contractor to perform the construction phase of a project. A *public improvement* project performed under this policy must be competitively bid, with the lowest responsible bidder being awarded a contract to perform the construction work.

Public Hearing: A hearing held during a City Council meeting where the merits of the project are discussed based on the *Feasibility/Preliminary Report*. Following a *public hearing*, the City Council votes on whether to advance the project to final design.

Public Improvement: Improvements as allowed by [Minnesota Statute, Chapter 429](#) that provide a *special benefit* to properties, including but not limited to streets, sidewalks/trails, curb, gutter, sanitary sewer systems, storm sewer systems, water treatment and distribution systems, etc.

Public Right-of-Way: The area on, below, or above a public roadway, highway, street, or sidewalk in which a government subdivision (i.e., City, County, State, etc.) has an interest in maintenance of an existing transportation facility, or the future installation of a transportation facility.

Special Assessment: A charge imposed on a *benefited property* to help defray the cost of *public improvements*.

Special Benefit: The increase in property valuation because of a *public improvement* for which a *special assessment* may be applied.

Street: All public ways designed as means of access to *adjacent/abutting properties*. *Streets* may exist within dedicated or prescriptive right-of-way or easements.

Substantial Completion: Defined specifically and in detail in the construction contract documents for each *public improvement*, this is typically point that a project is determined to be complete enough for the public to utilize a project, and for the *special benefit* value received by benefiting properties to be realized. For most *street* projects, *substantial completion* typically is the point that the final layer of roadway pavement has been placed, all other hard-surface areas (curb and gutter, sidewalk, driveways, etc.) have been completed, and 95% of the contract work by cost has been completed.

Trunk Area Assessment: An assessment for the extension of trunk sanitary sewer or water to a previously platted or un-platted area that has not been previously assessed for sewer or water service. The *trunk area assessment* is set annually via [City Code, Title 3, Chapter 4](#).

Unit: A *unit* may include, but is not limited to a household, a dwelling *unit*, a parcel/lot, or a similar collection of measurements that can be quantified and divided equally among *benefiting properties*.

Appendix B - Assessment Calculation Examples

ADJUSTED FRONT FOOT & UNIT COMBINATION EXAMPLE

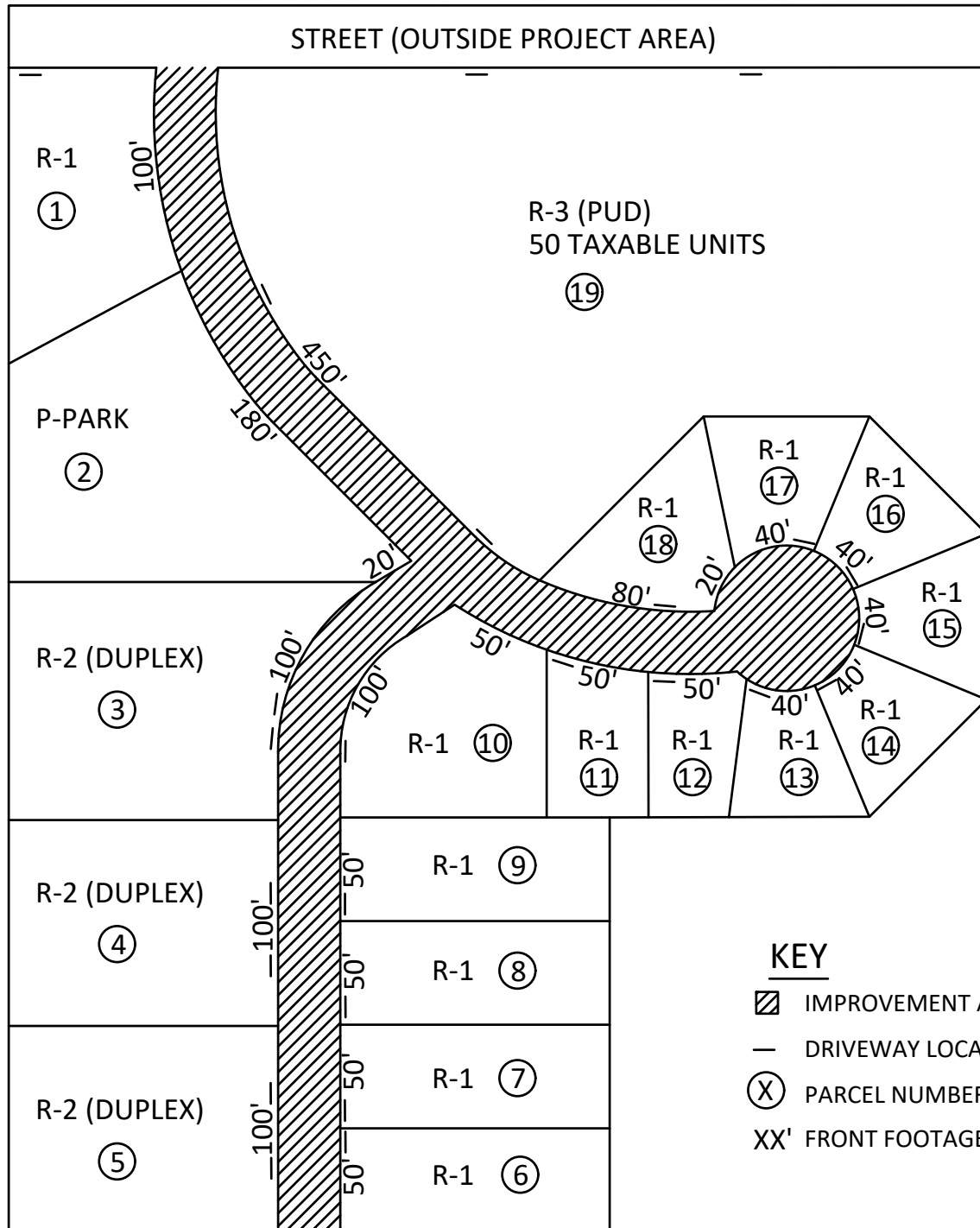


EXHIBIT B-1
SAMPLE ASSESSMENT CALCULATION and ASSESSMENT ROLL

Map #	Property Type Classification	Driveway Access in Project Area	SF Residential Front Footage	Non-Residential Front Footage	Adjusted Front Footage	Equivalent SF Residential Units	Per Policy Assessment	Notes
MILL & OVERLAY								
1	R-1 - SF RESIDENTIAL	0	100		100	1	\$0.00	Driveway access not on project street. No assessment (Assessment Policy Section 5.1, Special Consideration #2)
2	P - PARK	0		200	400		\$32,652.00	City Property - Assessment Paid Through Pavement Management Fund
3	R-2 - SF RESIDENTIAL	2	100		100	2	\$9,387.45	Duplex - 2 Units
4	R-2 - SF RESIDENTIAL	2	100		100	2	\$9,387.45	Duplex - 2 Units
5	R-2 - SF RESIDENTIAL	2	100		100	2	\$9,387.45	Duplex - 2 Units
6	R-1 - SF RESIDENTIAL	1	50		50	1	\$4,693.73	
7	R-1 - SF RESIDENTIAL	1	50		50	1	\$4,693.73	
8	R-1 - SF RESIDENTIAL	1	50		50	1	\$4,693.73	
9	R-1 - SF RESIDENTIAL	1	50		50	1	\$4,693.73	
10	R-1 - SF RESIDENTIAL	1	150		150	1	\$4,693.73	
11	R-1 - SF RESIDENTIAL	1	50		50	1	\$4,693.73	
12	R-1 - SF RESIDENTIAL	1	50		50	1	\$4,693.73	
13	R-1 - SF RESIDENTIAL	1	40		40	1	\$4,693.73	
14	R-1 - SF RESIDENTIAL	1	40		40	1	\$4,693.73	
15	R-1 - SF RESIDENTIAL	1	40		40	1	\$4,693.73	
16	R-1 - SF RESIDENTIAL	1	40		40	1	\$4,693.73	
17	R-1 - SF RESIDENTIAL	1	40		40	1	\$4,693.73	
18	R-1 - SF RESIDENTIAL	1	100		100	1	\$4,693.73	
19	R-3 - CONDOS (PUD)	2		450	900		\$73,467.00	Assessment Divided Among 50 Units in PUD \$73,469.39/50 Units = \$1,469.39/Unit
TOTALS		21	1150	650	2450	20	\$ 195,300	

Blue Cells - Denotes Per Lot (Unit) Assessment Method Utilized

Yellow Cells - Denotes Adjusted Front Foot Assessment Method Utilized

IGH STREET & STORM ASSESSMENT (MILL & OVERLAY)			
ASSESSMENT RATE CALCULATIONS			
A	TOTAL STREET & STORM COST:	\$250,000.00	Public Improvement Cost (Street & Storm Only) - EXAMPLE COST ESTIMATE
B	ASSESSABLE STREET & STORM COST (80%):	\$200,000.00	= Line A x 80%
C	TOTAL PROJECT ADJUSTED FRONT FOOTAGE (LF):	2,450	From Table Above (Total of Adjusted Front Foot)
D	NET ASSESSMENT RATE PER ADJUSTED FRONT FOOTAGE (LF):	\$81.63	= Line B / Line C
E	FRONT FOOTAGE OF SF RESIDENTIAL PARCELS	1,150	From Table Above (Total of SF Residential Front Footage)
F	ASSESSMENT APPLIED TO SF RESIDENTIAL PARCELS	\$93,874.50	= Line D x Line E
G	NUMBER OF SF RESIDENTIAL UNITS	20	From Table Above (Total of Equivalent SF Residential Units)
H	ASSESSMENT RATE PER RESIDENTIAL UNIT	\$4,693.73	= Line F / Line G



AREA & UNIT COMBINATION EXAMPLE

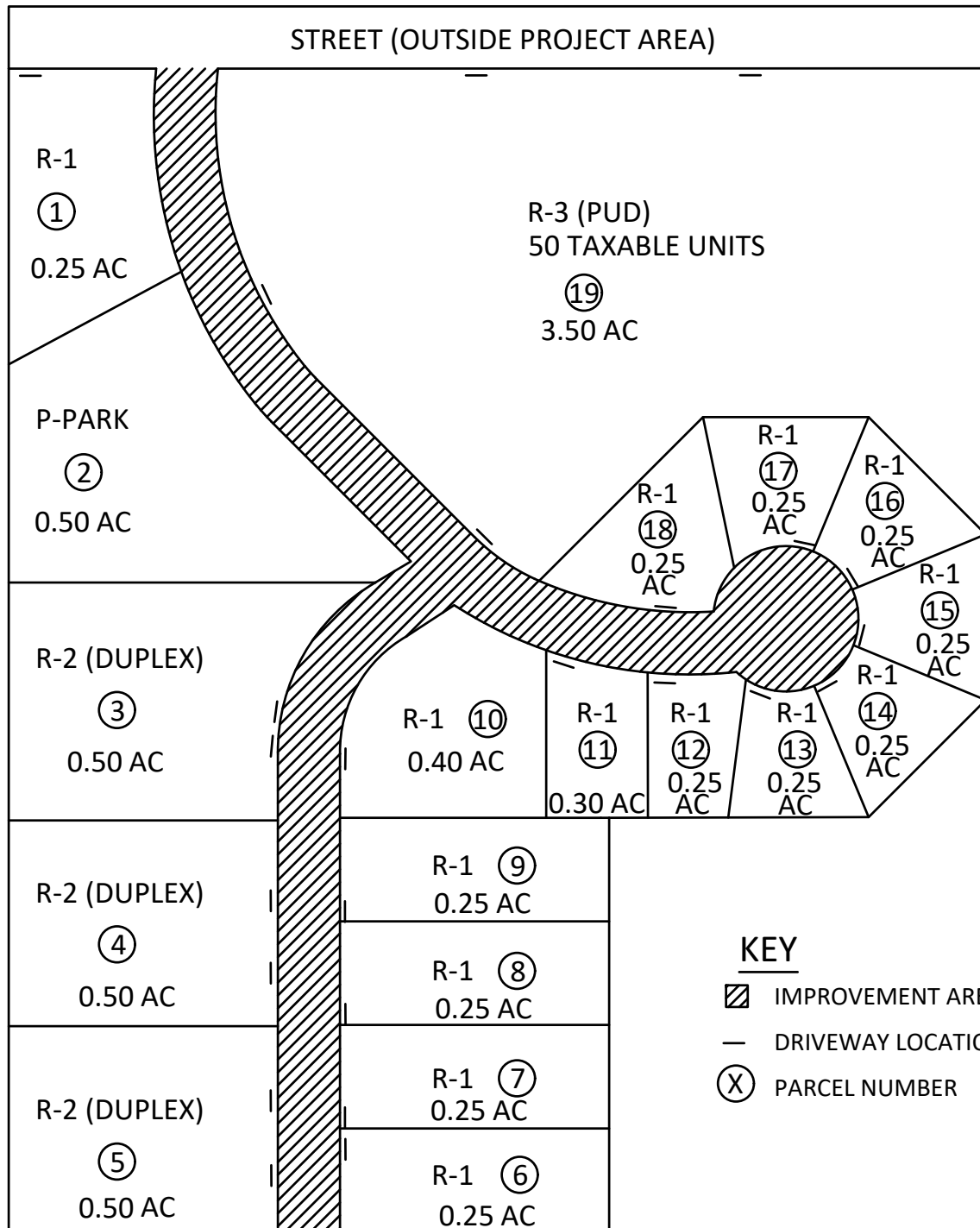


EXHIBIT B-2
SAMPLE ASSESSMENT CALCULATION and ASSESSMENT ROLL

Map #	Property Type Classification	Driveway Access in Project Area	SF Residential Area (Acres)	Non-Residential Area (Acres)	Total Area (Acres)	Equivalent SF Residential Units	Per Policy Assessment	Notes
MILL & OVERLAY								
1	R-1 - SF RESIDENTIAL	0	0.25		0.25	1	\$0.00	Driveway access not on project street. No assessment (Assessment Policy Section 5.1, Special Consideration #2)
2	P - PARK	0		0.5	0.5		\$10,869.57	City Property - Assessment Paid Through Pavement Management Fund
3	R-2 - SF RESIDENTIAL	2	0.5		0.5	2	\$11,304.35	Duplex - 2 Units
4	R-2 - SF RESIDENTIAL	2	0.5		0.5	2	\$11,304.35	Duplex - 2 Units
5	R-2 - SF RESIDENTIAL	2	0.5		0.5	2	\$11,304.35	Duplex - 2 Units
6	R-1 - SF RESIDENTIAL	1	0.25		0.25	1	\$5,652.17	
7	R-1 - SF RESIDENTIAL	1	0.25		0.25	1	\$5,652.17	
8	R-1 - SF RESIDENTIAL	1	0.25		0.25	1	\$5,652.17	
9	R-1 - SF RESIDENTIAL	1	0.25		0.25	1	\$5,652.17	
10	R-1 - SF RESIDENTIAL	1	0.4		0.4	1	\$5,652.17	
11	R-1 - SF RESIDENTIAL	1	0.3		0.3	1	\$5,652.17	
12	R-1 - SF RESIDENTIAL	1	0.25		0.25	1	\$5,652.17	
13	R-1 - SF RESIDENTIAL	1	0.25		0.25	1	\$5,652.17	
14	R-1 - SF RESIDENTIAL	1	0.25		0.25	1	\$5,652.17	
15	R-1 - SF RESIDENTIAL	1	0.25		0.25	1	\$5,652.17	
16	R-1 - SF RESIDENTIAL	1	0.25		0.25	1	\$5,652.17	
17	R-1 - SF RESIDENTIAL	1	0.25		0.25	1	\$5,652.17	
18	R-1 - SF RESIDENTIAL	1	0.25		0.25	1	\$5,652.17	
19	R-3 - CONDOS (PUD)	2		3.5	3.5		\$76,086.96	Assessment Divided Among 50 Units in PUD \$76,086.96/50 Units = \$1,521.74/Unit
TOTALS		21	5.2	4	9.2	20	\$ 194,348	

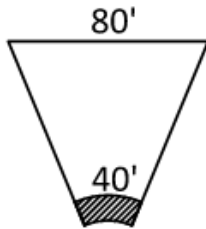
Blue Cells - Denotes Per Lot (Unit) Assessment Method Utilized

Purple Cells - Denotes Area Assessment Method Utilized

IGH STREET & STORM ASSESSMENT (MILL & OVERLAY)			
ASSESSMENT RATE CALCULATIONS			
A	TOTAL STREET & STORM COST:	\$250,000.00	Public Improvement Cost (Street & Storm Only) - EXAMPLE COST ESTIMATE
B	ASSESSABLE STREET & STORM COST (80%):	\$200,000.00	= Line A x 80%
C	TOTAL PROJECT AREA (ACRES):	9.2	From Table Above (Total Area)
D	NET ASSESSMENT RATE PER ACRE:	\$21,739.13	= Line B / Line C
E	ACRES OF SF RESIDENTIAL PARCELS	5.2	From Table Above (Total of SF Residential Front Footage)
F	ASSESSMENT APPLIED TO SF RESIDENTIAL PARCELS	\$113,043.48	= Line D x Line E
G	NUMBER OF SF RESIDENTIAL UNITS	20	From Table Above (Total of Equivalent SF Residential Units)
H	ASSESSMENT RATE PER RESIDENTIAL UNIT	\$5,652.17	= Line F / Line G

Exhibit B-3 - Adjusted Front Footage Examples

Average of Front & Back Footage



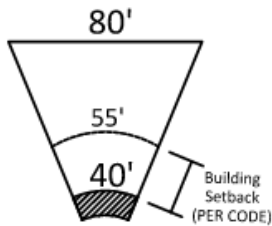
Front Footage: 40'

Back Footage: 80'

Average Footage: $(40' + 80') / 2 = 60'$

Adjusted Front Footage: **60'**

Footage at Building Setback



Front Footage: 40'

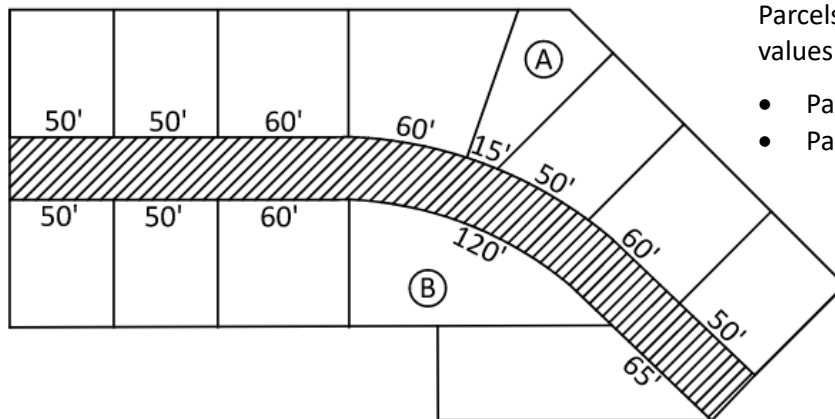
Back Footage: 80'

Building Setback Distance: Per City Code

Footage at Building Setback: 55'

Adjusted Front Footage: **55'**

Average Footage of Comparable Properties in Assessable Area



Parcels "A" and "B" have unique frontage values

- Parcel "A" is very long
- Parcel "B" is very short

Determine average Front Footage based on other properties in assessable area:

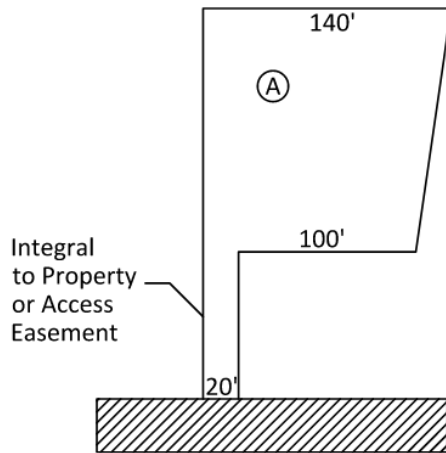
Total of all Other Property Frontage: 595'

Number of Other Properties: 11

Average Footage: $595 / 11 = 54'$

Adjusted Front Footage for Parcels "A" and "B": **54'**

Flag Lots



Front Footage: 20'

Adjacent & Parallel Front Footage: 100'

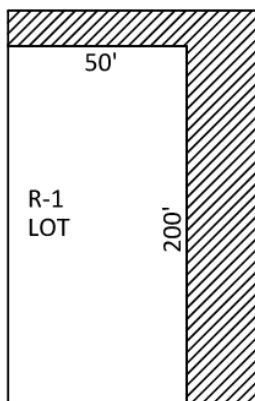
Total of Front + Adjacent & Parallel: $20 + 100 = 120'$

Back Lot Footage: 140'

Greater of Two Values: $140' > 120'$

Adjusted Front Footage: **140'**

Corner Lot Adjustment



Short Side Frontage: 50'

Long Side Frontage: 200'

Discounted Long-Side Frontage: -135'

Sum of Footage: $50 + 200 - 135 = 115'$

Adjusted Front Footage: **115'**

Appendix C - Hardship Deferral Application

CITY OF INVER GROVE HEIGHTS DEFERRAL OF SPECIAL ASSESSMENT

The undersigned apply to the City of Inver Grove Heights for a deferral of a special assessment on
City Project No. _____

Names of all Property Owners

Birth Date

Property Address

Property ID Number

Property Owner Email Address

Property Owner Phone Number

- ☐ 65 years of age or over
- ☐ Permanent and Total (100%) Disability
- ☐ Active military service

The applicant(s) must provide written evidence of their status eligibility and attach a copy of their federal tax return for the year prior to the year the assessment is certified.

Owner Signature: _____

Owner Signature: _____

Dated: _____

Eligibility Requirements per Resolution No. 09-13, Adopted 1/26/2009

If the property is the homestead of the eligible applicant, if payment of the assessment would be a hardship (as defined below) for the owner of the property, and if one or more of the following conditions exist:

1. One or more of the owners of the property is 65 years of age or older; or
2. One or more of the owners of the property is retired by virtue of a permanent and total disability; or
3. One or more of the owners of the property is a member of the Minnesota National Guard or other military reserves who is ordered into active military service (as defined in Minnesota Statutes Section 190.05, subdivision 5(b) or 5(c)) as stated in the person's military orders.

"Hardship" shall be deemed to exist if (1) the average annual payments of principal and interest for all assessments levied against the property exceed one percent of the owner's adjusted gross income as filed in the owner's U.S. income tax return for the tax year prior to the year in which the assessment was certified; and (2) the total amount of the principal of the levied assessment exceeds \$300.00. The "average annual payment" is the total principal of the levied assessment plus the interest that would be payable based on a declining principal balance during the number of years over which the principal assessment was originally spread with the sum of principal and interest then being divided by the number of years over which the principal assessment was originally spread.

Deferrals granted pursuant to this resolution shall terminate upon the occurrence of any of the following events:

- (a) The death of the eligible owner provided that no other owner is otherwise eligible for the benefits under Resolution No. 09-13.
- (b) The sale, transfer, donation or subdivision of the property or any part thereof.
- (c) Contracting to sell, transfer or donate the property.
- (d) The property no longer has its homestead status.
- (e) The owner is no longer eligible for a deferral.
- (f) The City Council determines, for any reason, that there would be no hardship to require immediate, full or partial payment.

Appendix D - Policy Adoption Resolution

TO BE INCULDED UPON ADOPTION



Request for Council Action

SUBJECT: **Change Order No. 2 for Project 2023-09D - Dawn Way Area Street Rehabilitation**

MEETING DATE: November 27, 2023

ITEM TYPE: Consent Agenda

CONTACT: Steve Dodge, Assistant City Engineer, 651.450.2541

ACTION REQUESTED

The Council is asked to approve Change Order No. 2 for City Project No. 2023-09D - Dawn Way Area Street Rehabilitation.

BACKGROUND

On March 13, 2023, the City Council awarded a contract in the amount of \$4,278,448.74 to Meyer Contracting, Inc. (Resolution No. 2023-051) and approved the project budget for City Project 2023-09D (Resolution No. 2023-052):

Project No.	Project Name	Bid Contract	Total Budget
2023-09D	Dawn Way Area Street Rehabilitation	\$4,278,448.74	\$5,433,648.74

Project 2023-09D is a rehabilitation project comprised of a combination of a mill and overlay, full depth reclamation, partial reconstruction and new construction with some storm sewer reconstruction, sanitary sewer improvements, utility casting adjustments, and sidewalk improvements. It also included alley paving and the installation of a pressure reducing valve (PRV) with a vault and driveway.

The project's two alleys that were proposed to be paved, Delaney Alley from 64th Street to Dawn Avenue and the alley between 61st Street and 63rd Street (Cromwell Alley), had numerous grading and drainage challenges. These challenges made field modifications to the as-bid plan set necessary. Staff worked closely with the contractor and property owners to make design and construction modifications that best work with existing drainage, slopes, driveways, and adjoining streets. The extra cost for labor, equipment, and materials necessary to complete the modifications resulted in an additional \$47,154.09 in contract costs.

Secondly, at the location of the PRV, steep grades and slopes behind the curbline of Dawn Avenue created challenges in the installation of the vault/manhole access driveway. During construction, the driveway was relocated from the north side of the vault to the south side so that the driveway slopes would be safer and provide better access to the PRV controls and facilities. This change caused work outside of the original plans to occur. The extra cost for labor, equipment, and materials necessary to complete the extra work resulted in an additional \$11,564.85 in contract costs.

A breakdown and total cost for all extra work included in this Change Order is listed in the table below:

Item	Additional Work
Additional Alley Grading and Drainage Work	\$47,154.09
Additional PRV Driveway Grading and Appurtenant Work	\$11,564.85
Total Cost of Additional Work	\$58,718.94

FISCAL IMPACT

Change Order No. 2, in the amount of \$58,718.94, covers additional work for alley and PRV driveway, grading and drainage field changes performed by the contractor and as directed by staff. This will result in a revised contract value of \$4,337,167.68. Funding for this change order will be \$47,154.09 through the Pavement Management - Local Streets (Fund 440) and \$11,564.85 through the Water Capital Fund (Fund 511) and is within the construction contingency of \$213,900 included as part of the project budget for 2023-09D as approved by the Council on March 13, 2023.

RECOMMENDATION

Staff recommends approval of Change Order No. 2, in the amount of \$58,718.94 for City Project No. 2023-09D - Dawn Way Area Street Rehabilitation.

ATTACHMENTS

1. Change Order No. 2 for 23-09D

CHANGE ORDER NO. 2

2023 Pavement Management Initiative

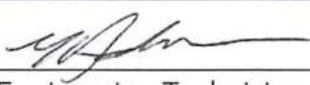
City Project No. 2023-09D - Dawn Way

Owner: City of Inver Grove Heights 8150 Barbara Avenue Inver Grove Heights, MN 55077	Date of Issuance: November 27, 2023
Contractor: Meyer Contracting, Inc. 11000 93 rd Ave. N. Maple Grove, MN 55369	Engineer: Steve Dodge, P.E. Assistant City Engineer City of Inver Grove Heights

PURPOSE OF CHANGE ORDER

To amend the contract to include grading modifications necessary for the Delaney alley, the alley south of Cromwell Court, and for the driveway at the pressure reducing valve on Dawn Way. The contract amendment is as follows:

ITEM	Price
Alley Regrading	\$47,154.09
Regrade driveway for pressure reducing valve	\$11,564.85
Total Change Order No. 1 Amount	\$58,718.94

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIME
Original Contract Price: \$4,278,448.74	Original Contract Time: None
Previous Change Orders \$(0.00)	Net Change from Previous Change Orders None
Contract Price Prior to this Change Order \$4,278,448.74	Contract Time Prior to this Change Order None
Net Increase (Decrease) of this Change Order \$58,718.94	Net Increase (Decrease) of Change Order None
Contract Price with all Approved Change Orders \$4,337,167.68	Contract Time with Approved Change None
Recommended By: 	Approved By: 
Nick Hahn, Senior Engineering Technician	Meyer Contracting, Inc.

Approved By:



Paul Merchlewicz, City Engineer

Approved By:


Brenda Dietrich, Mayor

Date of Council Action:

November 27, 2023



Request for Council Action

SUBJECT: **Resolution Approving Hardship Assessment Deferrals for City Project No. 2023-09D - Dawn Way Area Street Rehabilitation**

MEETING DATE: November 27, 2023

ITEM TYPE: Consent Agenda

CONTACT: Steve Dodge, Assistant City Engineer, 651.450.2541

ACTION REQUESTED

The Council is asked to adopt the two attached Resolutions, approving hardship assessment deferrals related to City Project No 2023-09D - Dawn Way Area Street Rehabilitation (Dawn Way Area).

BACKGROUND

The City Council adopted the final assessment roll and levied assessments for the Dawn Way Area project on October 23, 2023. Two hardship assessment deferment applications were received by staff for this project. To qualify for a hardship assessment deferral, the property must be homesteaded, the property owner must meet financial hardship requirements, and one of the following criteria needs to be met:

1. Age 65 years of age or older; or
2. Permanent and total disability; or
3. Active military.

This criteria is memorialized in both the City's current Special Assessment Policy, and City Resolution No. 09-13, both of which were developed in conformance with Minnesota State Statute 435.193. Staff reviewed the applications and determined that the property owners qualified for hardship assessment deferment under City provisions. The application forms are attached; supplemental information submitted by the applicants substantiating the hardship qualification is considered non-public information and is on file in the Engineering Division.

The attached hardship assessment deferral Resolutions have been developed in accordance with the aforementioned City provisions, and detail the deferral requirements (assessment principal, interest rate, etc.), deferral timeframe (20 years), as well as any triggers that would terminate assessment deferral, which include the following:

- The subject property is no longer classified as a homestead for tax purposes.
- The eligible applicant dies.
- The eligible applicant no longer meets the eligibility requirements for a "hardship" as the term is defined by City Resolution No 09-13 and State Statute 435.193
- The property or a portion thereof is transferred, donated, sold or contracted to be sold.

- The subject property is split or otherwise subdivided.

For the Dawn Way Area project, the assessment term is 10 years at 4.95% interest. Interest accrual starts on January 1, 2024. If the deferment reaches the 20-year term, the accrued interest becomes due and the remaining installments with interest will commence on January 1, 2044 per the approved term and interest (2044-2053). When the hardship assessment deferral ceases early, the deferred unpaid installments of principal, together with accrued interest on the unpaid principal balance, become due and payable in the next calendar year with the property taxes. Unless the hardship assessment deferral ceases due to no longer meeting financial hardship requirements, then the unpaid principal balance shall be payable with property taxes per the term and interest rate as originally levied, starting January 1 of the following year.

FISCAL IMPACT

The collective principal value of the requested deferments is \$15,644.22. These principal costs for the project will be funded through the City's Pavement Management Fund (Fund 440). Since interest is charged during the deferment period, at the time the deferred assessment is ultimately paid, the payment of interest and principal is recorded as revenue to the Pavement Management Fund in the same manner as other special assessment collections.

RECOMMENDATION

Staff recommends approval of the two attached Resolutions, approving the requested hardship assessment deferrals for City Project 2023-09D - Dawn Way Area Street Rehabilitation.

ATTACHMENTS

1. Resolution Approving Hardship Assessment Deferral for Schachel 23-09D
2. Deferment Application - Schachel 2023-09D
3. Resolution Approving Hardship Assessment Deferral for Wigen 23-09D
4. Deferment Application - Wigen - 23-09D

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

RESOLUTION NO. _____

**RESOLUTION APPROVING THE DEFERMENT OF SPECIAL ASSESSMENTS FOR PROPERTY
OWNED BY STEVEN SCHACHEL FOR CITY PROJECT NO. 2023-09D**

WHEREAS, Steven Schachel, the qualifying person ("Property Owner"), owns certain real property situated in the City of Inver Grove Heights, County of Dakota, State of Minnesota, identified with Tax Parcel Number 20-36500-05-080, legally described on the attached Exhibit A ("Subject Property"); and

WHEREAS, On October 23, 2023, the City Council of Inver Grove Heights, acting pursuant to Minnesota Statute Chapter 429 levied certain special assessments upon the Subject Property in the amount of \$7,181.15 for City Project No. 2023-09D - Dawn Way Area Street Rehabilitation; and

WHEREAS, the levied assessment amount has a term of 10-years of annual installments at 4.95% interest rate, with interest accrual commencing on January 1, 2024. As levied, the first installments are due in calendar year 2024 and the tenth and last installments are due in calendar year 2033; and

WHEREAS, Minnesota Statute § 435.193 and City Council Resolution No. 09-13 provide that the City may defer the payment of special assessments for any homestead property owned by a person sixty-five (65) years of age or older; or an owner retired by virtue of a permanent and total disability; or an owner who is a member of the military as defined in Minnesota Statute § 190.05, for whom it would be a hardship to make the payments; and

WHEREAS, the Property Owner has requested a hardship assessment deferral of the special assessments be levied against the Subject Property; and upon investigation and review by staff, it has been determined the applicant qualifies for hardship assessment deferral of the special assessment levied against the Subject Property in accordance with Minnesota Statute § 435.193 and City Council Resolution No. 09-13; and

WHEREAS, Minnesota Statute § 435.193 states the conditions upon which the deferment will cease:

The option to defer the payment of special assessments shall terminate and all amounts accumulated plus applicable interest, shall become due upon the occurrence of any of the following events: (a) the death of the owner, provided that the spouse is otherwise not eligible for the benefits hereunder; (b) the sale, transfer or subdivision of the property or any part thereof; (c) if the property should for any reason lose its homestead status; or (d) if for any reason the taxing authority deferring the payments shall determine that there would be no hardship to require immediate or partial payments.

NOW THEREFORE, BE IT RESOLVED by the Inver Grove Heights City Council that:

1. The hardship assessment deferral is hereby approved.
2. Payment of the annual installments of principal and interest with respect to the above identified special assessments against the Subject Property are hereby deferred 20 years to tax collection year commencing on January 1, 2044, and thereafter upon the following terms and conditions:
 - a. The principal amount of the special assessments noted above shall accrue interest at the rate of 4.95% per year from and after January 1, 2024.
 - b. The accrued interest at the rate of 4.95% per year during the period of deferment shall be added to the principal amount of the special assessments and shall be payable with the principal amount when the principal amount becomes payable at the expiration of the deferment.
3. The hardship assessment deferral shall immediately cease if any of the following events occur:
 - a. If the Subject Property is no longer classified as a homestead for tax purposes.
 - b. If the Property Owner dies.
 - c. If the Property Owner no longer meets the eligibility requirements for hardship as that term is defined by Minnesota Statute § 435.193, City Resolution No. 09-13, and amendments thereto.
 - d. If the Subject Property or any portion thereof is transferred, donated, sold, or contracted to be sold.
 - e. If the tax parcel for the Subject Property is split or otherwise subdivided.
4. If the deferment ceases or is terminated for any reason provided by law for the Subject Property, then the deferred unpaid special assessment including installments of principal, together with accrued interest on the unpaid principal balance, shall become due and payable in the next calendar year and shall be payable with real estate taxes in the next calendar year. Unless the deferment ceases due to no longer meeting the requirements of financial hardship, then the unpaid principal balance shall be payable with real estate taxes per the approved term and interest commencing on January 1st of the following year.
5. This deferment shall be certified, and the City Clerk is hereby authorized and directed to record a certified copy of this Resolution at the Dakota County Recorder's Office.

Approved by the City Council of the City of Inver Grove Heights, Minnesota this 27th day of November 2023.

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

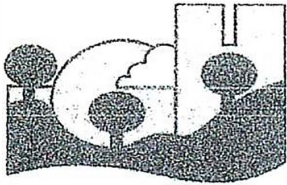
EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

Real property located in Dakota County, Minnesota legally described as follows:

Lot Six (6), Block Five (5), except the North 25.00 feet thereof; Lot Seven (7), Block Five (5); and the North 20.00 feet of Lot Eight (8), Block Five (5), Inver Grove Factory Addition, together with the West one half of the vacated alley contiguous thereto, on file and of record in the office of the County Recorder, Dakota County, Minnesota.

Tax Parcel Number 20-36500-05-080



REQUEST FOR DEFERRAL OF SPECIAL ASSESSMENTS

The undersigned apply to the City of Inver Grove Heights for a deferral of a special assessment on City Project No. 2023-090

NAMES OF ALL OWNERS

PHONE NUMBER

STEVEN SCHACHEL

651-457-1488

☐ 65 years of age or older

☒ Permanent and Total (100%) Disability [REDACTED]

☐ Active military service

The applicant(s) must provide written evidence of their status eligibility and attach a copy of their federal tax return for the year prior to the year the assessment is certified.

Owner Signature: Steven Schachel

Owner Signature: _____

Dated: 10-6-2023

Eligibility Requirements per Resolution No. 09-13

If the property is the homestead of the eligible applicant, if payment of the assessment would be a hardship (as defined below) for the owner of the property, and if one or more of the following conditions exist:

1. One or more of the owners of the property is 65 years of age or older; or
2. One or more of the owners of the property is retired by virtue of a permanent and total disability; or
3. One or more of the owners of the property is a member of the Minnesota National Guard or other military reserves who is ordered into active military service (as defined in Minnesota Statutes Section 190.05, subdivision 5(b) or 5(c)) as stated in the person's military orders.

"Hardship" shall be deemed to exist if (1) the average annual payments of principal and interest for all assessments levied against the property exceed one percent of the owner's adjusted gross income as filed in the owner's U.S. income tax return for the tax year prior to the year in which the assessment was certified; and (2) the total amount of the principal of the levied assessment exceeds \$300.00. The "average annual payment" is the total principal of the levied assessment plus the interest that would be payable based on a declining principal balance during the number of years over which the principal assessment was originally spread with the sum of principal and interest then being divided by the number of years over which the principal assessment was originally spread.

Deferrals granted pursuant to this resolution shall terminate upon the occurrence of any of the following events:

- (a) The death of the eligible owner provided that no other owner is otherwise eligible for the benefits under Resolution No. 09-13.
- (b) The sale, transfer, donation or subdivision of the property or any part thereof.
- (c) Contracting to sell, transfer or donate the property.
- (d) The property no longer has its homestead status.
- (e) The owner is no longer eligible for a deferral.
- (f) The City Council determines, for any reason, that there would be no hardship to require immediate, full or partial payment.

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

RESOLUTION NO. _____

**RESOLUTION APPROVING THE DEFERMENT OF SPECIAL ASSESSMENTS FOR PROPERTY
OWNED BY JOAN WIGEN FOR CITY PROJECT NO. 2023-09D**

WHEREAS, Joan Wigen, the qualifying person ("Property Owner"), owns certain real property situated in the City of Inver Grove Heights, County of Dakota, State of Minnesota, identified with Tax Parcel Number 20-36500-15-170, legally described on the attached Exhibit A ("Subject Property"); and

WHEREAS, On October 23, 2023, the City Council of Inver Grove Heights, acting pursuant to Minnesota Statute Chapter 429 levied certain special assessments upon the Subject Property in the amount of \$8,463.07 for City Project No. 2023-09D - Dawn Way Area Street Rehabilitation; and

WHEREAS, the levied assessment amount has a term of 10-years of annual installments at 4.95% interest rate, with interest accrual commencing on January 1, 2024. As levied, the first installments are due in calendar year 2024 and the tenth and last installments are due in calendar year 2033; and

WHEREAS, Minnesota Statute § 435.193 and City Council Resolution No. 09-13 provide that the City may defer the payment of special assessments for any homestead property owned by a person sixty-five (65) years of age or older; or an owner retired by virtue of a permanent and total disability; or an owner who is a member of the military as defined in Minnesota Statute § 190.05, for whom it would be a hardship to make the payments; and

WHEREAS, the Property Owner has requested a hardship assessment deferral of the special assessments be levied against the Subject Property; and upon investigation and review by staff, it has been determined the applicant qualifies for hardship assessment deferral of the special assessment levied against the Subject Property in accordance with Minnesota Statute § 435.193 and City Council Resolution No. 09-13; and

WHEREAS, Minnesota Statute § 435.193 states the conditions upon which the deferment will cease:

The option to defer the payment of special assessments shall terminate and all amounts accumulated plus applicable interest, shall become due upon the occurrence of any of the following events: (a) the death of the owner, provided that the spouse is otherwise not eligible for the benefits hereunder; (b) the sale, transfer or subdivision of the property or any part thereof; (c) if the property should for any reason lose its homestead status; or (d) if for any reason the taxing authority deferring the payments shall determine that there would be no hardship to require immediate or partial payments.

NOW THEREFORE, BE IT RESOLVED by the Inver Grove Heights City Council that:

1. The hardship assessment deferral is hereby approved.
2. Payment of the annual installments of principal and interest with respect to the above identified special assessments against the Subject Property are hereby deferred 20 years to tax collection year commencing on January 1, 2044, and thereafter upon the following terms and conditions:
 - a. The principal amount of the special assessments noted above shall accrue interest at the rate of 4.95% per year from and after January 1, 2024.
 - b. The accrued interest at the rate of 4.95% per year during the period of deferment shall be added to the principal amount of the special assessments and shall be payable with the principal amount when the principal amount becomes payable at the expiration of the deferment.
3. The hardship assessment deferral shall immediately cease if any of the following events occur:
 - a. If the Subject Property is no longer classified as a homestead for tax purposes.
 - b. If the Property Owner dies.
 - c. If the Property Owner no longer meets the eligibility requirements for hardship as that term is defined by Minnesota Statute § 435.193, City Resolution No. 09-13, and amendments thereto.
 - d. If the Subject Property or any portion thereof is transferred, donated, sold, or contracted to be sold.
 - e. If the tax parcel for the Subject Property is split or otherwise subdivided.
4. If the deferment ceases or is terminated for any reason provided by law for the Subject Property, then the deferred unpaid special assessment including installments of principal, together with accrued interest on the unpaid principal balance, shall become due and payable in the next calendar year and shall be payable with real estate taxes in the next calendar year. Unless the deferment ceases due to no longer meeting the requirements of financial hardship, then the unpaid principal balance shall be payable with real estate taxes per the approved term and interest commencing on January 1st of the following year.
5. This deferment shall be certified, and the City Clerk is hereby authorized and directed to record a certified copy of this Resolution at the Dakota County Recorder's Office.

Approved by the City Council of the City of Inver Grove Heights, Minnesota this 27th day of November 2023.

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

Real property located in Dakota County, Minnesota legally described as follows:

The North $\frac{1}{2}$ of Lot Sixteen (16), and all of Lot Seventeen (17), Block Fifteen (15), Inver Grove Factory Addition, Dakota County, Minnesota.

Parcel ID: 20-36500-15-170



203650015170
6367 Delaney Ave.

REQUEST FOR DEFERRAL OF SPECIAL ASSESSMENTS

The undersigned apply to the City of Inver Grove Heights for a deferral of a special assessment on City Project No. 2023-09D.

NAMES OF ALL OWNERS

PHONE NUMBER

JOAN WIGEN

651-274-9866

☒ 65 years of age or older

☐ Permanent and Total (100%) Disability

☐ Active military service

The applicant(s) must provide written evidence of their status eligibility and attach a copy of their federal tax return for the year prior to the year the assessment is certified.

Owner Signature: Joan Wigen

Owner Signature: _____

Dated: 10-11-23

Eligibility Requirements per Resolution No. 09-13

If the property is the homestead of the eligible applicant, if payment of the assessment would be a hardship (as defined below) for the owner of the property, and if one or more of the following conditions exist:

1. One or more of the owners of the property is 65 years of age or older; or
2. One or more of the owners of the property is retired by virtue of a permanent and total disability; or
3. One or more of the owners of the property is a member of the Minnesota National Guard or other military reserves who is ordered into active military service (as defined in Minnesota Statutes Section 190.05, subdivision 5(b) or 5(c)) as stated in the person's military orders.

"Hardship" shall be deemed to exist if (1) the average annual payments of principal and interest for all assessments levied against the property exceed one percent of the owner's adjusted gross income as filed in the owner's U.S. income tax return for the tax year prior to the year in which the assessment was certified; and (2) the total amount of the principal of the levied assessment exceeds \$300.00. The "average annual payment" is the total principal of the levied assessment plus the interest that would be payable based on a declining principal balance during the number of years over which the principal assessment was originally spread with the sum of principal and interest then being divided by the number of years over which the principal assessment was originally spread.

Deferrals granted pursuant to this resolution shall terminate upon the occurrence of any of the following events:

- (a) The death of the eligible owner provided that no other owner is otherwise eligible for the benefits under Resolution No. 09-13.
- (b) The sale, transfer, donation or subdivision of the property or any part thereof.
- (c) Contracting to sell, transfer or donate the property.
- (d) The property no longer has its homestead status.
- (e) The owner is no longer eligible for a deferral.
- (f) The City Council determines, for any reason, that there would be no hardship to require immediate, full or partial payment.



Request for Council Action

SUBJECT: **Approval of Storm Water Facilities Maintenance Agreement for 6567 Alverno Ln**

MEETING DATE: November 27, 2023

ITEM TYPE: Consent Agenda

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

ACTION REQUESTED

The Council is asked to approve a Storm Water Facilities Maintenance Agreement for the property located at 6567 Alverno Ln.

BACKGROUND

The owners of 6567 Alverno Lane are proposing to install a concrete patio, concrete walks, and a pool, 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, Ryan and Erin Noeldner, 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 Stormwater Facilities Maintenance Agreement for 6567 Alverno Ln.

ATTACHMENTS

1. AlvernoLn 6567_SWFMA

STORM WATER FACILITIES MAINTENANCE AGREEMENT
FOR 6567 ALVERNO LANE, INVER GROVE HEIGHTS,
DAKOTA COUNTY, MINNESOTA

THIS STORM WATER FACILITIES MAINTENANCE AGREEMENT (Agreement) is made, entered into and effective this ____ day of November, 2023, by and between the City of Inver Grove Heights, a Minnesota municipal corporation (hereafter referred to as "City") and Ryan Noeldner and Erin Noeldner, husband and wife (hereafter referred to together 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 Ryan Noeldner and Erin Noeldner, husband and wife, and their successors and assigns.

1.4 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.

1.5 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.

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

The fee title owner(s) 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.

1.7 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.

1.8 Storm Water Facility Plan. “Storm Water Facility Plan” means the Stormwater Facility Plan prepared by Sathre-Bergquist, Inc., which was approved by the City Engineer on November 13, 2023 and is attached hereto as **Exhibit D**.

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 patio and pool as shown on the Storm Water Facility Plan.

Recital No. 3. The City is willing to approve the grading of the Landowner Property and the construction of the proposed patio 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 patio 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 Stormwater Facility Plan and 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. 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 2011 Watershed Management Plan for the Lower Mississippi Watershed Management Organization (LMRWMO) dated August 2011;
- f. The Standard of Maintenance shall include but not be limited to each of the following:
 - i.) The Responsible Owner shall monitor the Storm Water Facilities and shall as soon as possible correct any malfunction or deficiency in the operation of such structure so as to ensure that the structure operates in conformance with the design parameters.
 - ii.) The 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.

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 3.2 and 3.3; 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 the Cure Period identified in Section 3.4, 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 or its contractors 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 thirty (30) 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 or repair 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 or repair 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.

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 Landowner hereby grants to the City a right and license to access and enter the Landowner Property for the purpose of performing repair or 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

If to Landowner/Responsible Owner:

Ryan Noeldner and Erin Noeldner
6567 Alverno Lane
Inver Grove Heights, MN 55077

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

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK – SIGNATURES TO FOLLOW]

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

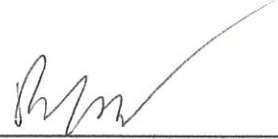
(CITY SEAL)

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

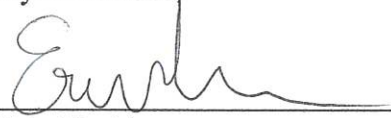
On this ____ day of _____, 2023, before me a Notary Public within and for said County, personally appeared Brenda Dietrich and Rebecca Kiernan to me personally known, who being each by me duly sworn, each did say that they are respectively the Mayor and City Clerk of the City of Inver Grove Heights, 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:**



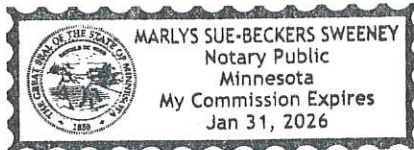
Ryan Noeldner



Erin Noeldner

STATE OF MINNESOTA)
)
COUNTY OF DAKOTA) ss.

The foregoing instrument was acknowledged before me this 17 day of November, 2023, by Ryan Noeldner and Erin Noeldner, husband and wife.





Notary Public

This instrument was drafted by:

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 13, Block 2, Blackstone Ridge, Dakota County, Minnesota.

Abstract Property

PID: 20-14167-02-130

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

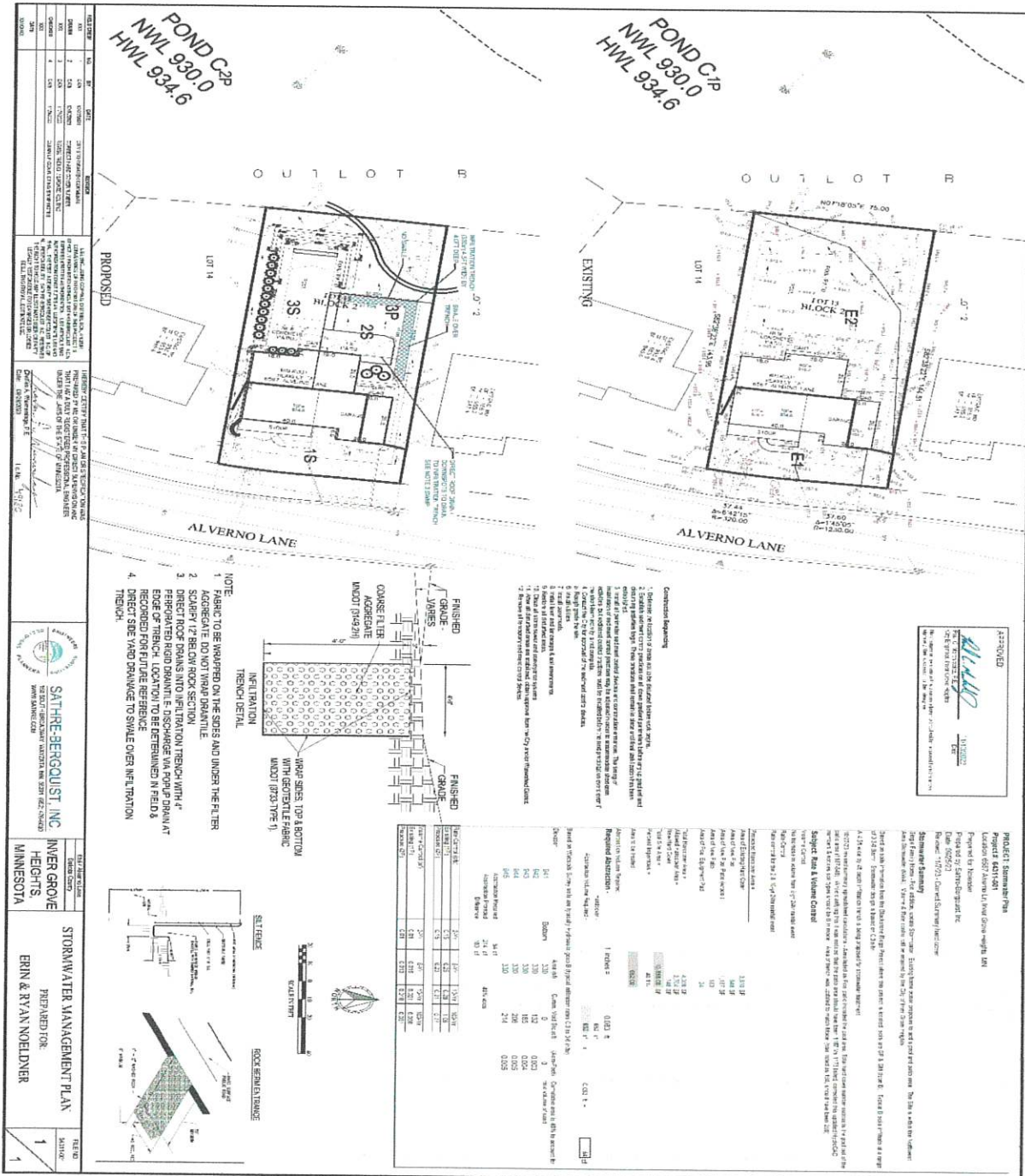
Maintenance Activity	Frequency	Procedure	Maintenance Done By
1. Sediment, trash and debris removal from inlet, outlets, pipes and structures.	Annually in spring and fall as needed.	Remove trash and/or debris. Pruning and weeding, mow filter strip	Responsible Owner unless designated otherwise
2. Sediment, 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					
ILLCIT DISCHARGE	Y	N			
COMMENTS					
MAINTENANCE PERFORMED:					
SIGNED:			DATE:		

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

STORMWATER FACILITY PLAN





Request for Council Action

SUBJECT: **Resolution Authorizing Submission of Public Comments on Pine Bend Landfill's Environmental Assessment Worksheet and Air Quality Permit for 2022 Request for Major Modification of Permit #SW-45**

MEETING DATE: November 27, 2023

ITEM TYPE: Consent Agenda

CONTACT: Ally Sutherland, Environmental Specialist, 651.604.8511

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, authorizing submission of public comments on Pine Bend Landfill's Environmental Assessment Worksheet and Air Quality Permit for 2022 Request for Major Modification of Permit #SW-45.

BACKGROUND

Pine Bend Landfill (PBL), operated by BFI Waste Systems of North America LLC (BFI), is a Municipal Solid Waste (MSW) landfill located at 2495 117th St E in Inver Grove Heights. Pine Bend Landfill remains one of the largest mixed municipal solid waste landfills within the Twin Cities Metro Area (TCMA), resulting in disposal of several hundred thousand tons of regional waste being landfilled in Inver Grove Heights annually. Although landfilling is designated as the State of Minnesota's least favorable solid waste disposal method, the [draft Metropolitan Solid Waste Policy Plan 2022–2042](#) confirms that landfilling will remain a necessary form of disposal for TCMA waste through 2042. In 2021, Pine Bend Landfill received [the largest allocation of preliminary TCMA certificate of need \(CON\)](#) from the State of Minnesota Pollution Control Agency (MPCA) in the amount of 2.39 million tons for additional MSW disposal capacity. Acceptance of this additional waste would require the landfill to vertically expand and extend its approved duration to operate.

The landfill is currently operating under existing permits and approvals issued by the MPCA, Metropolitan Council Environmental Services (MCES), Dakota County and the City of Inver Grove Heights. In 2022, BFI submitted a Request for Major Modification of Permit #SW-45 for Pine Bend Landfill to the MPCA. This request details a vertical expansion proposed to raise the permitted peak elevation of the landfill. The landfill is currently permitted by the MPCA for 33.93 million cubic yards of airspace and is now requesting an additional 8.2 million cubic yards. This additional airspace would raise the height of the landfill by 85 feet at the highest point and extend the life of the landfill to approximately 2042, which is approximately 12 years past the City's existing agreements with BFI.

Requesting a proposed vertical expansion requires BFI to complete a number of tasks. The tasks and public meetings related to the proposed expansion are summarized with their current status in the table below. This agenda item is related to Tasks 3 and 4 bolded in the table below.

Task	Status
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1. PBL submits a Request for Major Modification of Permit #SW-45 to the MPCA.	Completed
2. City Public Meetings: Environmental Advisory Commission (EAC) & City Council meetings to consider submittal of the City's comments's on PBL's 2022 Request for Major Modification of Permit #SW-45 to the MPCA.	Oct. 26 (EAC) & Nov. 13 (CC).
3. State of Minnesota's Environmental Quality Board publishes a 45-day public notice and request for comment on PBL's 2022 Environmental Assessment Worksheet (EAW) application and Air Quality Permit (AQP).	Opened Oct. 31. Ends Dec.15, 2023.
4. City Public Meeting: EAC & City Council meetings to consider submittal of the City's comments on PBL's 2022 EAW and AQP applications to the MPCA	Nov. 16 (EAC) & Nov. 27 (CC)
5.. MPCA Public Meeting: MPCA Public meeting for PBL's EAW & AQP applications.	Nov. 30, 5:30-7 p.m., at Woodcrest Church, 525 Cliff Road, Eagan
6. PBL receives determination for EAW and AQP permit applications.	Not initiated.
7. PBL submits expansion request to the City including a Zoning Code Amendment, Conditional Use Permit Amendment, Non-Conforming Use Certificate Amendment, and Host Community Agreement Amendment.	Not initiated.
8. City Public Meetings: Will be held to review proposed PBL applications submitted to the City.	Not initiated.
9. PBL receives determination for City agreement amendments.	Not initiated.
10. PBL submits expansion request to Dakota County to amend existing County agreements.	Not initiated.
11. PBL receives determination for County agreement amendments.	Not initiated.
12. State of Minnesota's Environmental Quality Board publishes a public notice and request for comments on PBL's 2022 Request for Major Modification of Permit #SW-45 to the MPCA.	Not initiated.
13. PBL receives determination on the Request for Major Modification of Permit Number SW-45 for Pine Bend Landfill from the MPCA.	Not Initiated.

The City has hired Barr Engineering Co. (Barr) to review Pine Bend Landfill's [Environmental Assessment Worksheet](#) and [Air Quality Permit](#), which was released for public comment on October 31, 2023. The EAW is a brief document designed to lay out the basic facts of a project necessary to determine if an Environmental Impact Statement (EIS) is required for the proposed project. The EAW also provides permit information, informs the public about the project, and helps identify ways to protect the environment. The EAW is not meant to approve or deny a project, but instead act as a source of information to guide other approvals and permitting decisions.

Barr has completed a technical review and provided two memos including 33 recommendations for the AQP and 41 recommendations for the EAW. The recommendations include a request for Pine Bend Landfill to address the five most significant environmental impacts, including subsurface gas migration, groundwater, visual, wildlife and public nuisance (page 1-2, EAW comments). The remaining recommendations are requests to fix discrepancies or errors, provide clarification or supplemental documentation, and revise or complete additional technical analysis.

The City's proposed comments were reviewed by the Environmental Advisory Commission at their meeting on November 16, 2023 and will be submitted to the MPCA upon City Council approval.

Per the table above, the City anticipates receiving an expansion request application from Pine Bend Landfill for amendments to its Conditional Use Permit and Non-Conforming Use Certificate, the City's

Zoning Ordinance, and the current Host Community Agreement. It is the City's understanding that the MPCA will not reissue the solid waste permit until both City and County approvals are received.

FISCAL IMPACT

This item is budget neutral for the City.

RECOMMENDATION

Staff and the City's Environmental Advisory Commission recommend adoption of the attached Resolution, authorizing submission of public comments on Pine Bend Landfill's Environmental Assessment Worksheet and Air Quality Permit for 2022 Request for Major Modification of Permit #SW-45.

ATTACHMENTS

1. Resolution
2. EAW Comments
3. AQP Comments

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

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING SUBMISSION OF PUBLIC COMMENTS ON PINE BEND
LANDFILL'S ENVIRONMENTAL ASSESSMENT WORKSHEET AND AIR QUALITY
PERMIT FOR 2022 REQUEST FOR MAJOR MODIFICATION OF PERMIT #SW-45**

WHEREAS, Pine Bend Landfill (PBL), operated by BFI Waste Systems of North America LLC (BFI), is a Municipal Solid Waste landfill located at 2495 117th St E in Inver Grove Heights;

WHEREAS, in 2022, BFI submitted a Request for Major Modification of Permit #SW-45 for Pine Bend Landfill to the State of Minnesota Pollution Control Agency (MPCA);

WHEREAS, the request details a vertical expansion proposed to raise the permitted peak elevation of the landfill by 85 feet at the highest point and extend the life of the landfill to approximately 2042 (approximately 12 years past the City's existing agreements with BFI);

WHEREAS, the City has hired Barr Engineering Co. (Barr) to review BFI's Pine Bend Landfill Environmental Assessment Worksheet and Air Quality Permit noticed on October 31, 2023 for 45-days, closing on December 15, 2023;

WHEREAS, Barr's technical review memo includes 41 recommendations for the Environmental Assessment Worksheet and 33 recommendations for the Air Quality Permit;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF INVER GROVE HEIGHTS, MINNESOTA, hereby authorizes submission of public comments to the MPCA.

Adopted this 27th day of November, 2023 by the City Council of the City of Inver Grove Heights, Minnesota.

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

November XX, 2023

Ms. Megen Kabele
Planner Principal
Resource Management and Assistance Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St Paul, MN 55155

Re: Pine Bend Landfill Phase 7 Vertical Expansion Project - Review of Environmental Assessment Worksheet (EAW)

Dear Ms. Kabele:

This letter provides the City of Inver Grove Heights' comments on the EAW for the Pine Bend Landfill (PBL) Phase 7 Vertical Expansion Project (Project) that was published for public review on October 31, 2023 in the Environmental Quality Board Monitor. The Project proposes an airspace capacity expansion over the existing landfill footprint by raising the permitted peak elevation and extending the existing 3:1 (horizontal : vertical) side slopes. This vertical expansion is designated as Phase 7.

These comments were developed by Barr Engineering Co. (Barr). The City requests that the MPCA consider incorporation of these recommendations into the final EAW. These recommendations will also be shared with Pine Bend Landfill and Dakota County.

The City requests that the MPCA respond to this letter and address the comments detailed below. The City also recommends that PBL identify and provide environmental benefits to offset potential negative environmental impacts from the proposed expansion.

As detailed in comments #20-#22 below, it should be noted that PBL will need to obtain approvals from the City of Inver Grove Heights to allow the proposed expansion in the form of amendments to the Conditional Use Permit, Non-Conforming Use Certificate, Zoning Ordinance, and a Host Community Agreement. The EAW should be clear that the proposed expansion is not currently approved by the City of Inver Grove Heights. It is the City's understanding is that the MPCA will not reissue the solid waste permit until these City approvals are complete.

The City believes the following are the most significant potential environmental impacts relating to the existing landfill and proposed expansion. Please address the following:

1. **Subsurface gas migration near or beyond the property line:** While the EAW discusses existing subsurface gas migration, it does not address how the proposed expansion

would affect that. The EAW should address if and how the proposed expansion would affect subsurface gas migration.

2. **Groundwater contamination, including concentrations exceeding some Intervention Limits listed in the MPCA's Solid Waste Permit.** These include some metals, VOCs, and PFAS. While the EAW addresses existing groundwater contamination, it does not address how the proposed expansion would affect that. The EAW should describe if and how the proposed expansion would affect groundwater contamination.
3. **Expansion Visual, Page 58:** Because PBL is currently visible from some of the nearby residences and PBL is proposing to significantly increase the landfill height (85 feet), we believe that 3D visualization modeling figures are imperative to show the existing, currently permitted, and proposed conditions from various locations near PBL (including the residential area to the north) to fully evaluate the visual effects of the proposed expansion. Please provide.
4. **Wildlife impacts:** Although the footprint will not change, will birds be more attracted to the proposed increased landfill height? If so, how will wildlife be deterred from the site? Please address this issue.
5. **Public nuisance:** The effects on odor, litter, dust, and noise expected from the proposed increased height of the landfill should be evaluated in the EAW. Will odor, dust, and noise carry further than is occurring with the existing landfill? Please evaluate this.

The City has additional technical recommendations on the EAW. Please address the following:

6. Page 6, Table 1 Historical Leachate Collection Data. Years 2017 through 2020 do not match the number of gallons of leachate found in PBL's annual reports. Please correct or explain.
7. Page 6, Final Cover Design. The third sentence indicates that "This design provides for increased capacity without increasing site footprint or elevations..." This is incorrect, elevation will be increased. Please correct.
8. Page 7, Peak Run-off. The last sentence referring to the 100-year high water level appears to be referring to the stormwater ponds. Please clarify this sentence.
9. Page 8, Bend and Drainage Swale Design. The last sentence, "Runoff contained during..." is not a complete sentence. What is intended here? Please correct.
10. Page 8, Junction Vaults. The paragraph indicates that downslope piping is on the northeast corner of the permitted design, but the last word indicates it is on the northwest. Please correct or explain.
11. Page 9, Landfill Gas Management. PBL has done significant work to try to resolve the migration of subsurface gas near or beyond the property boundary. Please include a summary of this work.
12. Page 9, Landfill Gas Management, Background. Second paragraph, last sentence reads, "The Facility has an MPCA-approved gas collection and monitoring system to meet regulatory standard and to address concerns with migration of combustible gas."

Although PBL has been trying to resolve this problem for years, this sentence is misleading because subsurface landfill gas is migrating near or beyond the property boundary at concentrations above the LEL, so the regulatory standard is not being met. Please correct.

13. Page 9, Landfill Gas Management, Existing and Future Extraction Wells. The middle of the first paragraph indicates that the annular space between the outer pipe and the well casing will be sealed. However, the gas well design (Appendix B, Sheet 14) does not appear to have inner and outer pipes. Please correct or explain.
14. Page 10, Landfill Gas Management, Renewable Natural Gas Pipeline and RNG Facility. The first paragraph, second to last sentence indicates that the facility is "preliminary", but we understand that the RNG facility is in operation. Please correct or explain.
15. Page 10, Landfill Gas Management, Renewable Natural Gas Pipeline and RNG Facility. The first paragraph, last sentence reads "The meter station in the northwest portion of the site will be the start of the pipeline that is the subject of this Application." What "Application" is being referred to here. Please correct or explain.
16. Page 11, Phased Closures, the second sentence reads "Prior to final closure and installing the final cover system, I waste fill surface..." What is meant by this sentence. Please correct or explain.
17. Page 11, Phased Closures, Significant demolition, removal, or remodeling of existing structures. It is stated that there will be no demolition, removal, or remodeling of existing structures, however, we understand that the administration building, scale, and related structures will need to be relocated prior to constructing Cell F-2. Please explain or correct.
18. Pages 18 and 19 indicate that the U.S. EPA's Climate Resilience Evaluation and Awareness Tool (CREAT) was reviewed to evaluate storm intensification for the local area. The evaluation indicated that the "Stormy" scenario, the highest intensity model, projects the 100-year storm to increase 13.7 percent in 2035 and 26.6 percent in 2060 for the local area. We understand that the stormwater management infrastructure is based on the NOAA Atlas 14, 100-year, 24-hour storm event of 7.43 inches but it appears that the design should be based on a larger storm event as predicted by CREAT. Please explain.
19. Page 36, first paragraph and table 7 indicate that the Project will convert 89 acres from "Other (active landfill)" to "Lawn/landscaping, Final cover will be vegetated". Although this is accurate, please clarify that this conversion of cover types will occur with or without the proposed vertical expansion Project. Also clarify that this Project will delay when this cover conversion takes place.
20. Page 37, Table 10 Permits and Approvals. The table indicates that a Conditional Use Permi application is required to be submitted to the City of Inver Grove Heights, however, the applicant will also be required to submit an application for amendments to the Non-Conforming Use Certificate, Zoning Ordinance, and Host Community Agreement. Please add these to the table.

21. Page 39, Section 10.b. first paragraph. The third sentence is incorrect, PBL will have to request a City zoning ordinance amendment. Please correct.
22. Page 39, Section 10.b, second paragraph, second sentences reads, "Therefore, the Project is allowable through a Conditional Use Permit ("CUP"). However, the Project is not currently "allowable", and the EAW should made clear that the City of Inver Grove Heights would need to go through a public process prior to any approvals. Please correct.
23. Page 44, Section ii, Groundwater, fourth sentence reads in part, "If the Proposer observes groundwater quality impacts during monitoring, they wll closely coordinate with the MPCA to develop appropriate actions..." The use of the word "If" is misleading because there are decades of groundwater data indicating that PBL has negatively impacted downgradient groundwater quality. Please explain or correct.
24. Page 44, Section ii, Groundwater, does not include the Minnesota Department of Health Special Well Construction Area (Inver Grove Heights (Pine Bend Area) Special Well and Boring Construction Area - MN Dept. of Health (state.mn.us)) located east (downgradient) from PBL. Please include a description and figure of this area or explain.
25. Page 44, Groundwater, Onsite and/or nearby wells. The second sentence indicates that the majority of public supply wells are east of the Project Area. However, it appears that only one public supply well is shown on Figure 10. Please add a figure showing a larger area where more public supply wells may be present or explain.
26. Page 44, Groundwater, Table 13 MDH Wells within Pine Bend Landfill. Not all of PBL's monitoring wells are listed in this table including wells 11A, 15, 23, and others. Please correct or explain.
27. Page 44, Groundwater, Table 13. Some wells are listed as "Monitoring Well", and some are listed as "Test Well". Please add a definition of what these designations mean.
28. Page 46, Perfluoroalkyl substance analysis. The first sentence indicates that the July 2022 sampling event analysis is in Appendix D. It does not appear that these analyses are in Appendix D. Please correct or explain.
29. Page 46, Perfluoroalkyl substance analysis. The second paragraph references the PFASs that have limits listed in the May 31, 2019 Solid Waste Permit. However, perfluorohexane sulfonate has an intervention limit of 0.01175 µg/L in the Solid Waste Permit but this is not included in the paragraph. Please correct or explain.
30. Page 46, Perfluoroalkyl substance analysis. The second paragraph indicates that PFASs were detected above the limits in the May 31, 2019 Solid Waste Permit in 12 wells. However, the 2022 Annual Report indicates PFAS intervention limits were exceeded in 15 wells. Please correct or explain.
31. Page 51, Section 14, see comment #4, requesting affects on wildlife.
32. Page 51, Section 14. The harm to bald eagles that occurred in Inver Grove Heights in 2022 is still under investigation. If the investigation concludes that the harm was caused by the eagles having access to waste in Pine Bend Landfill, what will Pine Bend Landfill do to deter wildlife access to the waste? This should be addressed in the EAW.

33. Page 58, Visual. This section refers to the "Rich Valley Landfill", but for clarification and in accordance with Figure 11 this facility should be referred to as the "SKB Rich Valley Landfill". Please correct.
34. Page 58 Visual. See comment #3, requesting 3D visualization modeling.
35. Page 61 Air. Vehicle emissions. The EAW states that the facility "currently accepts approximately 160 refuse trucks per day". However, the MPCA's workbooks supporting the RNG minor amendment project and the Title V permit reissuance both report 131 vehicles/day. We suspect that the workbooks may be in error and that the 131 vehicles/day may actually be 131 vehicle miles traveled/day because the workbooks report 47,815 vehicle miles traveled/year which is 365 times 131. Please correct or explain.
36. Pages 62 and 63, Greenhouse Gas (GHG) Emission/Carbon Footprint. The GHG emissions reported in Tables 16 and 17 of the EAW match those in Appendix A of the GHG Assessment Report (attached as Appendix H to the EAW).. Appendix A, in turn, references the calculations in Appendix B of the GHG Assessment Report. However, there appears to be several errors converting tons to Mtons in the supporting workbook. Specifically, we believe the CO₂e (Mtons/yr) reported in Appendix A for the "RNG Plant", "Waste Disposal Operations" and "Insignificant Operations" are incorrect. The total emissions from all sources should be 6,872,268.85 rather than 6,250,729.31 Mton/yr. The suggested edits are included in the following table. Please correct or explain.

Source Descriptions	Emission Sub-Type	Existing CO ₂ e Emissions (Mton/yr)	Calculation Methods
Flare	Combustion	110,860.76	Emission factors and info from 40 CFR 98 Subpart C
RNG Plant	Combustion	56,315.95 56,318.50	Emission factors and info from 40 CFR 98 Subpart C
Fugitive LFG	Fugitive	7,853.08	Emission factors and info from 40 CFR 98 Subpart C
Waste Disposal Operations	Combustion Mobile Sources	6,075,453.06 6,696,971.90	Emission factors and info from 40 CFR 98 Subpart C
Insignificant Operations	Combustion Mobile Sources	177.35 195.49	Emission factors and info from 40 CFR 98 Subpart C
Indirect Operations	Electrical Usage	69.12	Emission factors and info from 40 CFR 98 Subpart C
Total		6,250,729.31 6,872,268.85	

37. Page 66, Conformance to State Noise Standards - Construction Noise. The discussion notes that the city construction ordinance prohibits construction activity 10pm to 7am weekdays, and then notes the construction will follow a 6am to 4pm operations schedule. This appears to indicate that construction will not comply with the city construction ordinance. Please correct or explain.

38. Page 66, Quality of Life. Text notes "No construction or operation hours would occur during nighttime hours" Nighttime in noise regulation runs from 10pm to 7am. This is inconsistent with the proposed construction and operating hours of 6am to 4pm indicated in the preceding paragraph. Please correct or explain.
39. Page 69, Water Resources, Groundwater. First paragraph, fifth sentence reads in part, "If groundwater impacts are identified..." The use of the word "If" is misleading because there are decades of groundwater data indicating that PBL has negatively impacted downgradient groundwater quality. Please explain or correct.
40. Appendix B. Drawings 3, 4, and 5 are missing from the EAW published to the EQB monitor compared to the EAW published on the MPCA website. Please include or explain.
41. Appendix B through Appendix H. The flow of supplemental natural gas to the thermal oxidizer is reported as 160 scfm pre-project and 180 scfm post-project while the GHG emissions are reported to be identical for both pre- and post-project. We believe 160 scfm is correct. Please correct or explain.

Thank you for the opportunity to provide comments and recommendations on the EAW. The City appreciates your consideration of the recommendations and looks forward to your reply. If the MPCA has any questions, please contact City of Inver Grove Heights Environmental Specialist Ally Sutherland at 651-604-8511 or asutherland@ighmn.gov.

Sincerely,

CITY OF INVER GROVE HEIGHTS

c: Ally Sutherland, City of Inver Grove Heights
Abdi Hassan, MPCA
Tyler Kraft, Republic Services
Aaron Janusz, Republic Services
Tom Shustarich, Stantec Consulting Services Inc.
Erin Sejkora, Stantec Consulting Services Inc.
Terry Muller, Dakota County
Dave Magnuson, Dakota County
Jeff Ubl, Barr Engineering Co.
Bryan Pitterle, Barr Engineering Co.
Paul Taylor, Barr Engineering Co.

November XX, 2023

Ms. Joy Wiecks
Air Permits Section
Industrial Division
Minnesota Pollution Control Agency
525 Lake Ave S., Suite 400
Duluth, MN 55802

**Re: City of Inver Grove Heights' Review of Pine Bend Landfill's Draft Air Quality Permit
03700138-101**

Dear Ms. Wiecks:

This letter provides the City of Inver Grove Heights' comments resulting from a review of the Draft Air Quality Permit for Pine Bend Landfill (PBL) that was placed on public notice on October 31, 2023, as permit number 03700138-101.

The draft permit is for a Part 70 permit reissuance and incorporates three minor amendments and one administrative amendment. One minor amendment was for installation of a diesel fired tipper on the working face of the landfill to assist in unloading waste that arrives in large semi-trucks. The second minor amendment allowed installation of the RNG treatment system, along with a thermal oxidizer and open flare. The third minor amendment increased the landfill's capacity. The administrative amendment requested that the facility's name be changed from Pine Bend Energy, LLC to Pine Bend RNG, LLC.

These comments were developed by Barr Engineering Co. (Barr). The City requests that the MPCA consider incorporation of these recommendations into the MPCA air quality permit process. These recommendations will also be shared with Pine Bend Landfill and Dakota County. In addition to the October 31, 2023 draft air quality permit, other information used as part of the City's review included:

- The "Technical Support Document for Draft Air Emission Permit No. 03700138-101" (TSD) prepared by the MPCA and placed on public notice along with the draft permit.
- Workbooks "RNG Post Modification PTE.xlsx", "MPCA landfill expansion calcs.xlsx" and "Title 5 calcs.xlsx", provided by you on November 2, 2023.

The City has the following technical comments. Please address the following:

1. The Facility Description (Section 3 of the draft permit and Section 1.2 of the TSD) states that the Pine Bend Landfill (PBL) is owned and operated by BFI Waste Systems of North America, while the RNG Plant is owned and operated by Pine Bend RNG, LLC (PBR). As such, we would expect one of these entities to be listed as the Permittee and the other as

the Co-permittee on page 1 of the draft permit. Instead, Pine Bend RNG, LLC is listed as both.

2. The administrative amendment, received by the MPCA on December 15, 2020, requested that the facility's name be changed from Pine Bend Energy, LLC to Pine Bend RNG, LLC. However, page 1 of the draft permit lists the Facility name as Pine Bend Landfill.
3. In Section 4 of the draft permit:
 - 3.1 It appears that EQUI 26 (Combustion temp sensor) has been assigned to both TREA 6 (Open Flare) and TREA 7 (Low-BTU Gas Flare). Since these are likely to be two separate sensors, we would expect a different EQUI number to be assigned to the Combustion temp sensor for TREA 7.
 - 3.2 TREA 7 (Low-BTU Gas Flare) is listed as being monitored by EQUIs 24, 26 and 28, but we suspect that this should be EQUI 25 and the new EQUI that corresponds to the second occurrence of EQUI 26 discussed in 3.1 above.
 - 3.3 EQUI 19 (Waste gas flow and combustion temp recorder) is listed as receiving from EQUIs 25 and 26, but we suspect that this should be EQUI 25 and the new EQUI that corresponds to the second occurrence of EQUI 26 discussed in 3.1 above.
 - 3.4 TREA 7 (Low-BTU Gas Flare) is listed as sending to EQUI 21, but we suspect it should be listed as sending to EQUI 19.
 - 3.5 EQUI 20 (LFG and combustion temp recorder) is not listed as being related to anything, but we suspect it should be listed as "receives from EQUI 26 (Combustion temp sensor)".
 - 3.6 What is the distinction between EQUI 22 (LFG flow meter) and EQUI 27 (LFG flow meter) and what other subject items is EQUI 27 related to?
4. In Section 5 of the draft permit:
 - 4.1 Requirement 5.2.1 lists 40 CFR 60.762(b)(1) as an applicable requirement but this only applies if the calculated NMOC emission rate is less than 34 Mg/yr, which is not the case for PBL.
 - 4.2 Requirement 5.2.1 lists 40 CFR 60.764(d) as an applicable requirement but this only applies for a performance test required in 60.762(b)(2)(iii)(B), which does not apply because PBL does not have an enclosed combustion device to control LFG.
 - 4.3 Requirement 5.2.1 lists 40 CFR 60.767(a)(1) as an applicable requirement but this requires the submittal of an initial design capacity report which we suspect has already been submitted by PBL.
 - 4.4 Requirement 5.2.1 lists 40 CFR 60.767(a)(3) as an applicable requirement, requiring the submittal of an amended design capacity report providing notification of an

increase in the design capacity of the landfill above 2.5 million Mg and 2.5 million cubic meters, but we believe PBL had already exceeded this capacity in their initial design capacity report.

- 4.5 Requirement 5.2.1 does not list 40 CFR 60.767(h) as an applicable requirement, but we believe that this requirement does apply given that PBL must conduct an initial performance test of TREA 6 under §60.762(b)(2)(iii)(C), unless the MPCA believes that PBL has already satisfied this requirement by submitting the required information with an earlier performance test report.
- 4.6 Requirement 5.2.1 does not list 40 CFR 60.768(c)(4) as an applicable requirement, but we believe that this requirement does apply given that PBL seeking to comply with the provisions of this subpart by use of a non-enclosed flare (TREA 6).
- 4.7 Requirement 5.2.1 lists 40 CFR 60.768(g) as an applicable requirement, but we believe that this requirement does not apply given that PBL is not seeking to demonstrate that site-specific surface methane emissions are below 500 ppm by conducting surface emission monitoring under the Tier 4 procedure.
- 4.8 Requirement 5.2.1 lists 40 CFR 60.768(h) as an applicable requirement, but we believe that this requirement does not apply given that PBL must comply with §63.1961 in lieu of §60.766.
- 4.9 Requirement 5.2.1 lists 40 CFR 60.768(j) as an applicable requirement, but we believe that this requirement does not apply given that PBL has not employed leachate recirculation or added liquids based on a Research, Development, and Demonstration permit (issued through Resource Conservation and Recovery Act, subtitle D, part 258) within the last 10 years under §60.767(k).
- 4.10 Requirement 5.2.3 lists 40 CFR 63.1959(a) and (b)(1) as applicable requirements, but we believe that these requirements are moot given that PBL has already established that the NMOC mass emission rate is greater than 50 Mg/yr.
- 4.11 Requirement 5.2.3 lists 40 CFR 63.1959(d) as an applicable requirement, but this only applies for a performance test required in 60.1959(b)(2)(iii)(B), which does not apply because PBL does not have an enclosed combustion device to control LFG.
- 4.12 Requirement 5.2.3 lists 40 CFR 63.1961(d) as an applicable requirement, but this only applies if PBL were to use a device other than a non-enclosed flare or an enclosed combustor or a treatment system, which is not the case.
- 4.13 Requirement 5.2.3 lists 40 CFR 63.1983(b)(3) and (c)(3) as applicable requirements, but these only apply if PBL were to use a boiler or process heater, which is not the case.

5. In Section 6 of the draft permit:

- 5.1 Requirement 6.2.1 requires the submittal of an initial design capacity report which we suspect has already been submitted by PBL.
- 5.2 Requirement 6.2.2 requires the submittal of a collection and control system design plan after the NMOC emission rate exceeds 34 Mg/yr, but we believe such a design plan has already been submitted by PBL.
- 5.3 Requirements 6.2.3 and 6.2.10 are essentially the same, both requiring the submittal of an amended design plan citing §60.767(d) and §63.1981(e). We suggest that they be combined into a single requirement.

6. In Appendix A of the draft permit (and Section 3.4 of the TSD, Table 14), the "General applicable emission limit" column cites Minn. R. 7011.0515 (standards of performance for new indirect heating equipment) for the space heaters in the first row. We suspect that Minn. R. 7011.0610 (standards of performance for fossil-fuel-burning direct heating equipment) is more appropriate.

7. In Appendix A of the draft permit (and Section 3.4 of the TSD, Table 14), the "General applicable emission limit" column cites Minn. R. 7011.0515 (standards of performance for new indirect heating equipment) for the aggregate handling and storage piles in the fourth row. We suspect that there are no emission limits in Minnesota Rules that apply to these fugitive sources although the MPCA could cite Minn. R. 7011.0150 (preventing particulate matter from becoming airborne).

8. In Section 1.5 of the TSD, Table 3, the total facility limited potential emissions of CO₂e are reported to be 250,790 tons/yr but the underlying workbook ("Title 5 calcs.xlsx") reports 250,808 tons/yr. The workbook is correct. The error in the TSD appears to be because the CH₄ and N₂O from TREA 7 reported on page 55 of the TSD pdf only includes the emissions from the combustion of the supplemental natural gas and not those from the combustion of the waste gas.

9. In Section 2.3 of the TSD, second paragraph, "40 CFR 32 subpart OOO", should be "40 CFR 62 subpart OOO".

10. In Section 2.6 of the TSD, Table 11, first row, third column, the last bullet item could be edited to read "Must comply with ..." rather than "Will comply with ..." because complying with the provisions of 40 CFR §§ 60.763, 60.765, and 60.766 instead of 40 CFR §§ 63.1958, 63.1960, and 63.1961 was no longer an option after September 27, 2021.

11. In Attachment 1 of the TSD, page 54 of the pdf:

- 11.1 The emissions changes for the landfill expansion project (0.058 lb/hr and 0.252 tons/yr) are based on the uncollected, fugitive emissions only (i.e., from FUGI 2) assuming this is 15% of the LFG generated by the landfill. This neglects the emissions resulting from the combustion of the collected (non-fugitive) LFG which, assuming 85% collection efficiency and 98% destruction efficiency in TREA 6 (the

open flare), would increase the emissions change for the project by 11.3% ($85\% \times (1 - 98\%) / 15\%$) to 0.065 lb/hr and 0.281 tons/yr.

- 11.2 The non-Title I emissions change for the landfill expansion project of 0.058 lb/hr of VOC is calculated as the "Post-Modification PTE Unlimited (lb/hr)" minus the "Pre-Modification PTE Unlimited (lb/hr)". The calculations assume 4,120 scfm of LFG post-project and 4,000 scfm LFG pre-project, both referencing "Landfill gas generation rate based on USEPA LandGEM model, Version 3.02". Since the LandGEM calculations are not provided, it is unclear how these LFG generation rates were derived.

Minn. R. 7007.1200, Subp. 3, requires the non-Title I emissions change to be calculated by "comparing the hourly emission rate of the stationary source, at maximum physical capacity, before and after the proposed physical or operational change." From workbook "RNG Post Modification PTE.xlsx", we understand the pre-expansion project PTE to be 2.17 lb/hr, calculated as 1.92 lb/hr of VOC from FUGI 2 (assuming 4,000 cfm LFG generated by the landfill) plus 0.25 lb/hr of VOC from TREA 6 (assuming the open flare has a design capacity of 4,000 cfm and a destruction efficiency of 98%). It's unclear how the 4,000 cfm LFG assumed for the landfill's maximum generation rate was derived. According to the accompanying EAW, LandGEM predicts a pre-project maximum generation rate of 3,799 cfm LFG. Regardless, we believe the post-project PTE would be identical to the pre-project PTE because LandGEM predicts the same 3,799 cfm LFG maximum generation rate and the design capacity of the open flare will also remain unchanged at 4,000 cfm. Based on this analysis, we would expect the non-Title I emissions change to be zero lb/hr of VOC.

- 11.3 The Title I emissions change for the landfill expansion project of 0.252 tons/yr of VOC is calculated as the "Post-Modification PTE Unlimited (tpy)" minus the "Pre-Modification PTE Unlimited (tpy)". The calculations assume 4,120 scfm of LFG post-project and 4,000 scfm LFG pre-project, both referencing "Landfill gas generation rate based on USEPA LandGEM model, Version 3.02". Since the LandGEM calculations are not provided, it is unclear how these LFG generation rates were derived. However, since PBL is an existing minor source under the NSR-PSD program, the rules require that applicability be determined based on the potential emissions of the project. The project comprises the additional MSW received as a result of the proposed expansion. According to the accompanying EAW, absent the expansion, PBL will reach its design capacity in 2027. However, with the expansion, PBL will be able to receive 310,000 tons/yr of MSW through 2048. Entering this annual waste acceptance rate into LandGEM for the years 2027 through 2048 yields a predicted maximum LFG flow of 2,156 cfm in 2048. This results in uncontrolled VOC emissions of 6.90 lbs/hr and 30.2 tons/yr of VOC. Assuming 15% fugitive emissions from FUGI 2 and 85% collection and 98% destruction in TREA 6 gives 5.05 tons/yr of VOC. While this is significantly higher than the 0.252 tons/yr reported in the TSD, it is still well below the 250 tons/yr threshold required for the project to qualify as a major stationary source under NSR.

Please note that the above comments do not cover a comprehensive review of the workbooks identified at the beginning of this letter.

Thank you for the opportunity to provide these comments. If the MPCA has any questions, please contact City of Inver Grove Heights Environmental Specialist Ally Sutherland at 651-604-8511 or asutherland@ighmn.gov.

Sincerely,

CITY OF INVER GROVE HEIGHTS

c: Ally Sutherland, City of Inver Grove Heights
Aaron Janusz, Pine Bend Landfill
Tyler Kraft, Pine Bend Landfill
Tom Shustarich, Stantec Consulting Services Inc.
Terry Muller, Dakota County
Dave Magnuson, Dakota County
Bryan Pitterle, Barr Engineering Co.
Jeff Ubl, Barr Engineering Co.
Paul Taylor, Barr Engineering Co.

Request for Council Action

SUBJECT: **Resolution Authorizing Submission and Execution of the 2024 Dakota County Community Waste Abatement Grant Application and Contract**

MEETING DATE: November 27, 2023

ITEM TYPE: Consent Agenda

CONTACT: Ally Sutherland, Environmental Specialist, 651.604.8511

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, authorizing submission and execution of the Dakota County Community Waste Abatement Grant application and contract.

BACKGROUND

Minnesota Statute 115A requires metropolitan counties to adopt an approved solid waste master plan with strategies to achieve a 75% recycling rate by 2030. To meet this goal, Dakota County's Ordinance 110 and Solid Waste Master Plan require cities to have a landfill abatement program. To assist cities with their landfill abatement program requirements, Dakota County provides funding annually to cities. Dakota County has made up to \$54,655.72 available for the City of Inver Grove Heights to implement the following activities in 2024:

- Educate all residents on waste abatement topics through in-person and written communications.
- Host special collection events to provide residents no to low-cost local opportunities to recycle, compost, donate or reuse items such as mattresses, bicycles, textiles, scrap metal, pumpkins, confidential paper shredding and more.
- Engage and educate multifamily properties, including property managers and residents, on waste abatement topics. Assist property managers with implementing or improving recycling collection at the property.
- Improve recycling and reuse opportunities in municipal facilities, parks and city-sponsored events.
- Support the 2018-2038 Dakota County Solid Waste Master Plan goals.

Grant funding covers a majority of the City's waste abatement activities, however, the City has typically covered a small amount of remaining related expenses with its own funds. These remaining expenses vary annually and occur due to one or more of the following reasons: minor ineligible expenses needed to support funded grant activities, fluctuations in special collection attendance and revenue, total expense to implement a grant activity exceeds the total eligible funding, or maximum eligible funding per grant funding category has been exceeded.

All grant program related expenses are tracked within the Community Development Recycling Grant Program housed within the General Fund. In the past, waste abatement program activities that

exceeded grant reimbursements were covered by a year-end transfer from the Host Community Fund. These transfers typically range from \$1,200 to \$5,500. The attached Resolution supports continuation of this practice and staff anticipate \$5,000 or less will be needed during this next program cycle.

FISCAL IMPACT

This grant results in approximately \$54,600 in additional resources to fund environmental initiatives that the City might not otherwise have the funding for.

RECOMMENDATION

Staff recommends adoption of the attached Resolution, authorizing submission and execution of the Dakota County Community Waste Abatement Grant application and contract.

ATTACHMENTS

1. Resolution
2. Application

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

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING SUBMISSION AND EXECUTION OF 2024 DAKOTA
COUNTY COMMUNITY WASTE ABATEMENT GRANT PROGRAM APPLICATION AND
CONTRACT**

WHEREAS, Minnesota Statute 115A requires metropolitan counties to adopt an approved solid waste master plan with strategies to achieve a 75% recycling rate by 2030;

WHEREAS, Dakota County's Ordinance 110 and Solid Waste Master Plan require cities to have a landfill abatement program;

WHEREAS, Dakota County provides funding annually to cities to fulfil landfill abatement program responsibilities,

WHEREAS, Dakota County has made up to \$54,655.72 available for the City of Inver Grove Heights to implement landfill abatement activities included in the 2024 Dakota County Community Waste Abatement Grant Program Application;

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

1. The City of Inver Grove Heights act as the legal Sponsor for the project contained in the 2024 Dakota County Community Waste Abatement Grant Application to be submitted to Dakota County.
2. Upon approval of its application by the Dakota County, the City of Inver Grove Heights may enter into an agreement with Dakota County 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.
3. The Mayor is hereby authorized to apply to and execute the 2024 Dakota County Community Waste Abatement Grant Program Application and Contract on behalf of the City of Inver Grove Heights.
4. A year-end operating transfer of \$5,000 or less from the Host Community Fund to the Community Development Department project fund for the remaining expenses are authorized if needed to fulfil Dakota County Community Waste Abatement Grant 2024 Application activities.

Adopted by the City Council of Inver Grove Heights this 27th day of November, 2023.

Ayes:

Nays:

WITNESSED:

Rebecca Kieran, City Clerk

Brenda Dietrich, Mayor

Dakota County Community Waste Abatement Grant Program 2024 Application

Municipality:	City of Inver Grove Heights
Application Deadline:	October 1, 2023
Funding Period:	January 1, 2024 - December 31, 2024
2024 Report and Reimbursement Request Due Dates:	July 15, 2024 for January - June 2024 January 15, 2025 for July - December 2024

Authorized Representative (Contract Signatory)			
Name:	Brenda Dietrich	Title:	Mayor
E-mail:	bdietrich@ighmn.gov	Phone:	651-450-2503
Mailing Address:	8150 Barbara Avenue, Inver Grove Heights, MN 55077		
Municipality Primary Contact			
Designated Liaison:	Ally Sutherland	Title:	Environmental Specialist
E-mail:	asutherland@ighmn.gov	Phone:	651-604-8511
Municipality Secondary Contact			
Designated Back-up:	Allan Hunting	Title:	City Planner
E-mail:	ahunting@ighmn.gov	Phone:	651-450-2554
Municipality Communications Contact			
Name:	Amy Looze	Title:	Communications Manager
E-mail:	communications@ighmn.gov	Phone:	651-450-2494

Planning Team (names): Ally Sutherland consulted staff from Parks and Recreation, Communications, and Planning to complete this application.		
Budget Summary	Fund Eligibility	Fund Request
Part 1: Base Funding Request (Required)		
1. Administration	\$9,000.00	\$9,000.00
2. Residential Communications	\$4,500.00	\$4,500.00
3. Municipal Facilities Verification and Education	\$1,600.00	\$1,600.00
4. Special Collections	\$11,507.20	\$11,507.20
Subtotal	\$26,607.20	\$26,607.20
Part 2: Supplemental Funding Request (Optional)	Fund Eligibility	Fund Request
5. Multifamily Recycling	\$10,788.00	\$10,788 – \$1,063.18 (9.9% moved to 6) = \$9,724.82
6. Additional Special Collections and Reduce/Reuse Activities	\$5,753.60	\$5,753.60 + \$1,782.38 (added from 5 and 7) = \$7,535.98
7. In-Person Education + 8. Event Recycling and Organics	\$7,192.00	\$7,192 - \$719.20 (10% moved to 6) = \$6,472.80
9. Gap Funding	\$4,314.92	\$4,314.92

Subtotal	\$28,048.52	\$28,048.52
Total Eligible Grant Funding	\$54,655.72	-
Total Grant Funding Request	-	\$54,655.72
Total Grant Match/In-Kind Funding (25%)		\$17,854.22
Total Cost of Proposed Activities (Request + Match)		\$72,509.94
Total Grant Diversion Potential (Tons)	16.76 tons + 65 bikes + 200 mattresses + 500 event cups	

A. Application and Reporting Instructions

1. Conduct a planning process with city staff and others who will be responsible for coordination and implementation, to collectively determine which activities are feasible, realistic, and achievable.
2. Complete all gray shaded areas of the Application, excluding beige shaded areas used for biannual reporting.
3. Include a Primary Contact, Secondary Contact, and Communications Contact for each municipality included in the Application (page 1).
4. Use whole numbers for hours included in Cost Basis Calculations.
5. Include name and title for all staff included in the Application, including Matching Funds.
6. If multiple municipalities submit one Application, the Application must itemize descriptions, costs, and funding requests for each municipality. Insert additional rows as needed.
7. Submit Application by October 1, 2023 to Dakota County for review. Email to: gena.gerard@co.dakota.mn.us.
8. Finalize Application and collect signature of authorized representative (i.e., authorized contract signatory).
9. Submit signed Application to Dakota County for approval. Email to: gena.gerard@co.dakota.mn.us.
10. Obtain Grant Agreement from Dakota County.
11. Execute Grant Agreement.
12. Complete all shaded areas for the mid-year and final reports as described in Guidelines Section VII.

B. Grant Request and Reimbursement Expenses

Part 1: Base Funding (Required)

1. Grant Administration and Master Plan Support	Description of Expense	Cost Basis Calculation	Funding Request	Jan-Jun Actual	Jul-Dec Actual
Staff: Salary to administer Grant Requirements for Base Funding #1	Name: Ally Sutherland Title: Environmental Specialist	# Hours: # Hours: 4 hours x 52 weeks = 208 hours (0.10 FTE) 208 hours x \$59.94 hour = \$12,467.52 \$9,000 available funding - \$35 training - \$385.00 conference = \$8,580.00 (~143.14 hours)	\$8,580.00		
Training	ARM Conference and Membership	\$20 conference ticket + \$15 membership fee = \$35.00	\$35.00		

Training	RAM/SWANA Conference	\$385.00 conference ticket – Day 2 only	\$385.00		
<i>Funding Request Subtotal</i>	-	-	\$9,000.00		
<i>Matching Funds</i>	Ally Sutherland, Environmental Specialist	\$12,502.52- \$8,580 = \$3,887.52 (~64.86 hours)	\$3,887.52		
<i>Matching Funds</i>	Allan Hunting, Supervisor	26 hours * \$79.24/hour = \$2,060.24	\$2,060.24		
<i>Matching Funds</i>	TBD, Community Development Director	12 hours * \$99.97/hour = \$1,199.64	\$1,199.64		
<i>Matching Funds</i>	Ally Sutherland, Environmental Specialist; Transportation to Program meetings, ARM meetings and ARM Conference	\$0.6 x 5360 miles = \$234.00	\$234.00		

Deliverables: Minimum Grant Requirements

- ☒ A. Fulfill responsibilities necessary for effective grant administration and demonstrate performance of waste abatement programs.
- ☒ B. Identify and ensure new municipal Liaison(s) is properly trained to fulfill responsibilities by attending the Dakota County Recycling Ambassador course as approved by the County Liaison.
- ☒ C. Participate in solid waste management training including, at minimum, the annual RAM/SWANA conference, Association of Recycling Managers (ARM) regional meetings, and annual ARM workshop, to support effective implementation of responsibilities. Describe training plans for (b) and (c): Ally Sutherland will attend the annual RAM/SWANA conference, ARM meetings, and annual ARM workshop. Ally Sutherland completed the Master Recycler/Composter Class in 2018.
- ☒ D. Ensure municipal Liaison(s) attends the six Program meetings hosted by the County Liaison.
- ☒ E. Refer persons, groups, and organizations to County Program Managers (e.g., businesses, multifamily residences, schools) for all requests for resources (e.g., education, containers, labels).
- ☒ F. Provide reasonable support to implement the Solid Waste Master Plan, including but not limited to:
 1. Participate in the Solid Waste Management Plan revision process (e.g., attend city meetings or other engagement methods for municipalities).
 2. Participate in County meetings to coordinate event and multifamily programming related to County Ordinance 110, if requested.
 3. Coordinate with the County Liaison to develop or update municipal permits and agreements to require recycling/back-of-house organics with best waste management practices at events, tournaments, and festivals (e.g., event permit, event vendor agreement, facility rental agreement, event hauler agreement), consistent with city codes and County Ordinance 110.
- ☒ G. Maintain current waste management information on the municipal website:
 1. Describe city solid waste collection requirements for haulers (i.e., licensing requirements) and hauler collection information (e.g., allowable collection days and time of day) for residents and commercial generators
 2. Describe city solid waste collection requirements for generators, including commercial generators, events, and multifamily properties;
 3. Post the County's standardized messages for residential recycling materials (i.e., the yes/no "what to recycle" list); and
 4. Coordinate with County staff for municipal website content and links to Dakota County website pages (e.g., Dakota County Recycling Requirements, the Recycling Guide, The Recycling Zone, Residential Recycling, Business Recycling, Multifamily Recycling, School Recycling, Event Recycling, Reuse Map, and Environmental Education Resources).
- ☒ H. Demonstrate Program compliance and waste abatement metrics in mid-year and final reports that include information for all Base and Supplemental funded projects, as described in Reporting and Reimbursement below.
- ☒ I. Submit reimbursement requests by County deadlines with substantiating documentation, as described in Reporting and Reimbursement below.
- ☐ Other: Click or tap here to enter text.

<i>Diversion Potential (Measured Tons)</i>	Unknown		
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<i>Other Potential Outcomes (Optional)</i>	Effective planning, coordination, implementation, reporting; information sharing at Program meetings; residents connected to County services and information		
<i>Activity Report: Jan-Jun</i>	• Fill in County report form(s) by July 15, 2024		
<i>Activity Report: Jul-Dec</i>	• Fill in County report form(s) by January 15, 2025		

2. Residential Communications	Description of Expense	Cost Basis Calculation	Funding Request	Jan-Jun Actual	Jul-Dec Actual
Staff: Salary to administer Grant Requirements for Base Funding #2	Name: Ally Sutherland Title: Environmental Specialist	# Hours: 42 hours (0.02 FTE) * \$59.94/hour = \$2,517.48	\$2,500.00		
Article expense (% of cost)	Publish 4 required newsletter Articles in mailed residential newsletter	\$500 for printing and postage * 4 half page articles mailed to all addresses (~15,000) in Inver Grove Heights = \$2,000.00	\$2,000.00		
<i>Funding Request Subtotal</i>	-	-	\$4,500.00		
<i>Matching Funds</i>	Amy Looze, Communications. Works with Environmental Specialist and publisher(s) to design, edit, and schedule communication pieces.	13 hours * \$72.19/hour = \$938.47	\$938.47		
<i>Matching Funds</i>	TBD, Communications Specialist. Works with Environmental Specialist and publisher(s) to design, edit, and schedule communication pieces.	13 hours * \$52.61/hour = \$683.93	\$683.93		

Deliverables: Minimum Grant Requirements

- ☒ A. Provide County standardized articles with images to all residents of single-family and multifamily dwellings in Municipality-mailed newsletters on each of the following topics, with full pages preferred and a half page required at a minimum:
1. Home recycling;
 2. Residential services at the Recycling Zone;
 3. Residential organics drop-off site(s); and
 4. Local reduce/reuse opportunities for residents (e.g., local donation and exchange options, County online Dakota County Reduce & Reuse Map, County Fix-It Clinics).
- ☒ B. Promote County staff-developed electronic media messages (e.g., website, social media, e-news) about solid waste and household hazardous waste management, including but not limited to all priority waste abatement topics listed in section A above, using County messaging.
- ☒ C. Serve as a resource to residents on waste abatement-related inquiries (e.g., email, phone).
- ☒ D. Provide funding source credit on all print materials, written as: Partially funded by Dakota County and the Minnesota Pollution Control Agency.
- ☒ E. Submit written residential waste abatement information to County Liaison for review at least three business days before printing.
- ☐ Other: [Click or tap here to enter text.](#)

<i>Diversion Potential (Measured Tons)</i>	Unknown		
<i>Other Potential Outcomes (Optional)</i>	Residents informed of priority solid waste topics; Residents connected to County services and local resources		
<i>Activity Report: Jan-Jun</i>	• Fill in County report form(s) by July 15, 2024		
<i>Activity Report: Jul-Dec</i>	• Fill in County report form(s) by January 15, 2025		

3. Municipal Facilities/Parks Verification and Education	Description of Expense	Cost Basis Calculation	Funding Request	Jan-Jun Actual	Jul-Dec Actual
Staff: Salary to administer Grant Requirements for Base Funding #3	Name: Ally Sutherland Title: Environmental Specialist	# Hours: # Hours: 27 hours (0.01 FTE) * \$59.94/hour = \$1,618.38	\$1,600.00		
Staff: Parks/Facilities Staff responsible for monitoring and verification	Name: Brian Swoboda Title: Parks Superintendent Name: Phil Stier Title: Operations and Maintenance Supervisor	# Hours: See matching funds.	\$0		
<i>Funding Request Subtotal</i>	-	-	\$1,600.00		
<i>Matching Funds</i>	Education materials for employees. Print Recycling Guides (25) provided by or pre-approved by Dakota County	\$0.04/sheet * 250 sheets = \$10.00	\$10.00		
<i>Matching Funds</i>	Ally Sutherland, Environmental Specialist; Transportation to IGH Parks and Facilities	\$0.65 x 25 miles = \$16.25	\$16.25		
<i>Matching Funds</i>	Brian Swoboda, Parks Superintendent. Assist with educating Parks Staff and Best Practice Verification in Parks	2 hours * \$83.44/hour = \$166.88	\$166.88		
<i>Matching Funds</i>	Phil Stier, Operations and Maintenance Supervisor. Assist with educating Building Maintenance Staff and Best Practice Verification in City Facilities	2 hours * \$67.81/hour = \$135.62	\$135.62		

Deliverables: Minimum Grant Requirements

- ☒ A. Ensure collected recyclables and organics generated at municipal facilities/parks are delivered to the respective licensed facility, or to another facility approved by the County Liaison.
- ☒ B. Provide monitoring and verification of recycling requirements and best waste management practices at least once annually, by:
 1. Reporting on status of compliance with Dakota County Ordinance 110 using the Commercial Report Form or another tool provided by Dakota County, to verify recycling programs for facilities under the municipality's control collect the Designated List of Recyclables wherever trash is collected and follow best waste management practices;
 2. Optional: Visually inspecting waste management at all municipality-controlled facilities, including parks.
- ☒ C. Provide County standardized solid waste abatement messaging about recycling in municipal buildings, in print or electronic format, to each municipal employee, volunteer, tenant, and custodial/housekeeping staff annually, and other people responsible for sorting, collecting, or transporting waste to external carts or dumpsters, within 30 days of a new hire or new tenant, and within 30 days of a substantive change to your recycling or waste program.
 Describe plan for employees: Email Dakota County created annual education materials to all city employees. Save electronic copy on employee sharepoint website.
 Describe plan for volunteers, tenants, and custodial staff: Coordinate with volunteer coordinator to email County annual education materials to all city volunteers, tenants, and custodial staff. Request operations and maintenance supervisor and parks superintendent email Recycling Guide to custodial staff.
- ☒ D. Optional: Conduct in-person training on Ordinance 110 requirements with city personnel who are responsible for (a) recycling container placement and monitoring on city property, (b) emptying trash, recycling, and organics (if collected) containers on city property, (c) handling event permits or facility rental applications, and (d) staffing events subject to Ordinance 110.
- ☒ E. Optional: Add waste abatement infrastructure (i.e., recycling and organics containers and labels or signage) in municipality-controlled facilities, including parks, where containers are needed and have not yet been placed, (i.e., replacing existing

containers is an ineligible expense), to implement best waste management practices for in collaboration with parks and facilities staff as follows:

1. Paired: All trash containers are paired with recycling containers (within 10 feet of each other).
2. Color-coded: All new containers and lids are blue for recycling, green for organics, and grey or black for trash and are made from recycled-content materials. New multistream containers are blue for recycling and gray or black for trash.
3. Signage: All containers have color-coded labels on the top and visible sides of the container. Labels on sides of containers meet County label standards. For indoor containers, lids have color-coded labels on both ends, facing opposite directions.
4. Convenient: All containers are strategically and conveniently located to serve employees and visitors.
5. Appropriate lids: All containers have lids with openings appropriate for the collected material. Recycling containers have Saturn-shaped or circle-shaped openings.

☐ Other: [Click or tap here to enter text.](#)

<i>Diversion Potential (Measured Tons)</i>	Unknown		
<i>Other Potential Outcomes (Optional)</i>	All buildings and parks verified; all city employees educated on recycling in the workplace		
<i>Activity Report: Jan-Jun</i>	• Fill in County report form(s) by July 15, 2024		
<i>Activity Report: Jul-Dec</i>	• Fill in County report form(s) by January 15, 2025		

4. Special Collections	Description of Expense	Cost Basis Calculation	Funding Request	Jan-Jun Actual	Jul-Dec Actual
Staff: Salary to administer Grant Requirements for Base Funding #4	Name: Ally Sutherland Title: Environmental Specialist Collection: Clean-Up Day (Sept 2024)	# Hours: 60 hours (0.03 FTE) * \$59.94/hour = \$3,596.40	\$3,596.40		
Staff: Salary to administer Grant Requirements for Base Funding #4	Name: Ally Sutherland Title: Environmental Specialist Collection: Pumpkin Collection (Nov 2024)	# Hours: 8 hours (0.004 FTE) * \$59.94/hour = \$479.54	\$479.54		
Vendor services, Vendor: Second Chance Recycling	Mattress Collection; Clean-Up Day (Sept 2024)	\$400.00 event fee + (\$25.00 * 200 regular mattresses) + (\$2/mattress for transportation fee) = \$5,800.00	\$5,800.00		
Vendor services, Vendor: Dick's Sanitation	Pumpkin Collection (Nov 2024)	\$690.00 for 1 3- yard dumpster (up to 4 tons) + \$80 per additional ton (estimate one additional ton) = \$770.00	\$770.00		
Vendor services, Vendor: Republic Services, DBA Randy's Sanitation	Confidential Paper Shredding; Clean-Up Day (Sept 2024)	\$1,265.00 for one 4-hour collection	\$1,265.00		
Vendor services, Vendor: JR's Advanced Disposal	Scrap Metal Collection; Clean-Up Day (Sept 2023)	\$300.00 for roll-off delivery/removal - \$100.00 vendor iron revenue = \$200.00	\$200.00		
Vendor services, Vendor: Lowertown Bike Shop	Bike Collection for reuse and recycling; Clean-Up Day (Sept 2024)	Free collection	\$0		
Vendor services, Vendor: UsAgain	Clothing, Shoes, Fashion Accessories, Household Textiles Collection for reuse; Clean-Up Day (Sept 2024)	Free collection	\$0		

Collection Supplies	Miscellaneous Collection Event Supplies (Sept 2024)	\$75.00 for other event supplies as needed with prior written approval	\$75.00		
Collection Supplies	Clean Up Day Inventory Sheets (Sept 2024)	\$200 for 600 sheets	\$200.00		
Collection Staffing	Cleanup Day staffing. The following individuals who have traditionally worked at Clean-Up Day. This list is subject to change annually based on who volunteers to work the event: - Vanella Group Staff - City Staff - Marlys Sweeney - Shannon Battles - Jojo Verdeja - Dana Lindsey - Kim Graham - Lissa Kramer - Tommy Hanson - Luther Deutsch - Joe Remackel - Tony Blackbird	Vanella Group: \$49/hour * 16 Vanella Group staff * 4.5 hours = \$3,528.00 City of IGH Staff: \$61.87/hour * 10 IGH Staff * 6.25 hours = \$3,866.88 \$3,528.00 + \$3,866.88 = \$7,394.88 \$7,394.88 - \$4,314.92 (From Gap Funding) - \$458.67 (From Part 6) = \$2,621.28	\$2,621.28		
<i>Anticipated Revenue</i>	Revenue for Mattresses and Scrap Metal	200 mattresses * \$15/mattress resident fee = \$3,000.000 + \$500 scrap metal revenue = \$3,500.00	(\$3,500.00)		
<i>Funding Request Subtotal (Deduct Revenue)</i>	-	\$15,007.20 (Total Special Collections Expenses) - \$3,500.00 (Revenue for Mattresses and Scrap Metal) = \$11,507.20	\$11,507.20		
<i>Matching Funds</i>	Barry Underdahl, Streets Superintendent. Helps direct Public Works staff to organize Clean-Up Day event space.	5 hours * \$81.41/hour = \$407.05	\$407.05		
<i>Matching Funds</i>	Joel Jackson, Streets Lead Worker. Helps direct Public Works staff to organize Clean-Up Day event space.	5 hours * \$74.17/hour = \$370.85	\$370.85		
<i>Matching Funds</i>	Diane Erickson, Volunteer Coordinator. Finds volunteers to work at Clean-Up Day.	25 hours * \$52.61/hour = \$1,315.25	\$1,315.25		

Matching Funds	Amy Looze, Communications. Works with Environmental Specialist and publisher(s) to design, edit, and schedule Clean-Up Day communication pieces.	6 hours * \$72.19/hour = \$433.14	\$433.14		
Matching Funds	TBD, Communications Specialist. Works with Environmental Specialist and publisher(s) to design, edit, and Clean-Up Day schedule communication pieces.	6 hours * \$52.61/hour = \$315.66	\$315.66		

Deliverables: Minimum Grant Requirements

- ☒ A. Implement one or more drop-off events, discounts, curbside collections, permanent drop-off collection sites, or combination thereof to collect specific traditional and non-traditional solid waste materials from residents for reuse or recycling.
- ☒ B. Collect all of the following materials from residents for reuse or recycling or organics composting, with reuse required if reuse outlets are available:
 - ☒ 1. Confidential paper for shredding
 - ☒ 2. Mattresses and box springs
 - ☒ 3. Pumpkins
- ☒ C. The following optional materials may also be collected from residents for reuse or recycling, with reuse required if reuse outlets are available (check all that apply):
 - ☒ 1. Bicycles
 - ☐ 2. Cardboard
 - ☐ 3. CFLs
 - ☐ 4. Furniture
 - ☐ 5. Holiday lights
 - ☒ 6. Scrap metal
 - ☒ 7. Shoes
 - ☐ 8. Athletic gear
 - ☒ 9. Other materials as pre-approved by the County Liaison (e.g., carpet, textiles, film plastic/plastic bags).
- ☒ D. Ensure special collection opportunities are conveniently located and scheduled for every collection in Item B, with an independent collection opportunity for each municipality having 1,000 households or more; a municipality with fewer than 1,000 households may coordinate with a neighboring municipality for co-collection.
- ☒ E. Obtain confirmation that collected materials are delivered to a reuse location or to a licensed recycling/organics facility, or to another facility approved by the County Liaison.
- ☒ F. Request and report weights, cubic yards, or number units for each material collected, as specified on the County reporting tool.
- ☒ G. Promote special collection opportunities to all single-family and multifamily residents using County messaging standards, telling residents how materials will be managed.
- ☒ H. Submit promotional communications to County Liaison for review at least three business days before publication.
- ☒ I. Coordinate collections with County liaison to prevent duplication of effort, conflicting messages, pricing conflicts, and competition for resident participation.
- ☐ Other: [Click or tap here to enter text.](#)

Diversion Potential (Measured Tons)	Estimates are based on available 2022 & 2023 collection rates and pound/item estimates provided by our vendors: • Confidential Paper Shredding; Clean-Up Day: 5,800 lbs / 2,000 lbs = 2.9 tons • Mattresses: 200 mattresses • Bikes: 65 bikes • Scrap Metal: 8,000 lbs / 2000 = 4.0 tons • Textiles: 400 lbs / 2000 = 0.2 tons • Pumpkins: 4.36 tons Total Estimate = 11.46 tons + 200 mattresses + 65 bikes		
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<i>Other Potential Outcomes (Optional)</i>	Public educated on annual and year-round local recycling and disposal opportunities.		
<i>Activity Report: Jan-Jun</i>	• Fill in County report form(s) by July 15, 2024		
<i>Activity Report: Jul-Dec</i>	• Fill in County report form(s) by January 15, 2025		

	BASE FUNDING SUMMARY	Jan-Jun Report	Jul-Dec Report
Total Base Funding	\$26,607.20		
Total Base Funding Matching Funds	\$12,165.50		
Total Base Funding Diversion Potential (Tons)	11.46 tons		
Total Base Funding Staff Hours	345 hours		
Total Base Funding Staff Expense	\$16,755.92 (Grant funding only. Does not include matching staff time costs in Part 1.)		

Part 2: Supplemental Funding (Optional)

5. Multifamily Recycling	Description of Expense	Cost Basis Calculation	Funding Request	Jan-Jun Actual	Jul-Dec Actual
Staff: Salary to administer Grant Requirements for Supplemental #5	Name: Ally Sutherland Title: Environmental Specialist	# Hours: 153.00 hours * \$59.94/hour = \$9,170.82	\$9,170.82		
Newsletter Article	Send a mailed newsletter article to promote the program and engage new participants	\$500 for printing and postage of 1 half page article to all addresses in Inver Grove Heights (~15,000) through residential newsletter	\$500.00		
Mailed Letter	Send a mailing to property managers and owners of apartments and rental townhomes about recycling resources, in coordination with County staff	40 letters * \$0.60 postage = \$24.00	\$24.00		
Mailed Letter	Send a mailing to property managers and owners of HOAs about recycling resources, in coordination with County staff	50 letters * \$0.60 postage = \$30.00	\$30.00		
<i>Funding Request Subtotal</i>	-	-	\$9,724.82		
Matching Funds	Amy Looze, Communications. Works with Environmental Specialist and publisher(s) to design, edit, and schedule Multifamily recycling newsletter article written or reviewed by County Liaison.	1 hours * \$72.19/hour = \$72.19	\$72.19		
Matching Funds	Mary Lein, Assistant to the Chief Building Official. Helps keep multifamily contact list up to date. Assists with	12 hours * \$54.42/hour = \$653.04	\$653.04		

	communications about the multifamily recycling program as opportunities arise.				
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Deliverables: Minimum Grant Requirements

A. Conduct all of the following activities:

- ☒ 1. Coordinate with the County Liaison to develop new or strengthen multifamily points of contact (“touchpoints” such as business license renewals, rental license renewals, rental inspections, fire inspections, and property manager meetings), consistent with city codes and County Ordinance 110.
Describe plan: Work with County to develop new or strengthen multifamily points of contact.
- ☒ 2. Send a mailing to property managers and owners about recycling resources, in coordination with County staff.
- ☒ 3. Identify, strengthen, or both, municipal planning and construction procedures to support recycling and organics in new or remodeled buildings (e.g., internal chutes; adequate internal and external space).
Describe plan: Work with city planning and building inspections department to identify, strengthen, or both: municipal planning and construction procedures to support recycling and organics in new or remodeled buildings
- ☒ 4. Work with County Liaison to identify and provide technical assistance for multifamily properties enrolled in the Dakota County Multifamily Recycling Program to implement best waste management practices by:
 - a. First attending technical assistance training provided by County Liaison;
 - b. Promoting the program to engage new participants through strategic outreach;
 - c. Providing on-site needs assessments to systematically evaluate and document opportunities to enhance recycling and waste prevention, and to meet best practices, using County materials;
 - d. Using needs assessments to complete applications for the program in collaboration with property managers to request County-supplied containers, labels, signage, education materials, staff and resident education as needed, and other technical assistance;
 - e. Implementing approved plans in coordination with property managers, haulers, County staff, and other partners;
 - f. Providing targeted on-site employee and resident education about recycling and waste prevention, including the recycling system within the building, in partnership with the County Liaison, using County messaging standards;
 - g. Providing ongoing support to sustain recycling efforts by contacting past program participants to offer additional education materials, staff and resident education as needed, and other technical assistance;
 - h. Promoting reuse and bulky waste collection opportunities for multifamily tenants at move-in/move-out;
 - i. Collaborating with the County Liaison for culturally specific needs such as translation and interpretation;
 - j. Following all program protocols for outreach and technical assistance, best waste management practices, and education, using County messaging standards; and
 - k. Tracking and reporting on outcomes for each participating property, using forms or tools provided by the County Liaison.

☒ **Other:**

Diversion Potential (Measured Tons)	Unknown		
Other Potential Outcomes (Optional)	Increased recycling opportunities in Inver Grove Heights. Education of public with proper BMPs implemented. Education of public on local year-round disposal opportunities include The Recycling Zone and The Recycling Guide. Connect city with more local groups. Increased awareness and collaboration between city departments on Multifamily Property initiatives.		
Activity Report: Jan-Jun	• Fill in County report form(s) by July 15, 2024		
Activity Report: Jul-Dec	• Fill in County report form(s) by January 15, 2025		

6. Additional Special Collections and Reduce/Reuse Activities	Description of Expense	Cost Basis Calculation	Funding Request	Jan-Jun Actual	Jul-Dec Actual
Staff: Salary to administer Grant Requirements for Supplemental #6	Name: Ally Sutherland Title: Environmental Specialist	# Hours: 2 hours for reuse map updates. 20 hours for Spring Shred Event coordinating (May 2023)	\$2,517.48		

		20 hours for Outdoor Winter Clothing Swap event coordinating (Oct 2023) 2 hours + 20 hours + 20 hours = 42 hours (0.02 FTE) * \$59.94/hour = \$2,517.48			
Reuse Minnesota Membership	Reuse Minnesota Membership	\$50.00 individual membership	\$50.00		
Reuse Minnesota Membership	Reuse Minnesota Conference	\$85.00 conference ticket	\$85.00		
Vendor Services	Confidential Material Shredding, Republic Services DBA: Randy's Sanitation; Spring Shred Event (May 2024)	\$948.75 for one 3-hour collection	\$948.75		
Event Promotion	Publish Spring Shred Event article in mailed residential newsletter	\$250 for printing and postage of 1 quarter page article mailed to all addresses (~15,000) in Inver Grove Heights	\$250.00		
Event Promotion	Publish Clean-Up Day article in mailed residential newsletter	\$666.00 for printing and postage of 2/3 page article mailed to all addresses (~15,000) in Inver Grove Heights	\$666.00		
Event Promotion	Promotional Advertisements via Facebook boosts for Clean Up Day	\$20.00 for Facebook event boost	\$20.00		
Collection Staffing	Clean-Up Day staff time. See staff time expense in Part 4. Special Collections	\$458.67	\$458.67		
Swap Event Supplies	Rental Supplies from Crown Rental; Outdoor Winter Clothing Swap (Oct 2023)	\$70.00 for 3 coat racks + \$15.00 for 100 hangers = \$85.00	\$85.00		
Event Promotion	Publish Outdoor Winter Clothing Swap event article in mailed residential newsletter	\$250 for printing and postage of 1 quarter page article mailed to all addresses (~15,000) in Inver Grove Heights	\$250.00		
Event Promotion	Promotional Advertisements via Facebook boosts for Outdoor Winter Clothing Swap.	\$30.00 for Facebook event boost	\$30.00		

Event Promotion	Publish Pumpkin collection article in mailed residential newsletter	\$250 for printing and postage of 1 quarter page article mailed to all addresses (~15,000) in Inver Grove Heights	\$250.00		
R-Cup at Events	Use R-Cups at one or more IGH Food Truck Day Events	\$1,275.98 for cups	\$1,275.98		
R-Cups at Events	Name: Ally Sutherland Title: Environmental Specialist	15 hours for R cup implementation in addition to Part 6 (July & Aug 2023) 15 hours * \$59.94/hour = \$899.10	\$899.10		
<i>Funding Request Subtotal</i>		-	\$7,535.98		
Event Promotion	Publish Pumpkin collection article in mailed residential newsletter	\$250 for printing and postage of 1 quarter page article mailed to all addresses (~15,000) in Inver Grove Heights	\$250.00		
<i>Matching Funds</i>	Al Vandehoef, Recreation Coordinator. Help schedule swap event and day of set up.	5 hours x \$66.78/hour = \$333.90	\$333.90		
<i>Matching Funds</i>	Amy Looze, Communications Manager. Works with Environmental Specialist and publisher(s) to design, edit, and schedule communication pieces for collection events.	6 hours * \$72.19/hour = \$433.14	\$433.14		
<i>Matching Funds</i>	Diane Erickson, Volunteer Coordinator. Finds volunteers to work at collection events.	10 hours * \$52.61/hour = \$526.10	\$526.10		
Deliverables: Minimum Grant Requirements					
☒ A. Provide annual updates to the County's online Dakota County Reduce & Reuse Map. ☒ B. Implement any of the following three activities (check all that apply): ☒ 1. Implement one or more additional Special Collection drop-off days, events, curbside collections, permanent drop-off collection sites, or combination thereof to collect specific (see Section 4C) traditional and non-traditional solid waste materials from residents for reuse (preferred) or recycling. ☒ 2. Coordinate with County Liaison to implement one or more residential reduce/reuse activities (check all that apply): ☒ a. Host and/or promote residential swap events or city-wide garage sales; obtain and report weights for each material collected at swap events; and ensure that usable items that are not swapped are donated after the event, to the extent possible. ☐ b. Provide staff support at County Fix-It Clinics. ☐ c. Implement a reusable bag exchange at specific location(s) (e.g., local store, farmer's market, co-op) by providing one or more containers for shoppers to share reusable shopping bags. ☐ d. Host or facilitate a lending library for tools, lawn and gardening equipment, kitchenware, crafting, camping equipment, or other items as pre-approved by the County Liaison. ☐ e. Host residential reduce or reuse education classes (e.g., simple mending, donation/downsizing with County messaging on proper disposal). ☒ f. Track and report on outcomes using County forms, on an annual basis or more often as requested, including monitoring presentation attendance (e.g., sign-in sheet or head count), online webinar attendance (e.g., number of people who log on), booth interactions (e.g., clicker or tally sheet), and game interactions (e.g., clicker or tally sheet).					

- ☐ g. Leverage existing residential activities to plan or start any of the following activities
- Coordinate with realtors to promote reuse prior to home sales.
 - Coordinate with a local repair business to host a repair event.
 - Other as approved by County Liaison.
- ☐ h. Facilitate changes to municipality codes, policies, and practices that are barriers to reuse (e.g., clothing drop box prohibitions, rental companies, and secondhand stores);
- ☐ i. Provide transportation for residents to participate in reduce/reuse activities (e.g., seniors).
- ☒ j. Prioritize reusable dishware (e.g., washable baskets, cups) in place of single-use products, by contracting with vendors that offer reusable products and services for events (e.g., washing on site or off site).
Describe plans for activities in (a) through (j): [Contract with R cup at one or more Food Truck Day events. Support Ally Sutherland staff time to work with city Parks and Recreation staff to research and use R cup at a IGH Food Truck Day.](#)
- ☐ 3. Facilitate changes to internal policies and practices to promote reduce/reuse and recycling of municipal supplies and equipment through any of the following (check all that apply):
- ☐ a. Facilitate changes to increase recycled content in products purchased by the city (in accordance with Mn Stat 16C.073.
- ☐ b. Identify existing city policies and administrative practices for copy paper purchases in internal operations.
- ☐ c. Facilitate revisions to policies and practices to purchase at least 30% post-consumer recycled content copy paper.
- ☒ 4. Attend Reuse Minnesota meetings.
- ☐ 5. Other as approved by County Liaison: [Click or tap here to enter text.](#)

<i>Diversion Potential (Measured Tons)</i>	• Confidential Material Shredding; Spring Shred Event: 10,440 lbs / 2000 = 5.22 tons • Winter Clothing Swap: 200 lbs / 2000 = 0.1 tons winter clothing swapped • Food Truck Day: 250 cups (July) + 250 cups (Aug) = 500 cups reused Total = 5.0 tons		
<i>Other Potential Outcomes (Optional)</i>	Residents educated about reduce/reuse, city employees educated about reduce/reuse, residents educated to not dispose of shredded paper in recycling		
<i>Activity Report: Jan-Jun</i>	• Fill in County report form(s) by July 15, 2024		
<i>Activity Report: Jul-Dec</i>	• Fill in County report form(s) by January 15, 2025		

7. In-Person Education*	Description of Expense	Cost Basis Calculation	Funding Request	Jan-Jun Actual	Jul-Dec Actual
Staff: Salary to administer Grant Requirements for Supplemental #7	Name: Ally Sutherland Title: Environmental Specialist	26 hours Healthy Living Fair Presentation and Table 20 hours Touch-A-Truck Education Table 5 hours Farmers Market Education Tables 10 hours for R cup in-person education at events (July & Aug 2023) 20 hours for IGH Business Day Education Table	\$4,833.70		

		81 hours (0.04 FTE) * \$59.94/hour = \$4,855.14			
Event Supplies	Tabling event supplies	\$160.00 for one event tent \$50.00 for two sets of event weights \$53.00 for two organics pails \$48.00 for four supply storage bins \$55.00 for one tabletop prize drop game \$160.00 for two supply boxes on wheels \$165.00 for two tabletop signs with clamps \$27.00 for sign holder pack = \$740.00 for event supplies	\$740.00		
<i>Funding Request Subtotal</i>	-	-	\$5,573.70		
<i>Matching Funds</i>	Chelsea Swenhaugen, Recreation Coordinator. Helps Environmental Specialist schedule recycling education tables at park and recreation related events.	10 hours x \$61.35/hour = \$613.50	\$613.50		
<i>Matching Funds</i>	Rachel Mikel, Recreation Coordinator. Helps Environmental Specialist schedule recycling education tables at park and recreation related events.	10 hours x \$57.54/hour = \$575.40	\$575.40		
<i>Matching Funds</i>	Diane Erickson, Volunteer Coordinator. Finds volunteers to work at recycling education tables and events.	10 hours * \$52.61/hour = \$526.10	\$526.10		
<i>Matching Funds</i>	Amy Crary, Fitness Coordinator. Helps Environmental Specialist schedule recycling education tables at park and recreation related events.	10 hours x \$69.37/hour = \$693.70	\$693.70		
<i>Deliverables: Minimum Grant Requirements</i>					

- ☒ A. Provide in-person waste abatement education for adults and youth through instructional classes, presentations, tours, or activities at booths, events, or gatherings to educate 1% or more of the Municipality's population through face-to-face learning experiences, on one to two of the following topics per activity:
1. Home recycling (required)
 2. Residential organics drop site(s) (optional)
 3. Residential services at the Recycling Zone (optional)
 4. Local reduce/reuse opportunities for residents (e.g., classes about simple mending, donation/downsizing with County messaging on proper disposal) (optional)
- Describe plan, including event names, cities, locations, dates, and total number of people to educate in person (1% goal): $1\% * 35,743$ (2021 IGH Population) = at least 358 individuals educated
- Healthy Living Fair education table & workshop, Inver Grove Heights, VMCC, April 2024, 200 people
 - Touch-A-Truck education table, Inver Grove Heights, VMCC, May 2024, 300 people
 - Famers Market, Inver Grove Heights, VMCC Parking Lot, July 2024, 200 people
 - Food Truck Days, Inver Grove Heights, Rich Valley Athletic Complex, July & August 2024, 500 people
 - IGH Days Business Expo, Inver Grove Heights, VMCC, September 2024, 300 people
- ☒ B. Use display and education materials provided by County Liaison and track planned education activities in County tool.
- ☒ C. Review display and education materials with County liaison in advance of in-person education.
- ☒ D. If conducting online education, provide a live format with interactive opportunities (i.e., no pre-recorded videos).
- ☒ E. Use messaging standards on County website for verbal education or have County Liaison review messaging.
- ☒ F. Coordinate with County Liaison for any education requests in schools, businesses, and multifamily residences.
- ☒ G. Track and report number of people educated in person using County forms, on an annual basis or more often as requested, including monitoring presentation participation (e.g., sign-in sheet or head count), online webinar participation (e.g., number of people who log on), booth interactions (e.g., clicker or tally sheet), and game interactions (e.g., clicker or tally sheet).
- ☐ Other: [Click or tap here to enter text.](#)

Diversion Potential (Measured Tons)	Unknown				
Other Potential Outcomes (Optional)					
Activity Report: Jan-Jun	Fill in County report form(s) by July 15, 2024				
Activity Report: Jul-Dec	Fill in County report form(s) by January 15, 2025				
8. Event Recycling and Organics Collection*	Description of Expense	Cost Basis Calculation	Funding Request	Jan-Jun Actual	Jul-Dec Actual
Staff: Salary to administer Grant Requirements for Supplemental #8	Name: Ally Sutherland Title: Environmental Specialist Food Truck Day. Informing event coordinator of what recycling best practices to follow at the event and providing recycling resources, such as labels, if needed.	10 hours for Food Truck Days (July, Aug, Sept 2023) 5 hours for IGH Days Recycling (Sept 2023) 15 hours (0.007 FT) * \$59.94/hour = \$899.10	\$899.10		
Funding Request Subtotal	-	-	\$899.10		
Matching Funds	Chelsea Swenhaugen, Recreation Coordinator. Helps Environmental Specialist schedule recycling education tables at park and recreation related events.	5 hours x \$61.35/hour = \$306.75	\$306.75		
Matching Funds	Rachel Mikel, Recreation Coordinator. Helps Environmental Specialist schedule recycling education tables at park and recreation related events.	5 hours x \$57.54/hour = \$287.70	\$287.70		

<i>Matching Funds</i>	Brian Swoboda, Parks Superintendent. Coordinates recycling collection at Food Truck Days.	5 hours * \$83.44/hour = \$417.20	\$417.20		
<i>Combined Subtotal for #7 and #8*</i> <i>Requested subtotal</i>			\$5,573.70 + \$899.10 = \$6,472.80		

Deliverables: Minimum Grant Requirements

- ☒ A. Implement recycling, back-of house organics collection, or both, at events, tournaments, and festivals.
1. Contact and assist event coordinators to plan and implement recycling collection, back-of-house organics collection, or both.
 2. Assist with obtaining temporary containers, proper bags, signage, hauler services for collection, and as appropriate, recruit waste station staffing.
 3. Assist with applying best waste management practices for standardized messaging to vendors, volunteers, and custodial staff; labeling an appropriate number of co-located recycling and trash containers in strategic locations to prevent overflow; and confirming delivery to a licensed/permitted facility.
 4. For recyclables collection, prioritize events on public property that generate at least one ton (8 cy) of trash (e.g., community events, athletic tournaments, fairs, markets, concerts, etc.)
 5. For organics collection, prioritize events of at least 300 people that generate back-of-house organics and at least one ton (8 cy) of trash.
 6. Obtain confirmation that collected materials are delivered to a licensed or otherwise approved recycling/organics facility if grant funds are being used for hauling services at city events.
- Describe plans for activities in (A): [Event/tournament names, dates, cities, locations, and potential tons generated \(see A4-A5\)](#)
- Food Truck Day, July & Aug 2023, Rich Valley Athletic Complex, ~150 lbs recycling and trash generated. Ally Sutherland will educate parks staff on event recycling BMPs and will assist park staff set up event recycling BMPs at the event as needed.
 - IGH Days Explore IGH Expo, Sept 2023, Cahill Ave 65th/70th Street, hosted by private IGH days committee. Amount of trash generated are unknown. Ally Sutherland will meet with IGH Days Committee prior to the event to review event recycling BMPs and will assist IGH Days committee set up event recycling BMPs at the event as needed.
- ☐ Other: [Click or tap here to enter text.](#)

<i>Diversion Potential (Tons)</i>	Unknown		
<i>Other Potential Outcomes (Optional)</i>			
<i>Activity Report: Jan-Jun</i>	• Fill in County report form(s) by July 15, 2024		
<i>Activity Report: Jul-Dec</i>	• Fill in County report form(s) by January 15, 2025		

*Supplemental Funding categories #7 and #8 share one funding allocation; combined subtotals may not exceed maximum fund eligibility.

9. Gap Funding	Description of Expense	Cost Basis Calculation	Funding Request	Jan-Jun Actual	Jul-Dec Actual
Non-LWSW Collection Staffing	Clean-Up Day staff time. See staff time expense in Part 4. Special Collections	\$4,314.92	\$4,314.92		
<i>Funding Request Subtotal</i>	-	-	\$4,314.92		
<i>Matching Funds</i>					

Deliverables: Minimum Grant Requirements

- ☒ A. Complete, or make progress toward completing, one or more waste abatement projects included in eligible grant categories above, for which additional funding is needed, with first priority given to filling funding gaps in Base Funding categories, second priority given to filling gaps in Supplemental Funding categories, and third priority given to conducting waste abatement activities that are not included in Base Funding or Supplemental Funding, with prior written County liaison approval.
- Describe plan: [Apply gap funding towards Clean-Up Day Staffing and RAM/SWANA conference ticket expenses.](#)
- ☐ Other: [Click or tap here to enter text.](#)

<i>Diversion Potential (Measured Tons)</i>	Unknown		
<i>Other Potential Outcomes (Optional)</i>			
<i>Activity Report: Jan-Jun</i>	• Fill in County report form(s) by July 15, 2024		
<i>Activity Report: Jul-Dec</i>	• Fill in County report form(s) by January 15, 2025		

	SUPPLEMENTAL FUNDING SUMMARY	Jan-Jun Report	Jul-Dec Report
Total Supplemental Funding Request	\$28,048.52		
Total Supplemental Matching Funds	\$5,688.72		
Total Supplemental Diversion Potential (Tons)	5.30 tons + 500 event cups		
Total Supplemental Funding Staff Hours	304 hours		
Total Supplemental Funding Staff Expense	\$17,421.10		

	APPLICATION SUMMARY	Jan-Jun Report	Jul-Dec Report
Total Base and Supplemental Funding Request (Combined)	\$54,655.72		
Total Base and Supplemental Matching Funds (Combined)	\$72,509.94		
Total Base and Supplemental Diversion Potential (Combined)	16.76 tons + 65 bikes + 200 mattresses + 500 event cups		
Total Base and Supplemental Funding Staff Hours (Combined)	649 hours		
Total Base and Supplemental Funding Staff Expense (Combined)	\$34,177.02		

C. Application Signature

Authorized Representative (Contract Signatory):	Brenda Dietrich
Title:	Mayor, City of Inver Grove Heights
Signature (electronic signature acceptable):	
Date:	

Report and Reimbursement Request for January 1, 2024 – June 30, 2024***Due: July 15, 2024**

I, the undersigned, certify that this report was prepared under my direction or supervision, and that the information is true, accurate, and complete to the best of my knowledge.	
Authorized Representative (Contract Signatory):	
Title:	
Signature (electronic signature acceptable):	
Date:	
Total Reimbursement Request:	

Report and Reimbursement Request for July 1, 2024 – December 31, 2024***Due: January 15, 2025**

I, the undersigned, certify that this report was prepared under my direction or supervision, and that the information is true, accurate, and complete to the best of my knowledge.	
Authorized Representative (Contract Signatory):	
Title:	
Signature (electronic signature acceptable):	
Date:	
Total Reimbursement Request:	

*Attach documentation for all expenses as described in Dakota County Community Waste Abatement Grant Program 2024 Guidelines.



Request for Council Action

SUBJECT: **Resolution Declaring Surplus Property and Authorizing Sale**

MEETING DATE: November 27, 2023

ITEM TYPE: Consent Agenda

CONTACT: Sam Hosszu, Assistant Finance Director, 651.450.2516

ACTION REQUESTED

The Council is asked to approve the attached Resolution, declaring the ATM located at the Veterans Memorial Community Center (VMCC) as surplus equipment and authorizing its sale.

BACKGROUND

In 2003, the Council approved the lease-to-purchase of an ATM Machine for use in the Veterans Memorial Community Center (VMCC). At the time, staff had identified a need for the ATM as there were numerous cash transactions at both the pool and hockey concession stands. Subsequently, the City has purchased two replacement ATMs with the most recent replacement being in 2021. In 2022, staff removed the ATM from service as the fees and staff time associated with the machine and service outweighed the revenue.

Currently, the ATM is being stored onsite. Staff is recommending declaring the ATM as public surplus and placing the machine for bid on the League of Minnesota Cities (LMC) Marketplace.

FISCAL IMPACT

Proceeds from the sale will provide additional one-time revenue to the Community Center.

RECOMMENDATION

Staff recommends adoption of the attached Resolution, declaring the ATM at the VMCC as public surplus and authorizing staff to place the machine for sale on the LMC Marketplace.

ATTACHMENTS

1. Resolution

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

RESOLUTION NO. _____

**RESOLUTION DECLARING ATM AS SURPLUS EQUIPMENT
AND AUTHORIZING ITS SALE**

WHEREAS, the City of Inver Grove Heights owns an ATM Model Halo II 2021 which is no longer needed for public service and can be offered for sale and/or disposal or donation pursuant to the terms of Minnesota Statutes, Sections 471.345, 471.64, and 471.3459 and;

WHEREAS, the City is no longer in need of an ATM at Veterans Memorial Community Center, and;

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

1. The City owned ATM Model Halo II 2021 is declared as surplus.
2. City Staff are authorized to sell the ATM via the League of Minnesota Cities Marketplace.

Adopted by the City of Inver Grove Heights this 27th day of November 2023.

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk



Request for Council Action

SUBJECT: **Resolutions Accepting Bids, Awarding a Contract and Approving Budgets for Skyview Park (Project No. 2024-01) and Oakwook Park (City Project No. 2024-02) Tennis Court Reconstruction**

MEETING DATE: November 27, 2023

ITEM TYPE: Consent Agenda

CONTACT: Adam Lares, Parks & Recreation Director, 651.450.2587

ACTION REQUESTED

The Council is asked to adopt the attached Resolutions, accepting the bid and awarding a contract to Bituminous Roadways, Inc. in the amount of \$399,333, and approving budgets for City Projects No. 2024-01 and 2024-02 - Skyview and Oakwood Park Tennis Court Reconstruction.

BACKGROUND

Approximately three months ago, staff began preparations for two 2024 Park Capital Replacement projects. The existing tennis courts at both Skyview and Oakwood parks are over 20 years old and need to be reconstructed given their poor and deteriorating playing surface conditions. Currently, both sites have two single tennis courts, concrete curbing, fencing, and lights. However, given the increasing popularity of pickleball, staff began community engagement efforts in August to explore the possibility of using one or more of the existing court footprints and converting them to pickleball courts.

On July 10, 2023, the City Council approved a contract with Fred Kolkmann Tennis & Sport Surfaces, LLC for design, construction administration, and inspection services for the 2024 reconstruction of Skyview and Oakwood Park tennis courts. Three options were developed for reconstruction at both locations that will fit the current footprints. The three options included: 1) two single courts, 2) six pickleball courts, 3) a combination (one single tennis and two pickleball). The plan for reconstruction at both sites would include keeping the existing curb, lighting, and fencing with any of the three options. Both locations would get new entrances to comply with ADA standards and there would be options for new shade structures and trail improvements. Since that time, based on the recommendation of the Parks & Rec Advisory Commission and approval of the City Council, final plans, specifications and bid documents have been prepared by Fred Kolkmann for six pickleball courts at Skyview Park and 2 single tennis courts at Oakwood Park.

At its October 23, 2023 meeting, the Council approved final plans and specifications for both projects and directed staff to advertise for bid. The engineer's combined construction cost estimate to construct both courts with add/alts was \$565,950. However, the proposed 2024 Park CIP includes a total of \$500,000 for the two court reconstruction projects. The project was advertised in the Pioneer Press, the City's website and online through QwestCDN.

The advertisement for bids opened on October 24, 2023 and closed on November 15, 2023. A total of 4 bids were received. The bids were checked for mathematical accuracy and the lowest qualified bid was determined to be from Bituminous Roadways, Inc., with a total bid of \$399,333 including all alternates. This bid is \$100,667 under the proposed Park CIP estimated cost. Recently, Bituminous Roadways constructed the City's tennis, pickleball, and basketball courts at Salem Hills Park and staff are pleased with how they were constructed.

One of the alternatives included in the bid and recommended to proceed is the armoring and color coating of the Groveland Park tennis court, with the aim of securing more favorable pricing by bundling it with the aforementioned projects. This initiative has proven successful, as this work can be included in the overall project while remaining well under the total budget. By armoring and color coating the Groveland Park tennis court as part of this project, staff expects that the replacement of this court, originally slated for 2026, can now be moved 7-8 years further out in the Parks CIP.

Bid results:

Bituminous Roadways, Inc	\$399,333.00
McNamara Contracting	\$498,000.00
Parkstone Contracting, LLC	\$526,660.00
Urban Companies	\$721,000.00

The following is the estimated construction timeline:

Estimated Construction Timeline	
November 27, 2023	Accept Bid and Award Contract
May 2024	Construction Begins
September 2024	Substantial Construction Completed

FISCAL IMPACT

If a bid is accepted and a construction contract is awarded, funding for the project would come from the Park Capital Replacement Fund. Money in this fund is typically used for park maintenance and redevelopment of existing park amenities. Under the City's preliminary 2024 budget and tax levy, the Fund will receive an allocation of \$315,000 in 2024, which brings the projected balance to \$815,000.

Staff is requesting approval for the overall project budget, which includes a contract with Bituminous Roadways, Inc. for the reconstruction of both tennis courts, concrete work, installation of shade structures, trail replacement, and armor and color coat at Groveland Park Tennis court, and a 5% construction contingency.

Project No. 2024-01 (Skyview Park Tennis Court Reconstruction) Cost Breakdown:

Item	Cost
Construction Cost - Bituminous Roadways, Inc	\$203,296.50
Add Alternate – Clean, Armor, and Color Coat Groveland Park Tennis Courts	\$17,160.00

Construction Contingency 5%	\$11,022.83
Total	\$231,479.33

Project No. 2024-02 (Oakwood Park Tennis Court Reconstruction) Cost Breakdown:

Item	Cost
Construction Cost - Bituminious Roadways, Inc	\$178,876.50
Construction Contingency 5%	\$8,943.83
Total	\$187,820.33

Project Funding:

Funding Source	Amount
Park Capital Replacement Fund	\$419, 299.66
Total	\$419,299.66

RECOMMENDATION

Staff recommends adoption of the attached Resolutions, accepting the bid and awarding a contract to Bituminious Roadways, Inc. in the amount of \$399,333, and approving budgets for City Projects No. 2024-01 and 2024-02 for Skyview and Oakwood Park tennis courts.

ATTACHMENTS

1. Resolution - Accepting Bids - Awarding Contract - Project No. 2024-01 and Project No. 2024-02
2. Resolution - Approving Budget - Project No. 2024-01 and Project No. 2024-02

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

RESOLUTION NO. _____

**ACCEPTING BID AND AWARDING CONTRACT TO BITUMINOUS ROADWAYS, INC. FOR CITY
PROJECT NO. 2024-01 AND PROJECT NO. 2024-02 - SKYVIEW AND OAKWOOD PARK COURT
RECONSTRUCTION**

WHEREAS, at its October 23, 2023, meeting, Council directed staff to advertise for bids for the reconstruction of Skyview and Oakwood Parks tennis court, which includes the reconstruction of both tennis courts, concrete work, installation of shade structures, trail replacement, and armor and color coat at Groveland Park Tennis court; and

WHEREAS, on November 15, 2023, staff received and opened 4 bid proposals. The bids were checked for mathematical accuracy and the lowest bidder was Bituminous Roadways, Inc., with a total bid of \$399,333; and

Bidder	Bid
Bituminous Roadways, Inc	\$399,333.00
McNamara Contracting	\$498,000.00
Parkstone Contracting, LLC	\$526,660.00
Urban Companies	\$721,000.00

NOW THEREFORE, BE IT RESOLVED by the Inver Grove Heights City Council that:

1. The Mayor and Clerk are hereby authorized and directed to enter a contract with Bituminous Roadways, Inc. in the name of the City of Inver Grove Heights, for City Project No. 2024-01 and 2024-02 according to plans and specifications therefore approved by the Council and on file at the Office of the City Clerk.
2. The City rejects all other bids except for Bituminous Roadways, Inc.'s successful bid.
3. Project funding for the City Project No. 2024-01 and 2024-02 in the amount of \$399,333.00 shall be provided by the Park Capital Replacement Fund.

Approved by the City Council of the City of Inver Grove Heights, Minnesota this 27 day of November, 2023.

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

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

RESOLUTION NO. _____

**APPROVING BUDGET FOR CITY PROJECT NO. 2024-01 AND PROJECT NO. 2024-02 - SKYVIEW
AND OAKWOOD PARK COURT RECONSTRUCTION**

WHEREAS, the City Council has considered City Project No. 2024-01 and 2024-02 the reconstruction of both tennis courts, concrete work, installation of shade structures, trail replacement, and armor and color coat at Groveland Park Tennis court; and

WHEREAS, finding the project to be necessary and beneficial to the city's park infrastructure, the City Council has ordered the projects and awarded a contract for project construction.

NOW THEREFORE, BE IT RESOLVED by the Inver Grove Heights City Council, that the following budget is hereby adopted for City Project No. 2024-01 and 2024-02:

PROJECT COSTS - Project No. 2024-01 (Skyview Park)	Amount
Construction Bid	\$203,296.50
Alternate - Clean, Armor, and Color Coat Groveland Park Tennis Courts	\$17,160.00
Construction Contingency (5%)	\$11,022.83
Total	\$231,479.33

PROJECT COSTS - Project No. 2024-02 (Oakwood Park)	Amount
Construction Bid	\$178,876.50
Construction Contingency (5%)	\$8,943.83
Total	\$187,820.33

FUNDING SOURCE	Amount
Park Capital Replacement Fund	\$419,299.66
TOTAL	\$419,299.66

BE IT FUTHER RESOLVED that the Parks and Recreation Director is authorized to direct the use of contingency funds up to the approved amount for project work in the case of changes in site conditions, quantity adjustment, or unforeseen expenses necessary to complete the project as proposed. In addition, is authorized to purchase through state contract vendors site furnishings for the project.

Approved by the City Council of the City of Inver Grove Heights, Minnesota on this 27 day of November 2023.

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

Request for Council Action

SUBJECT: **2024-26 Service Agreement with ISD 199 for Active Adult Program Services**

MEETING DATE: November 27, 2023

ITEM TYPE: Consent Agenda

CONTACT: Julie Dorshak, Recreation Superintendent, 651.450.2588

ACTION REQUESTED

The Council is asked to approve a new three-year agreement with Independent School District (ISD) 199 for continued active adult (age 55+) program services for January 1, 2024 - December 31, 2026.

BACKGROUND

The City and ISD 199 have partnered to share in expenses to support leisure and social programming for active older adults aged 55+ as well as provide a space to congregate in the Veterans Memorial Community Center for many years. Beginning in 2016, the supervisory responsibility shifted to IGH Parks and Recreation. The partnership terms include a fixed annual financial contribution by ISD 199 to the City to fund a Recreation Coordinator position for up to 25 hours per week. The current agreement expires on December 31, 2023.

The partnership has proven to be successful, not only by staff of the City and the school district's community education office, but most importantly, by the 55+ active adult program participants. As such, staff have developed an updated, three-year agreement with a term of January, 1, 2024 - December 31, 2026 that includes a 3% annual increase in the payment ISD 199 makes to the City.

The agreement outlines the duties, responsibilities and schedule of the Recreation Coordinator tasked with 55+ program coordination as developed by city staff in consultation with district staff. An updated job description is attached to the agreement as well. For the purposes of keeping the partnership focused, annual meetings between City recreation staff, ISD 199 community education leadership, and the school superintendent are called for in the program agreement. In the annual meeting, goals and objectives are reviewed. The Recreation Coordinator also presents program information and reporting metrics annually to the ISD 199 School Board. In addition, quarterly meetings are held with the ISD 199 Community Education Director and city staff to ensure that programming is on track to meet identified goals and expectations.

FISCAL IMPACT

Offering a partnered approach to the active older adult community is both prudent and necessary to provide quality programming and services. Without the partnership, the ability to offer a variety of free or low-cost programs as well as a place to congregate for our older adults would not be possible.

The allocation of cost is shown in the table below:

2024 Estimates	3% Increase over 2023	% of Cost
ISD 199 Contribution	\$56,560	43%
City Contribution	\$74,344	57%
	\$130,905	100%

The ISD 199 School board approved the agreement at their Monday, November 20, 2023 meeting.

RECOMMENDATION

Staff recommends approval of the three-year service agreement with ISD 199 for Active Adult Program Services.

ATTACHMENTS

1. 3 year 55+ Adult Services Program Agreement
2. Recreation Coordinator- Active Older Adults 11-2023

**55+ ADULT SERVICES
PROGRAM AGREEMENT**

BETWEEN

INDEPENDENT SCHOOL DISTRICT NO 199

AND

CITY OF INVER GROVE HEIGHTS

**NOVEMBER 2023
FINAL VERSION**

This Service Agreement is made and entered into this _____ day of _____ 2023 by and between the City of Inver Grove Heights, a Minnesota municipal corporation (City), and Independent School District No. 199, a Minnesota public school corporation (District). Subject to the terms and conditions hereafter stated and based on the representations, covenants, agreements and recitals of the parties herein contained, the parties do hereby agree as follows:

RECITALS

1. The City and District wish to cooperate in providing the active adult (ages 55+) programs and services for residents and participants that attend programs at the Veterans Memorial Community Center and other locations as appropriate.
2. By partnering to employ a professional in the field, the City and District seek to establish a cooperative approach within the community to effectively provide programming services for active adults.
3. The City and District desire to have a Recreation Coordinator responsible for programs and services for active adults in the community.

SECTION ONE AGREEMENT

1. **Coordinator Employed by City** City shall employ and assign work direction in accordance with applicable Minnesota State Statutes and City Code a Recreation Coordinator responsible to provide programming for Active Adults 55+. The Recreation Coordinator shall be an employee of the City. The employee holding the position shall not be considered an employee of the District for any purpose, including but not limited to salaries, wages, other compensation or benefits, worker's compensation, unemployment, PERA, Social Security, withholding, liability insurance, personnel records, termination of employment, individual contracts, or other contractual rights.
2. **Hold Harmless** Subject to the maximum liability limit provided by Minnesota State Statute, Chapter 466, City shall indemnify, defend and hold District 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, what the District incurs or suffers, which related to claims of third parties, arising out of , resulting from or relating to the activities of the Recreation Coordinator.

Nothing contained herein shall be deemed a waiver by the City or District of any governmental immunity defenses, statutory or otherwise. Further, any and all claims brought by a third party shall be subject to any governmental immunity defenses of the City and District and the maximum liability limits provided by Minnesota Statute, Chapter 466.

3. **Selection and Assignment of Recreation Coordinator** A selection committee, consisting of the District's Community Education Director and the City's Recreation Superintendent along

with the City Human Resources Manager will be established to interview and recommend the person to fill the position of Recreation Coordinator. The selection of such coordinator shall be the discretion of the City Administrator, in consultation with the selection committee. Should the Recreation Coordinator resign, be reassigned, or be discharged, the selection committee shall interview and recommend a replacement. The continued assignment of such coordinator shall be at the discretion of the City Administrator in consultation with the District Superintendent.

4. **Administrative Responsibilities** The type, scope and manner of active adult services shall be at the sole discretion of City. The ISD 199 Director of Community Education or their designee will meet quarterly with the Recreation Superintendent or their designee for program updates. At a minimum, an annual meeting will be held with the Recreation Coordinator identifying annual goals and outcomes. Standards of performance, personnel policies, discipline of the Recreation Coordinator, and other internal matters shall be under the authority of City. The District may provide the City with an evaluation of the services received. The District shall immediately notify the City in writing of any purported deficient performance or purported inappropriate conduct by the Recreation Coordinator. The City shall provide the District with a copy of the Park and Recreation Departments Annual report which will include a statistical and financial summary of services provided to 55+ Adults through this agreement. The City shall identify and recognize the ISD 199 Community Education Department as a partnering agency in all publications.
5. **Duties of Recreation Coordinator** The duties, responsibilities, and work schedule of the Recreation Coordinator shall be developed by the City in consultation with the District. The assigned tasks, developed by the City and District, may include, but not be limited to those tasks identified on the attached Exhibit A.

Generally, the coordinator will work a 40-hour week and have office hours between 9:00 am - 5:30 m Monday - Friday. The actual hours worked will depend on program schedule, meetings, and training. The Recreation Coordinator assigned to active adult programming will work approximately 25 hours per week on active adults and approximately 15 hours per week on other recreation and community center programming.

6. **Absences** From time to time the Recreation Coordinator may be absent due to vacation, illness, personal leave, holidays and other authorized leaves provided by the City to its' employees. The City is not responsible to provide a replacement during such absences unless the coordinator is on leave of absence under the Minnesota Family Medical Leave Act. The amount owed by the District is not reduced because of the absences. To the extent the collective bargaining agreement applicable to the coordinator allows, the City will use reasonable efforts to schedule vacation and authorized leaves (excluding absences for illness, personal leave days and holidays) for days when programs are not scheduled. If the coordinator is absent the City will perform best efforts to provide for scheduled programming with existing City resources.

7. **Overtime** Overtime work by the Recreation Coordinator in excess of 40 hours per week shall be paid by the City according to the union contract, provided such additional time, on a case by case basis, has been approved in advance by City.
8. **Service Locations** The Recreation Coordinator will maintain an office, phone, computer, email etc at the Veterans Memorial Community Center. The coordinator may provide programs as appropriate throughout the community.
9. **Cost** For and in consideration of the City providing Recreation Coordinator services for active adults within the community and in accordance with the terms of this Agreement, District shall pay City the following amounts by the 15th of each month beginning in January 2022:

Year	Monthly	Total
2024	\$4713	56,560
2025	\$4855	58,257
2026	\$5,000	60,005
Total		\$ 174,822

10. **Privacy of Records** Pursuant to the Minnesota Government Data Practices Act (Data Practices Act), the Recreation Coordinator shall be deemed to be a City official when performing the duties and responsibilities of the Recreation Coordinator position. As such, the City certifies and agrees that all data created, collected, received, stored, used, maintained, or disseminated by the coordinator must comply with the Data Practices Act.
11. **Active Adult Program Revenues/Expenses** The City shall be solely responsible to collect and retain all program revenues and pay for all program expenses without reimbursement from the District unless specifically agreed to with the District.

SECTION TWO

TERMS OF AGREEMENT

1. **Term of Agreement** Unless terminated by either party in accordance with this Agreement, the term of this Agreement shall be from January 1, 2024 to December 31, 2026. This time is consistent with the City's fiscal year. Review and discussion for ongoing years to take place annually in July.
2. **Termination** Either party may terminate this Agreement upon 12-month written advance notice of such termination. If the District terminates this Agreement upon less than one year advance notice, the District shall pay for the entire fiscal year. With timely termination, all payments due hereunder shall be prorated in the event of such termination.

SECTION THREE
MISCELLANEOUS

1. **Communication** The following addresses shall be used when mailing noticed to either party:

If to City:

City of Inver Grove Heights
Attn: City Administrator
8150 Barbara Ave
Inver Grove Heights MN 55077

If to School District:

Independent School District No 199
Attention: School Superintendent
2990 – 80th St E
Inver Grove Heights MN 55076-3235

2. **Scope** It is agreed that the entire agreement of the parties is contained herein and that this Agreement supersedes all oral and written agreements negotiations between the parties relating to the subject matter hereof. This Agreement may not be altered, changed, or amended except by an instrument in writing, signed by all parties.
3. **Binding Agreement** The parties mutually recognize and agree that all terms and conditions of this Agreement shall be binding upon the parties and the successors and assigns of the parties.
4. **Governing Law** The Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota.
5. **Counterparts** The 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.

SECTION FOUR
SIGNATURE PAGE

IN WITNESS WHEREOF, District and City have executed this Agreement effective as of the day and year first state above. This Agreement shall not become effective unless and until it is approved by the City Council and School Board and is signed by the representatives listed below.

CITY OF INVER GROVE HEIGHTS
MINNESOTA

INDEPENDENT SCHOOL DISTRICT NO 199
INVER GROVE HEIGHTS MINNESOTA

By: _____
Brenda Dietrich
Its Mayor

By: _____
Matt Schaefer
Its Chair

By: _____
Rebecca Kiernan
Its City Clerk

By: _____
Rachel Hanson
Its Board Clerk

Date

Date

Exhibit A
Recreation Coordinator – Active Adults Job Description



Job Title: Recreation Coordinator
Revision Date: 11/2/2023
Last Classification Review:

Exempt Status: Non-Exempt
Department: Parks & Recreation
Reports To: Recreation Superintendent

Job Summary:

Under the direction of the Recreation Superintendent, the Recreation Coordinator is primarily responsible for the planning, implementation, coordination and supervision of a year-round social, educational and recreational program for active older adults in the Veterans Memorial Community Center. The position is also responsible for coordinating youth and adult sport leagues, social and educational opportunities, facility scheduling, and special community events.

Supervisory Responsibilities:

Direct Supervision: Volunteers, Seasonal/Temporary, Contracted Instructional Personnel, Intern

Indirect Supervision:

Essential Duties and Responsibilities:

Plans, develops, implements and tracks impacts of active older adult programming and/or coordination of special events.

- Plans programs and services based on assessment of community interests and needs, and conducts research of what other communities are providing, including state and national trends in recreation programming.
- Assesses, surveys, evaluates and provides annual records of current programming and determines needs and/or changes as needed.
- Meets goals, outcomes and expectations of programming partnership with ISD 199, makes annual presentation to School Board and PRAC.
- Coordinates facility set-ups, logistics during events/classes/program/trips, supervises/assigns staff, checks-in/manages participants/vendors, caterers or entertainment, oversees participation, and resolves participant concerns or questions during the event/class/program.
- Collaborates with fitness staff to coordinate and plan blended programming.
- Serves as a liaison between the Senior Club and the city.

Plans, implements and supervises instructional sport programs to ensure a quality program, completing the identified duties:

- Provide accurate information for the promotion and marketing of recreation programs and registration information.
- Recruits and trains volunteer coaches and game officials, or staff recreation instructors.
- Orders equipment, supplies and apparel for recreation programs in a timely manner.
- Develops schedules, reserves facilities and maintains standings for various sports.
- Coordinates instructional recreation programs and provides oversight of instructional or contracted staff.

Evaluates programs and administers program budgets and program participation.

- Recommends and reviews fee structures based upon instructor costs, transportation costs, material costs, and facility fees.
- Reviews and evaluates budgets to determine if expenses and revenues meet allocated budget(s).

- Evaluates and monitors program success; determines if program is meeting needs of the community, program goals and participation needs.
- Conducts periodic on-site visits to supervise, assess and evaluate programs.

Develops marketing and program informational materials. Prepares program and registration information for brochures or other marketing materials (e.g., flyers, direct mailings, newsletters, educational brochures, and social media). Provides program staff with class/league lists/ rosters and schedules; emergency procedures; building and facility use policies and schedules; league rules; behavior and rules of conduct; safety and first aid procedures; and training materials.

Performs customer/client relation duties. Handles all public questions, concerns or complaints regarding programs/services with respect and professionalism. Collaborates with Community Center staff in scheduling, rentals, meeting room scheduling and logistical needs. Works with other department personnel, department supervisors, outside associations, school district/schools and community groups in assessing program needs, promoting programs/services, or meeting community interests of City residents.

Attends relevant seminars and conferences and participates in professional associations to stay up to date in the field.

Keeps the Recreation Superintendent informed of significant issues or challenges impacting areas of responsibility.

Performs other duties of a comparable level or type, as required.

Minimum Qualifications:

Requires a minimum of a Bachelor's Degree in Parks & Recreation or a closely related field and 3 years experience in recreational programming and coordination; or an equivalent combination of education and experience to perform the work. Valid MN driver's license.

Essential Knowledge and Specialized Subject Knowledge Required To Perform The Essential Functions Of The Job

- Concepts, principles and philosophy of recreation, sport and leisure programming, planning, evaluation and administration.
- Fundamentals of public relations theories and techniques in promoting, advertising, and/or informing the public of programs, services, courses or other events/projects.
- Basic knowledge concerning the use of computers and related software applications and general business equipment.
- Knowledge of community outreach principles and procedures.
- General knowledge of City and department administrative policies and procedures pertinent to the activities and programs (e.g., facility scheduling restrictions, purchasing and hiring procedures, marketing, safety, etc.).
- Fundamentals of event planning and coordination.
- Knowledge of emergency procedures, policies and any laws, rules, or guidelines impacting program planning and coordination.
- Fundamental marketing concepts and procedures.

Essential Skills Necessary To Perform The Work:

- Leading, recruiting, delegating, training, evaluating and monitoring program volunteers, instructors, and

seasonal personnel.

- Ability to manage multiple tasks and programming.
- Presentational skills; communication skills.
- Planning, evaluating, implementing, and coordinating the delivery of programs, activities, events or services geared towards youth and adult recreational programming.
- Applying judgment and discretion in handling problems and issues in accordance with the policies and procedures of the City and department.
- Time management skills.
- Basic accounting and bookkeeping practices.
- Promoting, advertising, marketing, and communicating programs, services and activities.
- Collaborating and working closely with community groups, organizations, other City personnel and Community Center staff in facilitating the planning for events, programs and services.
- Administering, monitoring and controlling approved program budgets and expenditures.
- Using computers and related software applications and general office equipment.

Work Environment:

Work is generally of an administrative nature, although physical mobility and exertion are inherently part of the work required in a Parks and Recreation position. Duties are performed primarily in a City office setting, occasional day travel to program sites, or performs work in situations where there are minimal hazards and risks associated with the performance of assigned responsibilities.

Physical Job Requirements:

Employee talks, hears and listens continuously; frequently using hands and fingers dexterously to handle or feel, reach with hands and arms, and sit; on occasion stoops, kneels and/or crouches, stands and walks, in the performance of the job. Exerting up to 50 lbs. pounds of force occasionally, and/or a negligible amount of force constantly to lift, carry, push, pull, or otherwise move objects, including the human body.

This Position Description reflects an accurate and complete description of the duties and responsibilities assigned to the position.

Department Head's Signature

Date

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment of the position. The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

The City is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the City will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.



Request for Council Action

SUBJECT: **Approval of Various Resolutions, Releases, and Related Documents for the Plats of Robert Curve 4th & 5th Additions**

MEETING DATE: November 27, 2023

ITEM TYPE: Consent Agenda

CONTACT: Bridget Nason, City Attorney

ACTION REQUESTED

The Council is asked to approve the attached resolutions, releases, and other documents related to the platting and development of Robert Curve Fourth Addition and Robert Curve Fifth Addition.

BACKGROUND

Over the past eleven months, the City Council has granted a series of development related approvals for the platting and development of real property located on Diffley Court. The approved development consists of a 190-unit apartment building and a total of 54 townhomes in ten buildings. During the development approval process, the development changed from a one phase to two-phase development, which resulted in certain changes in the final plats which were ultimately approved for the property in conjunction with rezoning and other development-related approvals. The Developer is now ready to move forward with this previously-approved development, and has requested the City approve certain documents releasing the development property from prior completed and abandoned development contracts and related obligations and approve resolutions clarifying the existing zoning of the property, the legal descriptions for existing easements being vacated in connection with the replatting of the development property and the dedication of new easements on both plats, and addressing certain scrivener's errors.

FISCAL IMPACT

n/a

RECOMMENDATION

Staff recommends approval of the attached resolutions and related documents.

ATTACHMENTS

1. Release of Development Contract - Doc. 3262815
2. Release of Development Contract - Doc. 3276114
3. Release of Requirement for Conveyance of Outlot A to City - Doc. 3230931
4. Resolution Correcting Resolution 2022-290
5. Resolution Correcting Resolution 22-091
6. Notice of Completion of Vacation For Plat of Robert Curve Fourth Addition
7. Resolution Related to Rezoning Ord. 1442

RELEASE OF LOT 1, BLOCK 1, AND OUTLOT A, ROBERT CURVE, AND OUTLOT A, ROBERT CURVE THIRD ADDITION, FROM DEVELOPMENT CONTRACT FOR PLAT OF ROBERT CURVE (DOCUMENT NO. 3262815)

WHEREAS, Lot 1, Block 1, Robert Curve, Outlot A, Robert Curve, and Outlot B, Robert Curve, Dakota County, Minnesota, according to the recorded plat on file and of record with the Dakota County Recorder, are currently subject to that Development Contract for the Plat of Robert Curve with the City of Inver Grove Heights dated June 25, 2018, and recorded July 30, 2018, as Document No. 3262815 with the Office of the Dakota County Recorder, Dakota County, Minnesota (the “Development Contract”); and

WHEREAS, Outlot B, Robert Curve, was subsequently replatted into Lot 1, Block 1 and Outlot A and Outlot B, Robert Curve Second Addition, according to the recorded plat on file and of record with the Dakota County Recorder; and

WHEREAS, Outlot B, Robert Curve Second Addition and Lot 1, Block 1, Robert Curve Second Addition were subsequently replatted into Outlot A and Lot 1, Block 1, and Lot 2, Block 1, Robert Curve Third Addition, according to the recorded plat on file and of record with the Dakota County Recorder; and

WHEREAS, Outlot A, Robert Curve Third Addition, along with Lot 1, Block 1, Robert Curve and Outlot A, Robert Curve are being replatted as Robert Curve Fourth Addition, which development will be subject to a new development contract with the City, and the proposed developer has requested that the City execute a recordable release of the property identified above which is subject to the existing Development Contract

NOW, THEREFORE, the City of Inver Grove Heights does hereby forever release and discharge Outlot A, Robert Curve Third Addition, according to the plat thereof on file and of record with the Dakota County Recorder, Dakota County, Minnesota, and Lot 1, Block 1, Robert Curve and Outlot A, Robert Curve, according to the plat thereof on file and of record with the Dakota County Recorder, Dakota County, Minnesota, from all of the obligations, responsibilities and duties created under the above-referenced Development Contract dated June 25, 2018, and recorded July 30, 2018, as Document No. 3262815 with the Office of the Dakota County Recorder, Dakota County, Minnesota.

IN WITNESS WHEREOF, this Release is executed by the City of Inver Grove Heights this _____ day of _____, 2023.

CITY OF INVER GROVE HEIGHTS

By: _____
Brenda Dietrich, Mayor

Attest: _____
Rebecca Kiernan, City Clerk

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 in behalf of said municipality by authority of its City Council and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said municipality.

Notary Public

This instrument was drafted by:

Bridget M. Nason. # 0347322
Inver Grove Heights City Attorney
LeVander, Gillen & Miller, P.A.
1305 Corporate Center Drive, Suite 300
Eagan, MN 55121
651-451-1831

After recording, please return this instrument to:

Bridget M. Nason, # 0347322
Inver Grove Heights City Attorney
LeVander, Gillen & Miller, P.A.
1305 Corporate Center Drive, Suite 300
Eagan, MN 55121

**RELEASE OF OUTLOT A, ROBERT CURVE THIRD ADDITION FROM
DEVELOPMENT CONTRACT FOR PLAT OF ROBERT CURVE SECOND ADDITION
(DOCUMENT NO. 3276114)**

WHEREAS, Lot 1, Block 1, Robert Curve Second Addition, Outlot A, Robert Curve Second Addition, and Outlot B, Robert Curve Second Addition, Dakota County, Minnesota, according to the recorded plat on file and of record with the Dakota County Recorder, are currently subject to that Development Contract for the Plat of Robert Curve Second Addition with the City of Inver Grove Heights dated August 27, 2018, and recorded October 17, 2018 as Document No. 3276114 with the Office of the Dakota County Recorder, Dakota County, Minnesota (the “Development Contract”); and

WHEREAS, Outlot B, Robert Curve Second Addition and Lot 1, Block 1, Robert Curve Second Addition were subsequently replatted into Lot 1, Block 1, Lot 2, Block 1, Robert Curve Third Addition, and Outlot A, Robert Curve Third Addition, according to the recorded plat on file and of record with the Dakota County Recorder; and

WHEREAS, Outlot A, Robert Curve Third Addition, along with Lot 1, Block 1, Robert Curve and Outlot A, Robert Curve are being replatted as Robert Curve Fourth Addition, which development will be subject to a new development contract with the City, and the proposed developer has requested that the City execute a recordable release of the property identified above which is subject to the existing Development Contract

NOW, THEREFORE, the City of Inver Grove Heights does hereby forever release and discharge Outlot A, Robert Curve Third Addition, according to the plat thereof on file and of record with the Dakota County Recorder, Dakota County, Minnesota, from all of the obligations, responsibilities and duties created under the above-referenced Development Contract dated August 27, 2018, and recorded October 17, 2018, as Document No. 3276114 with the Office of the Dakota County Recorder, Dakota County, Minnesota.

IN WITNESS WHEREOF, this Release is executed by the City of Inver Grove Heights this _____ day of _____, 2023.

CITY OF INVER GROVE HEIGHTS

By: _____
Brenda Dietrich, Mayor

Attest: _____
Rebecca Kiernan, City Clerk

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 in behalf of said municipality by authority of its City Council and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said municipality.

Notary Public

This instrument was drafted by:

Bridget M. Nason, # 0347322
Inver Grove Heights City Attorney
LeVander, Gillen & Miller, P.A.
1305 Corporate Center Drive, Suite 300
Eagan, MN 55121
651-451-1831

After recording, please return this instrument to:

Bridget M. Nason, # 0347322
Inver Grove Heights City Attorney
LeVander, Gillen & Miller, P.A.
1305 Corporate Center Drive, Suite 300
Eagan, MN 55121

**RELEASE OF REQUIREMENT FOR CONVEYANCE OF OUTLOT A, ROBERT
CURVE TO CITY OF INVER GROVE HEIGHTS (DOCUMENT NO. 3230931)**

WHEREAS, City of Inver Grove Heights Resolution No. 17-111, Adopted on June 12, 2017, and recorded as Document No. 3230931 on January 3, 2018 with the Dakota County Recorder, approved the preliminary and final plat for the plat of Robert Curve; and

WHEREAS, Lot 1, Block 1, Robert Curve, Outlot A, Robert Curve and Outlot B, Robert Curve, Dakota County, Minnesota, according to the recorded plat on file and of record with the Dakota County Recorder, are currently subject to that Development Contract with the City of Inver Grove Heights dated June 25, 2018, and recorded July 30, 2018, as Document No. 3262815 with the Office of the Dakota County Recorder, Dakota County, Minnesota (the “Development Contract”); and

WHEREAS, Resolution No. 17-111 required that Outlot A, Robert Curve, was to be conveyed to the City as a storm water basin as a condition of approval of the plat of Robert Curve; and

WHEREAS, the Plat of Robert Curve was recorded, but development of the plat as contemplated by the Development Contract for the Plat of Robert Curve, approved on June 25, 2018, and recorded on July 30, 2018, never occurred; and

WHEREAS, Outlot A, Robert Curve was never conveyed to the City, and is to be replatted as part of Lot 1, Block 1, Robert Curve Fourth Addition, according to the plat of Robert Curve Fourth Addition that has already been approved by the City, but has not yet been recorded; and

WHEREAS, the plat of Robert Curve Fourth Addition as approved by the City includes a drainage and utility easement over much of existing Outlot A, Robert Curve; and

WHEREAS, the plat of Robert Curve Fourth Addition will be subject to a new development contract with the City, and the proposed developer has requested that the City

NOW, THEREFORE, the City of Inver Grove Heights does hereby forever release and discharge the requirement that Outlot A, Robert Curve, be conveyed to the City of Inver Grove Heights found in Resolution No. 17-111, recorded as Document No. 3230931 on January 3, 2018 with the Dakota County Recorder and the Development Contract dated June 25, 2018, and recorded July 30, 2018 as Document No. 3262815 with the Office of the Dakota County Recorder, Dakota County, Minnesota

CITY OF INVER GROVE HEIGHTS

Attest: _____
Rebecca Kiernan, City Clerk

[illegible]

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 in behalf of said municipality by authority of its City Council and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said municipality.

Notary Public

After recording, please return this instrument to:

Bridget M. Nason, # 0347322
Inver Grove Heights City Attorney
LeVander, Gillen & Miller, P.A.
1305 Corporate Center Drive, Suite 300
Eagan, MN 55121

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

**A RESOLUTION AUTHORIZING FIX OF SCRIVENER'S ERRORS IN RESOLUTION
NO. 2022-290**

WHEREAS, in connection with the plat of Robert Curve Fourth Addition, the City of Inver Grove Heights received a request for approval of a Preliminary Plat and Preliminary PUD Development Plan for a 190 unit apartment building and 54 townhome units to be located on real property to replatted as Robert Curve Fourth Addition (the "Preliminary Plat and Preliminary PUD Development Plan"); and

WHEREAS, following a public hearing, the Planning Commission recommended approval of the Preliminary Plat and Preliminary Development Plan; and

WHEREAS, on December 12, 2022, the Inver Grove Heights City Council considered the request for approval of a Preliminary Plat and Preliminary Development Plan and ultimately adopted Resolution No. 2022-290, which is attached hereto as Exhibit A, which resolution approved the Preliminary Development Plan and Preliminary Plat; and

WHEREAS, Resolution No. 2022-290 was subsequently found to contain typographical errors, namely incorrect references to the property (lot and block numbers and plat reference) which was being platted as Robert Curve Fourth Addition; and

WHEREAS, at all times, the Applicant has sought to replat property legally described as Outlot A, Robert Curve Third Addition, Lot 1, Block 1, Robert Curve, and Outlot A, Robert Curve, into the plat of Robert Curve Fourth Addition, and obtain PUD Development Plan Approval for the same, and the application materials submitted to the City have reflected this request; and

WHEREAS, the Resolution Approving the Final Plat, Final PUD Development Plan for Phase 1, Development Contract and Related Agreements for the Plat of Robert Curve Fourth Addition, Resolution No. 2023-161, approved by the City Council on July 10, 2023 and attached hereto as Exhibit B, contains the correct legal description for the property to be replatted as Robert Curve Fourth Addition; and

WHEREAS, in order to effectuate the intent of the applicant and the Council to approve the Preliminary Plat and Preliminary PUD Development Plan, the Council hereby approves revising the language in Resolution No. 2022-290 to reflect the request of the applicant and the approval granted by the Council related to the

approval of the Preliminary Plat and Preliminary PUD Development Plan on the property to be replatted as Robert Curve Fourth Addition

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Inver Grove Heights, Minnesota as follows:

1. Resolution No. 2022-290 shall be amended to reflect the following legal description for the property for which the Preliminary Plat and Preliminary PUD Development Plan approval was granted:

Outlot A, Robert Curve Third Addition, according to the recorded plat thereof, Dakota County Minnesota

And

Lot 1, Block 1, Robert Curve, according to the recorded plat thereof, Dakota County, Minnesota

And

Outlot A, Robert Curve, according to the recorded plat thereof, Dakota County, Minnesota.

This resolution is passed and adopted by the City Council of the City of Inver Grove Heights, Dakota County, Minnesota this 27th day of November, 2023.

CITY OF INVER GROVE HEIGHTS

By: _____

Brenda Dietrich

Its: Mayor

Attested:

By: _____

Rebecca Kiernan

Its: City Clerk

EXHIBIT A

CITY OF INVER GROVE HEIGHTS DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. 2022-290

A RESOLUTION APPROVING A PRELIMINARY PLAT AND PRELIMINARY PUD DEVELOPMENT PLAN CONSISTING OF A 190 UNIT APARTMENT BUILDING AND 54 TOWNHOME UNITS, FOR THE PLAT AND PLANNED DEVELOPMENT TO BE KNOWN AS ROBERT CURVE FOURTH ADDITION

CASE NO. 22-40SV

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

Lot 1, Block 1, and Outlot A, Robert Curve Third Addition and Outlot A, Robert Curve, as described on the recorded plats, Dakota County, Minnesota

WHEREAS, a public hearing concerning the preliminary plat and preliminary PUD development plan was held before the Inver Grove Heights Planning Commission in accordance with Minnesota Statutes, Section 462.357, Subdivision 3 on October 18, 2022;

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

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

Preliminary Plat	9/23/22
Preliminary Site Plan	9/32/22
Preliminary Open Area Exhibit	9/23/22
Preliminary Grading & Erosion Control Plan	9/23/22
Preliminary Landscape Plan	9/23/22
Building Elevations	

***The final list of approved plans and date of plans shall be identified in the development contract.**

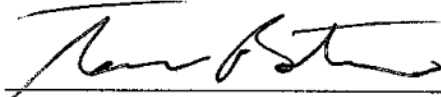
2. The PUD shall be approved with the following specific standards:
 - a. Structure setbacks allowed for buildings along Street C and D as shown on the Preliminary Site Plan.
 - b. Reduced parking for the apartment building to allow 383 spaces.
 - c. Impervious surface to be 44%.
 - d. Density for Lot 1 to be determined by the comp plan land use category which would allow 190 units with a proposed density of 24.5 units/acre.
 - e. Building height for the apartment building to be 50 feet.
3. Prior to final plat and plan approval, the final grading, drainage and erosion control, and utility plans shall be approved by the Director of Public Works.
4. Plat and plans are subject to the comments and recommendations in the MnDOT review letter of November 2, 2022.
5. Drainage and utility easements shall be provided on the final plat as required by the Director of Public Works.
6. Park dedication shall consist of a cash contribution equaling the higher amount of either Eagan or Inver Grove Heights fees for multiple family development.
7. All plans shall be subject to the review and approval of the Fire Marshal.
8. The developer shall be responsible to insure the open space as shown on the Open Area Exhibit remains in open space and is controlled by an association. An agreement suitable to the city shall be filed by the owner to assure the continued operation and maintenance of the open space areas and amenities.
9. The Developer and Owner shall execute an Acknowledgement of Planned Unit Development Zoning. This Acknowledgement shall state that property within the plat is subject to the approved PUD plans and PUD zoning and that the development on the property must conform to the PUD plans and PUD zoning. This Acknowledgement shall be recorded when the plat is recorded.
10. The Developer and Owner shall enter into a development contract and storm water maintenance agreement with the City. The form of Development Contract shall substantially comply with the model development contract, which is part of the Administrative Code, considering the requirements of the Planned Unit Development plans.
11. The approved plans shall be subject to the conditions of the Inver Grove Heights/Eagan joint powers agreement relating to park dedication and utility payments.

12. Developer shall provide a parking analysis completed by a qualified third party to the City showing that the proposed 383 parking spots for the apartment building is sufficient to meet the parking needs of tenants and their guests, in the sole determination of the City, prior to approval of final PUD. In the event Developer fails to provide the required parking analysis or the analysis does not demonstrate, in the sole determination of the City, that the proposed 383 parking spots for apartment building residents and guests is sufficient, then the final PUD plan shall be revised to include parking in an amount sufficient, in the reasonable determination of the City, to serve the residents and guests of the apartment building.

Passed this 12th day of December, 2022.

AYES: 5

NAYS: 0


Tom Bartholomew, Mayor

ATTEST

Rebecca Kiernan, City Clerk

EXHIBIT B

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

RESOLUTION NO. 2023-161

**A RESOLUTION APPROVING THE FINAL PLAT, FINAL PUD
DEVELOPMENT PLAN FOR PHASE 1, DEVELOPMENT CONTRACT AND
RELATED AGREEMENTS FOR THE PLAT OF ROBERT CURVE FOURTH
ADDITION**

**CASE NO. 23-13SPUD
(IGH Partners)**

WHEREAS, a Final Plat and Final PUD Development Plan application has been submitted to the City for property legally described as;

Outlot A, ROBERT CURVE THIRD ADDITION, according to the recorded plat thereof, Dakota County, Minnesota

AND

Lot 1, Block 1, ROBERT CURVE, according to the recorded plat thereof, Dakota County, Minnesota

AND

Outlot A, ROBERT CURVE, according to the recorded plat thereof, Dakota County, Minnesota

WHEREAS, a public hearing concerning the Preliminary Plat was held before the Inver Grove Heights Planning Commission in accordance with Minnesota Statutes, Section 462.357, Subdivision 3 on October 18, 2022;

WHEREAS, the final plat application satisfies the conditions of preliminary plat approval and conforms to all applicable zoning and subdivision regulations (City Code Sections 10-13A and 11-1) and other standards applied by the City in the platting of property;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS that, the Final Plat and Final PUD Development Plan for Phase 1 of Robert Curve Fourth Addition, Development Contract and related agreements (Stormwater Facilities Maintenance Agreement, Natural Area Easement, and Agreement Related to Landowner Improvements Within City Easement) are hereby approved subject to any minor revisions as required by the City Attorney and the following conditions:

1. The project shall be developed in substantial conformance with the Development Plans approved by the City Engineer on June 21, 2023.

***The final list of approved plans and date of plans shall be identified in the development contract.**

2. All plans are subject to the review and approval of the City Engineer including comments from city consultants reviewing the plans prior to work commencing on the site.
3. Prior to any work commencing on the site, the developer shall enter into a development contract with the City. The development contract will address all other preliminary conditions of approval relating to other agreements required, park dedication, and other pertinent specific performance standards for this phase of the PUD.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL, that the Mayor and Deputy Clerk are hereby authorized and directed to record a certified copy of this Resolution at the Dakota County Recorder's Office.

Passed this 10th day of July, 2023.

AYES: 5
NAYS: 0

ATTEST:



Rebecca Kiernan, City Clerk



Brenda Dietrich, Mayor

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

**A RESOLUTION AUTHORIZING FIX OF SCRIVENER'S ERRORS IN RESOLUTION
NO. 22-291**

WHEREAS, in connection with the plat of Robert Curve Fourth Addition, the City of Inver Grove Heights received a request for the vacation of all existing public drainage and utility easements located on the property to be replatted as Robert Curve Fourth Addition; and

WHEREAS, at a meeting at which the Planning Commission considered four related requests from the applicant for various land use approvals related to the plat of Robert Curve Fourth Addition, including approval of the preliminary plat of Robert Curve Fourth Addition as well as vacation of those drainage and utility easements on the property to be replatted as Robert Curve Fourth Addition, following a public hearing, the Planning Commission recommended approval of both the preliminary plat and the vacation of the drainage and utility easements; and

WHEREAS, on December 12, 2022, the Inver Grove Heights City Council considered the request for vacation of the existing public drainage and utility easements located on the property to be replatted as Robert Curve Fourth Addition, and adopted Resolution No. 22-291, which resolution provided for the vacation of all existing drainage and utility easements within the property to be replatted as Robert Curve Fourth Addition; and

WHEREAS, Resolution No. 22-291, attached hereto as Exhibit A, was subsequently found to contain typographical errors, namely incorrect references to the property (lot and block numbers and plat reference) on which the vacation of public drainage and utility easements was to occur; and

WHEREAS, at all times, the Applicant has sought to replat property legally described as Outlot A, Robert Curve Third Addition, Lot 1, Block 1, Robert Curve, and Outlot A, Robert Curve, into the plat of Robert Curve Fourth Addition, and the application materials submitted to the City have reflected the request to vacate those drainage and utility easements located on the property to be replatted as part of the plat of Robert Curve Fourth Addition; and

WHEREAS, in order to effectuate the intent of the applicant and the Council to approve the vacation of those existing drainage and utility easements located on the property to be replatted as the plat of Robert Curve Fourth Addition, the Council hereby approves revising the language in Resolution No. 22-291 to reflect the request

of the applicant and the approval granted by the Council related to the vacation of the drainage and utility easements on the property to be replatted as Robert Curve Fourth Addition

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Inver Grove Heights, Minnesota as follows:

1. Resolution No. 22-291 shall be amended as follows: All references to the legal description of the location of the public drainage and utility easements to be vacated shall be revised to read:

ALL EXISTING PUBLIC DRAINAGE AND UTILITY EASEMENTS LOCATED ON: LOT 1, BLOCK 1 AND OUTLOT A, ROBERT CURVE; THAT PART OF OUTLOT B, ROBERT CURVE SECOND ADDITION EMBRACED WITHIN OUTLOT A, ROBERT CURVE THIRD ADDITION; AND OUTLOT A, ROBERT CURVE THIRD ADDITION

2. The Notice of Completion of Vacation to be recorded with the Dakota County Recorder shall reflect the correct legal description for the property where the public drainage and utility easements are to be vacated as described herein.

This resolution is passed and adopted by the City Council of the City of Inver Grove Heights, Dakota County, Minnesota this 27th day of November, 2023.

CITY OF INVER GROVE HEIGHTS

By: _____
Brenda Dietrich
Its: Mayor

Attested:

By: _____
Rebecca Kiernan
Its: City Clerk

EXHIBIT A

CITY OF INVER GROVE HEIGHTS DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. 22- 291

RESOLUTION PROVIDING FOR THE VACATION OF ALL EXISTING PUBLIC DRAINAGE AND UTILITY EASEMENTS WITHIN LOT 1, BLOCK 1 AND OUTLOT A, ROBERT CURVE THIRD ADDITION AND OUTLOT A, ROBERT CURVE, ACCORDING TO THE RECORDED PLATS, DAKOTA COUNTY, MINNESOTA BY RESOLUTION PURSUANT TO MINNESOTA STATUTES SECTION 462.358, SUBD. 7

WHEREAS, pursuant to Minnesota Statutes, Section 462.358, Subd. 7 and Minnesota Statutes, Section 412.851, the City Council of the City of Inver Grove Heights desires on its own motion to vacate the following described easement situated in the City of Inver Grove Heights, Dakota County, State of Minnesota, to wit:

ALL EXISTING PUBLIC DRAINAGE AND UTILITY EASEMENTS WITHIN LOT 1, BLOCK 1 AND OUTLOT A, ROBERT CURVE THIRD ADDITION AND OUTLOT A, ROBERT CURVE, ACCORDING TO THE RECORDED PLATS, DAKOTA COUNTY, MINNESOTA

WHEREAS, the above-described Drainage and Utility Easements were created by dedication on the plat of Robert Curve, Dakota County, Minnesota, and recorded on January 1, 2018, as Document No. 3230933 and the plat of Robert Curve Third Addition, Dakota County, Minnesota, and recorded on April 28, 2021, as Document No. 3458478 in the Office of the Register of Deeds in and for said County and State.

WHEREAS, a public hearing on the vacation of the Drainage and Utility Easements was preceded by two (2) weeks' published and posted notice in accordance with Minnesota Statutes Section 412.851. Notice of the public hearing was mailed to each property owner affected by the proposed vacation at least ten (10) days before the hearing in accordance with Minnesota Statutes Section 412.851.

WHEREAS, a public hearing on the vacation of the Drainage and Utility Easements was held by the Planning Commission of Inver Grove Heights on October 18, 2022, in the City Council Chambers at 8150 Barbara Avenue, Inver Grove Heights, Minnesota. At the public hearing, all persons interested were afforded an opportunity to present their views and objections to the granting of said petition.

WHEREAS, the Planning Commission of Inver Grove Heights recommended to the Council that it approve the vacation of the Drainage and Utility Easements.

WHEREAS, the City Council of Inver Grove Heights has determined that the land described above is not being used for drainage and utility purposes.

WHEREAS, the City Council of Inver Grove Heights has determined that the proposed vacation of said easement would be in the public interest.

WHEREAS, a majority vote of the City Council is in favor of this resolution.

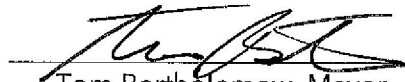
NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, MINNESOTA:

1. That the City Council of the City of Inver Grove Heights, pursuant to Minnesota Statutes, Section 462.358, Subd. 7 and Minnesota Statutes, Section 412.851, hereby vacates the Drainage and Utility Easements situated in the City of Inver Grove Heights, Dakota County, Minnesota, to wit:

**ALL EXISTING PUBLIC DRAINAGE AND UTILITY EASEMENTS
WITHIN LOT 1, BLOCK 1 AND OUTLOT A, ROBERT CURVE AND OUTLOT A, ROBERT
CURVE THIRD ADDITION, ACCORDING TO THE RECORDED PLATS, DAKOTA
COUNTY, MINNESOTA**

2. That the easement vacation authorized by this resolution shall only be effective following the recording of a Notice of Completion, pursuant to Minnesota Statutes, Section 412.851.

Adopted by the City Council of Inver Grove Heights this 12th day of December , 2022.


Tom Bartholomew, Mayor

ATTEST:


Rebecca Kiernan, City Clerk

**CITY OF INVER GROVE HEIGHTS
NOTICE OF COMPLETION OF VACATION
OF DRAINAGE AND UTILITY EASEMENTS
PURSUANT TO MINNESOTA STATUTES §§ 462.358, SUBD. 7 AND 412.851**

TO WHOM IT MAY CONCERN:

PLEASE TAKE NOTICE:

1. Pursuant to Minnesota Statutes §§ 462.358, subd. 7 and 412.851, the City of Inver Grove Heights, on its own motion, vacated the following drainage and utility easements situated in the City of Inver Grove Heights, County of Dakota, State of Minnesota legally described below:

All existing Public Drainage and Utility Easements located on: Lot 1, Block 1 and Outlot A, Robert Curve; that part of Outlot B, Robert Curve Second Addition embraced within Outlot A, Robert Curve Third Addition, and Outlot A, Robert Curve Third Addition, according to the recorded plats thereof, Dakota County, Minnesota.
2. Notice of a public hearing of said vacation was duly published, posted and mailed in accordance with applicable Minnesota Statutes and a public hearing was held before the Planning Commission of the City of Inver Grove Heights on October 18, 2022.
3. The Planning Commission of the City of Inver Grove Heights then proceeded to hear all persons interested in said proposed vacation and all persons interested were afforded an opportunity to present their views and objections to the proposed vacation.
4. On the 12th day of December, 2022, the City Council of Inver Grove Heights, pursuant to Minnesota Statutes §§ 462.358, subd. 7 and 412.851, did duly adopt Resolution No. 22-291 by a majority vote of all members of the Council and did thereby vacate the drainage and utility easements described above; which Resolution was subsequently

amended and corrected by Resolution No. 23-_____, adopted by a majority vote of all members of the Council on November 27, 2023.

IN WITNESS WHEREOF, the City Clerk of Inver Grove Heights has executed this Notice of Completion of Vacation.

CITY OF INVER GROVE HEIGHTS

By: _____
Rebecca Kiernan, City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

On this ____ day of _____, 2023, before me a Notary Public within and for said County, personally appeared Rebecca Kiernan to me personally known, who being by me duly sworn, did say that she is the 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 in 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

**THIS INSTRUMENT WAS DRAFTED BY
AND AFTER RECORDING, RETURN TO:**

Bridget McCauley Nason, #0347322
LeVander, Gillen, & Miller, P.A.
1305 Corporate Center Drive, Suite 300
Eagan, MN 55121
(651) 451-1831

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

**A RESOLUTION ACKNOWLEDGING AND RATIFYING THE CURRENT ZONING OF
CERTAIN REAL PROPERTY REZONED BY ORDINANCE NO. 1442**

WHEREAS, in connection with the plat of Robert Curve Fourth Addition, the City of Inver Grove Heights received a request for rezoning of certain real property to be platted as Robert Curve Fourth Addition (the "Development Property"); and

WHEREAS, the rezoning application sought to rezone that portion of the Development Property to be replatted as Lot 1, Block 1, Robert Curve Fourth Addition to R-3C, Multiple Family Planned Unit Development, and to rezone that portion of the Development Property to be replatted as Lots 2 and 3, Block 1, Robert Curve Fourth Addition to R-3B, Multiple family Planned Unit Development; and

WHEREAS, following a public hearing, the Planning Commission recommended approval of the rezoning; and

WHEREAS, on December 12, 2022, the Inver Grove Heights City Council considered the request for approval of the rezoning, which was approved by Ordinance No. 1442, which ordinance is attached hereto as Exhibit A; and

WHEREAS, Ordinance 1442 rezoned the Development Property based on the approved preliminary plat of Robert Curve Fourth Addition, which contemplated the platting of the Development Property into three separate lots; and

WHEREAS, following approval of the Preliminary Plat for Robert Curve Fourth Addition, the Developer subsequently revised the Plat of Robert Curve Fourth Addition to develop the project as a phased development, and the approved Final Plat of Robert Curve Fourth Addition consists of one lot and two outlots; and

WHEREAS, the property ultimately platted as Lot 1, Block 1, Robert Curve Fourth Addition was originally identified on the preliminary plat as Lot 2, Block 1; the property ultimately platted as Outlot B, Robert Curve Fourth Addition was originally identified on the preliminary plat as Lot 1, Block 1; and the property ultimately platted as Outlot A, Robert Curve Fourth Addition was originally identified on the approved preliminary plat as Lot 3, Block 1, as shown on the preliminary plat attached hereto as Exhibit B; and

WHEREAS, the real property subsequently replatted as Outlot A, Robert Curve Fourth Addition was replatted as Lot 2, Block 1, Robert Curve Fifth Addition, and the real property platted as Outlot B, Robert Curve Fourth Addition was replatted as Lot 1, Block 1, Robert Curve Fifth Addition; and

WHEREAS, to ensure clarity regarding the current zoning of Lots 1 and 2, Block 1, Robert Curve Fifth Addition and Lot 1, Block 1, Robert Curve Fourth Addition in light of the revisions made to the legal descriptions of the Development Property in the final plats of Robert Curve Fourth Addition and Robert Curve Fifth Addition, the Council hereby adopts this resolution clarifying the zoning of Lot 1, Block 1, Robert Curve Fourth Addition and Lots 1 and 2, Block 1, Robert Curve Fifth Addition.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Inver Grove Heights, Minnesota as follows:

1. The Council acknowledges that Ordinance No. 1442 rezoned certain real property identified as Lots 2 and 3, Block 1, on the preliminary plat of Robert Curve Fourth Addition to R-3B, Multiple Family Planned Unit Development, which real property was ultimately platted as Lot 1, Block 1 and Outlot A, Robert Curve Fourth Addition.
2. The Council acknowledges that Ordinance No. 1442 rezoned certain real property identified as Lot 1, Block 1 on the preliminary plat of Robert Curve Fourth Addition to R-3C, Multiple Family Planned Unit Development, which real property was ultimately platted as Outlot B, Robert Curve Fourth Addition.
3. Pursuant to Ordinance No. 1442, the Council acknowledges and ratifies that the current zoning of Lot 1, Block 1, Robert Curve Fourth Addition and Lot 2, Block 1, Robert Curve Fifth Addition is R-3B, Multiple Family Planned Unit Development, and the current zoning of Lot 1, Block 1, Robert Curve Fifth Addition is R-3C, Multiple Family Planned Unit Development.

This resolution is passed and adopted by the City Council of the City of Inver Grove Heights, Dakota County, Minnesota this 27th day of November, 2023.

CITY OF INVER GROVE HEIGHTS

By: _____

Brenda Dietrich

Its: Mayor

Attested:

By: _____

Rebecca Kiernan

Its: City Clerk

EXHIBIT A

CITY OF INVER GROVE HEIGHTS DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. 1442

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

CASE NO. 22-40SV (IGH Partners, LLC)

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 Planned Unit Development and B-3, General Business District to R-3B, Multiple Family Planned Unit Development and R-3C, Multiple Family Planned Unit Development to wit:

Existing Legal Description

Lot 1, Block 1 and Outlot A, Robert Curve Third Addition, and Outlot A, Robert Curve, according to the recorded plats, Dakota County, Minnesota

Rezoned to:

**Lots 2 and 3, Block 1 to R-3B, Multiple Family Planned Unit Development
and
Lot 1, Block 1, to R-3C, Multiple Family Planned Unit Development**

All within the plat of Robert Curve Fourth Addition

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.

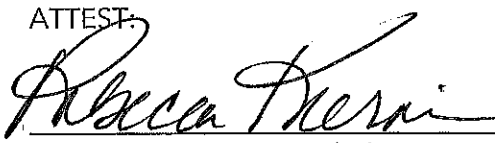
SECTION III. This Ordinance shall be in full force and effect from and after its publication according to law.

Enacted and ordained into an Ordinance this 12th day of December, 2022.

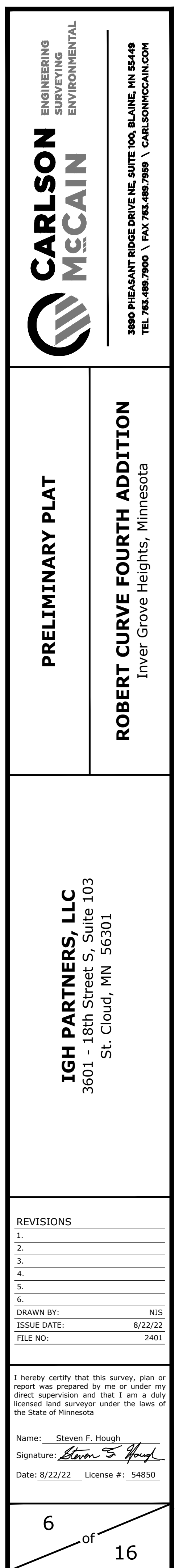
Ayes: 5
Nays: 0

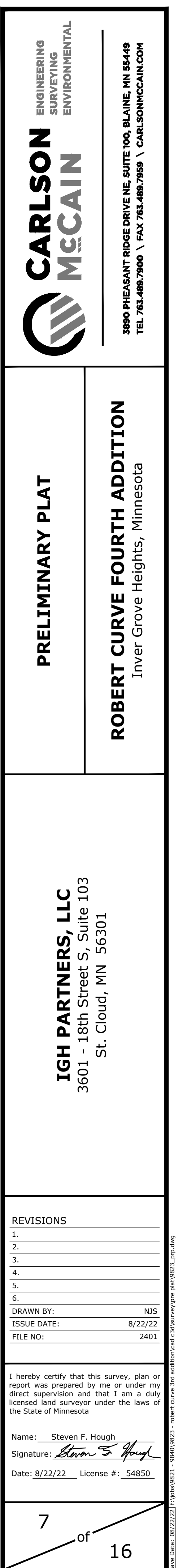


Tom Bartholomew, Mayor

ATTEST:


Rebecca Kiernan, City Clerk







Request for Council Action

SUBJECT: **Resolution Approving a Wetland Replacement Plan for Robert Curve 4th & 5th Additions**

MEETING DATE: November 27, 2023

ITEM TYPE: Consent Agenda

CONTACT: Ally Sutherland, Environmental Specialist, 651.604.8511

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, approving a Wetland Replacement Plan for Robert Curve 4th & 5th Additions.

BACKGROUND

The applicant, Trident Development, is proposing to develop a 15.48-acre multifamily development located along South Robert Trail, south of Jefferson Trail West in Inver Grove Heights. The project is split into two sections – the 4th and 5th Additions. The 4th Addition will consist of multiple townhome buildings with associated parking areas and two infiltration basins. The 5th Addition will consist of one townhome and one apartment complex, with associated parking and stormwater features.

The final development plans for the proposed project, including the stormwater management plan and grading plan, have been reviewed and approved by staff, the Planning Commission and the City Council during the public review process. However, because the applicant is proposing to fill an existing regulated wetland, the approved agreements require the applicant to also obtain approval of a Wetland Replacement Plan prior to beginning any development.

PROPOSED WETLAND REPLACEMENT PLAN

No person may impact a wetland, wholly or partially, (unless eligible for an exemption or no-loss) without first having a Wetland Replacement Plan approved by the local government unit (LGU). Before approval of a Wetland Replacement Plan, the LGU must ensure that the applicant has exhausted all possibilities to avoid and minimize wetland impacts according to sequencing requirements per MN Rule 8420.0520. The overview of wetlands on the site, proposed impacts and proposed mitigation are indicated in the table.

Wetland #	Existing Size	Proposed Impact	Proposed Mitigation
Wetland 1	0.025 acres	0.025 acres	Incidental. Not regulated under WCA and no mitigation is required.
Wetland 2 (WCA regulated)	0.085 acres	0.0694 acres	Proposed purchase and use of 0.1388 acres (2:1 ratio) of Standard Wetland Credit (SWCs) from account #1083 located within Dodge County, Major Watershed #41 (Zumbro) and Bank Service Area 8 (BSA). SWCs are located in the same BSA as the proposed project. No SWCs were available within the same major watershed.
Wetland 3	0.029 acres	0.029 acres	Incidental. Not regulated under WCA and no mitigation is required.

TOTAL (WCA regulated only)	0.085 acres	0.0694 acres	0.1388 acres
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TECHNICAL EVALUATION PANEL (TEP) RECOMMENDATION

The City of Inver Grove Heights contracts with the Dakota County Soil and Water Conservation District (SWCD) to complete technical reviews of any applicant's Wetland Replacement Plan on behalf of the City. The Technical Evaluation Panel (TEP), made up of the City, SWCD and the State of Minnesota Board of Soil and Water Resources (BWSR), has reviewed the applicant's plan. The TEP determined the proposed plan meets all Wetland Conversation Act (WCA) rules and guidelines defined by MN Rule Chapter 8420, including the following:

- The application demonstrates the purpose of the project can only be reasonably achieved by permanently impacting wetland(s) and replacing them.
- The applicant has shown they have taken reasonable steps to avoid wetland impacts and/or designed the project in a way that minimizes or reduces impacts on remaining wetlands after project implementation.
- Mitigation is proposed for replacement within the same minor, major, or service bank areas for a 2:1 ratio, or at a different ratio required by BWSR.

The SWCD and BSWR support approval of the revised Wetland Replacement Plan application dated October 23, 2023 to include 0.0694 acre of wetland impact and the use of 0.1388 acre of wetland bank credits from account #1083 located within Dodge County, Minnesota and Bank Service Area 8 as defined under the WCA. Upon approval by the City Council, the Notice of Decision form and the wetland bank transaction form will need to be coordinated and processed by the City and SWCD.

At its November 16 meeting, the City's Environmental Advisory Commission reviewed the TEP's findings and voted to recommend to the City Council approval of the wetland replacement plan.

FISCAL IMPACT

Not applicable.

RECOMMENDATION

Staff and the EAC recommend adoption of the attached Resolution, approving a Wetland Replacement Plan for Robert Curve 4th & 5th Additions.

ATTACHMENTS

1. Resolution Approving Wetland Replacement Plan
2. SWCD Comments
3. BWSR Comments

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

RESOLUTION NO. _____

**RESOLUTION APPROVING A WETLAND REPLACEMENT PLAN FOR ROBERT CURVE 4TH
& 5TH ADDITIONS**

WHEREAS, a Wetland Replacement Plan submitted October 23, 2023 requested City approval of a 0.0694 acres of wetland impact and replacement through wetland banking credits;

WHEREAS, per Minnesota Wetland Conservation Act (WCA) rules, no person may impact a wetland, wholly or partially without first having a Wetland Replacement Plan approved by the local government unit (LGU)

WHEREAS, the City is the LGU for this application and is responsible for the WCA rules per Minnesota Statue 8420.0200, including making a decision on the Wetland Replacement Plan;

WHEREAS, the Dakota County Soil & Water Conservation District (SWCD) is hired to complete administrative reviews of Wetland Replacement Plans on behalf of the City:

WHEREAS, copies of the plan were distributed for comment to SWCD; Minnesota Board of Water & Soil Resources (BWSR); Department of Natural Resources; Department of the Army Corps of Engineers; and the Lower Mississippi River WMO; and

WHEREAS, the Technical Evaluation Panel including the City (consultants from SWCD), SWCD, and BWSR have reviewed the plan and comments received, and support approval of the Wetland Replacement Plan application dated October 23, 2023;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, MINNESOTA THAT, the Wetland Replacement Application is considered compliant with the Minnesota Wetland Conservation Act and is hereby approved with the following condition:

1. The City shall receive a Notice of Decision from SWCD, and
2. The City shall receive written confirmation from BWSR that the wetland credits proposed have been officially withdrawn from the wetland bank.

Passed this 27th day of November, 2023.

AYES:

NAYS:

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk



MEMORANDUM

To: Ally Sutherland, Environmental Specialist

From: David Holmen, Senior Resource Conservationist - Dakota County SWCD

Cc: Allan Hunting, City Planner
Paul Merchlewicz, City Engineer
Brian Watson, District Manager – Dakota County SWCD

Date: November 7, 2023

Subject: Robert Curve 4th & 5th Addition - Wetland Replacement Plan Application

A Wetland Replacement Plan application has been submitted for the Robert Curve 4th and 5th Addition. Under delegated authority from the City of Inver Grove Heights, the Dakota County Soil and Water Conservation District (SWCD) provides administrative tasks and certain decisions pursuant to the Minnesota Wetland Conservation Act (WCA). This delegation authority however does not authorize the SWCD to make decisions on wetland replacement plan applications.

As background, a wetland delineation for the project site was completed and approved by the SWCD on September 20, 2022. The wetland delineation establishes the boundaries and type of wetlands located within the project site. Three wetlands were identified and labeled Wetland 1 thru 3. It was also determined at that time that Wetland 1 and 3 were incidental wetlands and not regulated under the WCA. Incidental wetlands are wetland areas that the applicant can demonstrate were created in non-wetland areas and the purpose was not to create wetlands.

The following administrative tasks have occurred as it relates to the recently submitted Wetland Replacement Plan application:

- September 15, 2023 A complete wetland replacement plan application was submitted by Trident Development proposing to fill 0.0694 acre of wetland. The application included 0.1388 acre (2:1 ratio) of replacement through use of a wetland bank located in Dodge County, Minnesota.
- September 20, 2023 The Wetland Replacement Plan application was noticed as required under Minnesota Rule 8420.0255. Comments were requested by October 13, 2023.
- October 13, 2023 The comment period closed. During the comment period, the Minnesota Board of Water and Soil Resources (BWSR) and the Dakota County SWCD raised concerns about the absence of alternative site design narrative within the application. This "Sequencing Analysis" is a prerequisite for approving Wetland Replacement Plans.

October 17, 2023	A meeting was held with the SWCD, BWSR and the applicant's representative to review the Wetland Replacement Plan application. Concerns about the inadequate Sequencing Analysis narrative within the application were expressed. A revised application was submitted after the meeting and later that day.
October 20, 2023	A meeting was held with the City, SWCD and BWSR to review the revised application submitted October 17, 2023. It was determined the revised application still did not adequately address Sequencing Analysis requirements under the WCA.
October 23, 2023	The SWCD shared the concerns with the applicant and the City also coordinated with the applicant. Additional information on Sequencing Analysis was again requested to fully address WCA requirements.
October 24, 2023	A second revision of the application dated October 23, 2023 was submitted. The SWCD coordinated with the City and BWSR to determine if the revised application met WCA requirements. Based on the additional information provided, it was determined that the Sequencing Analysis narrative was adequate and WCA requirements had been met.
October 30, 2023	Per WCA Rule, the replacement plan application decision was extended for up to 60 days to allow adequate time for the scheduling and consideration of this application by the City's Environmental Advisory Commission and City Council.

Summary/Recommendation

The SWCD supports approval of the revised Wetland Replacement Plan application dated October 23, 2023 to include 0.0694 acre of wetland impact and the use of 0.1388 acre of wetland bank credits from account #1083 located within Dodge County, Minnesota and Bank Service Area 8 as defined under the WCA.

Upon approval by City Council, the Notice of Decision form and the wetland bank transaction form will need to be coordinated and processed by the City and SWCD.

From: [Chesnut, Jed \(BWSR\)](#)
To: [Holmen, David](#); [Ally Sutherland](#); [Pharis, Tim \(DNR\)](#); [Barten, Joe](#); [US Army Corps of Engineers](#)
Cc: [Watson, Brian](#); [Paul Merchlewicz](#)
Subject: RE: REVISED Robert Curve 4th & 5th (Inver Grove Heights, Dakota County)
Date: Wednesday, October 25, 2023 11:45:22 AM
Attachments: [image001.png](#)

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dave,

I have reviewed the revised Robert Curve 4th and 5th Additions Replacement Plan Application, dated October 23, 2023 and received via email on October 24, 2023. This version of the application included a significant amount of additional information pertaining to the sequencing requirements of the Wetland Conservation Act (WCA) that was not included in the two previous submittals. The Oct. 23rd submittal includes two complete avoidance alternatives and provides substantive information including, but not limited to:

1. detailed physical site constraints;
2. specific and detailed stormwater treatment/discharge requirements (City, MPCA, MnDOT);
3. parking requirement variance received from the City;
4. site restrictions based on the existing sanitary sewer line on the property;
5. grading restrictions and elevation challenges;
6. site access restrictions (i.e. Diffley Court is the only available option).

I previously provided comments on October 17th (included below) and recommended the City, as LGU, deny the Robert Curve 4th and 5th Addition replacement plan application dated September 11, 2023. That recommendation was based on my determination that the application did not meet the sequencing requirements of the WCA and lacked the information needed for the City to effectively and meaningfully evaluate the project and its alternatives in order to make a defensible decision in accordance with the Wetland Conservation Act.

Based on my review of the revised application, it contains the necessary information to be in compliance with the WCA. I recommend the City of Inver Grove Heights approve the Robert Curve 4th and 5th replacement plan application dated October 23, 2023.

Please let me know if you have any questions. Thank you,

Jed Chesnut | Wetland Specialist

Minnesota Board of Water and Soil Resources
520 Lafayette Road North | St. Paul, MN | 55155
Phone: 651-286-9334



Request for Council Action

SUBJECT: **Resolution Related to 3M and DuPont Settlements**

MEETING DATE: November 27, 2023

ITEM TYPE: Consent Agenda

CONTACT: Bridget Nason, City Attorney

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, determining that the City will not "opt out" of the settlement class for the proposed settlements with 3M and DuPont in *Aqueous Film-Forming Foam (AFFF) Product Liability Litigation (MDL 2873), Master Docket No. 2:18-MN-2873-RMG*.

BACKGROUND

The City of Inver Grove Heights has received notice that it has been identified as a Phase 1 Claimant for purposes of proposed settlements with DuPont and 3M in *Aqueous Film-Forming Foam (AFFF) Product Liability Litigation (MDL 2873), Master Docket No. 2:18-MN-2873-RMG*. If the City wants to "opt out" of the settlement class, it must do so on or before December 4. If the City does not opt out of the settlement class, it will be bound by the settlements with 3M and DuPont. The attached Resolution formally directs staff not to file a request for exclusion in this matter, meaning the City will remain in the settlement class for the proposed settlements with DuPont and 3M in the case referenced above.

FISCAL IMPACT

RECOMMENDATION

Staff recommends adoption of the attached Resolution.

ATTACHMENTS

1. Resolution Related to 3M and DuPont Settlements

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

RESOLUTION NO. _____

**A RESOLUTION RELATED TO 3M AND DUPONT SETTLEMENTS IN AQUEOUS
FILM-FORMING FOAM (AFFF) PRODUCT LIABILITY LITIGATION (MDL 2873)**

WHEREAS, the City of Inver Grove Heights (City) has been identified as a potential Settlement Class Member in the above-described lawsuit; and

WHEREAS, public water systems that are members of the Settlement Class are required to submit a request for exclusion from the proposed settlements with DuPont and/or 3M in the above-described lawsuit on or before December 4, 2023; and

WHEREAS, the Council has determined that it does not wish to file a Request for Exclusion from the proposed settlements with DuPont and 3M in this lawsuit.

NOW THEREFORE, BE IT RESOLVED by the Inver Grove Heights City Council as follows:

1. The City shall not submit a Request for Exclusion from the Settlement Class (an “Opt-Out”) for either the proposed DuPont Settlement or the proposed 3M Settlement in *Aqueous Film-Forming Foam (AFFF) Product Liability Litigation (MDL 2873)*, Master Docket No. 2:18-MN-2873-RMG.
2. Staff are directed to take the necessary steps to prepare and file the required claim forms for the settlements with 3M and Dupont.

Approved by the City Council of the City of Inver Grove Heights, Minnesota this ____ day of November, 2023.

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk



Request for Council Action

**SUBJECT: Public Hearing for 2024 Liquor License Renewal
Applications and Approval of Change in Managers or
Officers**

MEETING DATE: November 27, 2023
ITEM TYPE: Public Hearing
CONTACT: Rebecca Kiernan, City Clerk, 651.450.2513

ACTION REQUESTED

The Council is asked to conduct a public hearing and consider approval of renewal applications for liquor licenses for the 2024 calendar year, along with approval of new managers for Mallards Restaurant and Outback Steakhouse.

BACKGROUND

There are currently a total of 30 active liquor licenses issued by the City, all with an expiration date of December 31, 2023. The licenses listed below are being brought forward for a public hearing and Council consideration at this time:

	Establishment	Liquor License Type
1.	451 Beer	Off-Sale
2.	A & M Liquor I	Off-Sale
3.	Arbor Point Liquors	Off-Sale
4.	Cameron's Warehouse Liquors	Off-Sale
5.	Cub Foods	3.2% Off-Sale
6.	Cub Wine & Spirits #1584	Off-Sale
7.	Gold Palace Liquor	Off-Sale
8.	Market Liquor	Off-Sale
9.	Trail Liquor	Off-Sale
10.	Moose Lodge #1088	Club - On-Sale
11.	Applebee's Neighborhood Grill & Bar	On-Sale and Sunday
12.	Arbor Pointe Golf Club	3.2 % On-Sale
13.	B-52 Burgers and Brew	On-Sale and Sunday
14.	Celts Pub	On-Sale and Sunday
15.	Drkula 32 Bowl	On-Sale and Sunday
16.	Inver Grove Brewing Company	On-Sale and Sunday; Brew Pub Off-Sale
17.	IWA Sushi	On-Sale and Sunday
18.	Jersey Bar & Grill	On-Sale and Sunday
19.	King of Diamonds	On-Sale
20.	Los Portales	On-Sale and Sunday
21.	LW Bierstube	On-Sale and Sunday
22.	Mallards Restaurant	On-Sale and Sunday
23.	Mississippi Pub	On-Sale and Sunday
24.	Outback Steakhouse	On-Sale and Sunday
25.	Overboard Bar & Grill	On-Sale and Sunday

Of the listed establishments, there were two establishments that had a change in management in 2023. Nick Wrobel, manager at Mallards, and Jamie Davis, manager at Outback Steakhouse, went through full background investigations and have been approved by Chief Chiodo.

All of the license applications submitted by the above-listed businesses have been reviewed by staff and found to be complete and eligible for renewal.

FISCAL IMPACT

None

RECOMMENDATION

Staff recommends holding a public hearing and approving the liquor license renewal and officer changes listed above.

ATTACHMENTS

None



Request for Council Action

SUBJECT: **Public Hearing for 2024 Tobacco Sales License Renewal Applications**

MEETING DATE: November 27, 2023

ITEM TYPE: Public Hearing

CONTACT: Katie Malott, Deputy City Clerk, 651.450.2470

ACTION REQUESTED

The Council is asked to conduct a public hearing and consider approval of renewal applications for tobacco sales licenses for the 2024 calendar year.

BACKGROUND

There are currently a total of 32 active tobacco licenses issued by Dakota County for businesses in Inver Grove Heights, all with an expiration date of December 31, 2023. A recently adopted ordinance transfers this licensing responsibility from the County to the City, beginning with the 2024 licensing year.

The 18 licenses listed below are being brought forward for a public hearing and Council consideration at this time:

Doing Business As	Premise Address
Super USA	5705 Carmen Ave
GM Food and Fuel	5465 Babcock Trl
The Corner Store	3015 80th St E
Holiday 3537	9087 Broderick Blvd
King of Diamonds	6600 River Road
Gold Palace	1330 Mendota Rd
Inver Grove Tobacco	5828 Blaine Ave E
Trail Liquors	9740 S Robert Trl
Speedway #4792	3240 57th St E
Perfect Ash	9080 Buchanan Trl
Rick's Tobacco	1372 Mendota Rd E
WalMart	9165 Cahill Ave
Vapour Shop	5747 Blaine Ave
Cub Foods #1639	7850 Cahill Rd
Cub Wine & Spirits	7804 Cahill Ave
Casey's General Store #3825	9981 Diffley
Super Day #4	7030 Cahill Ave
Holiday #3556	7020 S Robert Trl

The license applications submitted by the above-listed businesses have been reviewed by staff and found to be complete and qualified for renewal.

FISCAL IMPACT

None

RECOMMENDATION

Staff recommends holding a public hearing and approving the tobacco sales license renewals listed above.

ATTACHMENTS

None



Request for Council Action

SUBJECT: Rental Housing Licenses

MEETING DATE: November 27, 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
8302 Alverno Ave	ARRA LLC Edina, MN	Amirjon Djabborovich Halimov AR Management LLC Minnetonka, MN
4892 Bivens Ct	Brian Mielki St. Michael, MN	Brian Mielki St. Michael, MN
8112 Adelbert Ave	Jonathan Kitsch Inver Grove Heights, MN	Jonathan Kitsch Inver Grove 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: **Variance to Allow a Porch Within the Front Setback at 6930 Carmen Avenue**

MEETING DATE: November 27, 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 porch addition to encroach within the front setback of the property located at 6930 Carmen Avenue. (Carpenter - Case No. 23-44V)

- Requires 3/5th vote
- 60-day deadline: December 9, 2023

BACKGROUND

The property at 6930 Carmen Avenue experienced a house fire which requires the original home to be rebuilt. The homeowners are using the existing foundation from the original home, which was built in 1960. The size of the home would be increased by adding a second story and a front porch that would encroach into the front setback. The foundation and the second story comply with setback requirements. The open porch would be located about 25 feet from the front property line, whereas 30 feet is the required setback. Decks and porch additions are typical expansions of single family homes, with the size and location being required to conform to setbacks along with other code requirements such as impervious surface. The porch addition would be in compliance with other City Code requirements such as impervious surface and side setbacks. Although the porch addition would enhance the curb appeal of the reconstructed home, it would be the closest structure to the front property line in this neighborhood when compared to other homes along the street. There is space on the property to add a porch to the rear of the home that would comply with setbacks or to have an uncovered front entrance way (deck).

FISCAL IMPACT

Not applicable.

RECOMMENDATION

Planning staff: Staff believes the facts presented do not satisfy the criteria needed to show a practical difficulty on the lot to support granting a variance. The lot does have some unique constraints. However, there is reasonable use of the property with the home. A front porch addition may be considered a nice amenity, but there is space on the lot to have an uncovered front entrance or to construct a covered porch on the rear of the home, both of which would be in compliance with code requirements. Staff does not believe there is sufficient rationale to support the variance criteria and therefore recommends denial of the request as proposed.

Planning Commission: At the November 7, 2023 meeting, the Planning Commission recommended approval of the variance to allow the porch addition to encroach within the front setback with the two conditions listed in the staff report, along with one added condition that the porch may not be enclosed. The Planning Commission identified the practical difficulty being they are rebuilding a home damaged by a fire, using the original foundation (9-0).

Both a Resolution of Denial and a Resolution of Approval are attached for the Council's consideration. The Council is asked to move adoption of its preferred Resolution.

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 ALLOW A FRONT SETBACK OF 25 FEET FOR A PORCH ADDITION WHEREAS 30 FEET IS REQUIRED

CASE NO. 23-44V
Carpenter

Property located at 6930 Carmen Avenue and legally described as follows:

N 20 FT OF LOT 13 BLK 10 & ALL OF LOT 14 BLK 10, SOUTH GROVE NO. 4, Dakota
County, Minnesota, according to the recorded plat thereof

WHEREAS, the applicant is requesting a variance to allow a front setback of 25 feet for a porch addition whereas 30 feet is required;

WHEREAS, the afore described property is zoned R-1C, Single-family Residential;

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

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the request on November 7, 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 property.
2. Approval of the setback variance could set a precedent for other encroachments within the front setback.

3. The facts presented did not satisfy the criteria needed to show a practical difficulty on the lot to support granting a Variance. Allowing a porch addition to encroach within the front setback 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 porch addition to encroach within the front yard is hereby denied.

Adopted by the City Council of Inver Grove Heights this 27th day of November, 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 ALLOW A FRONT SETBACK OF 25 FEET FOR A PORCH ADDITION

CASE NO. 23-44V
Carpenter

Property located at 6930 Carmen Avenue and legally described as follows:

N 20 FT OF LOT 13 BLK 10 & ALL OF LOT 14 BLK 10, SOUTH GROVE NO. 4, Dakota
County, Minnesota, according to the recorded plat thereof

WHEREAS, the applicant is requesting a variance to allow a front setback of 25 feet for a porch addition whereas 30 feet is the required setback;

WHEREAS, the afore described property is zoned R-1C, Single-family Residential;

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

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the request on November 7, 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:

- The request is in harmony with the general purpose and intent of the City Ordinance and is consistent with the Comprehensive Plan.
- The variance request does not appear to have any adverse impacts on the neighboring properties.
- The site is unique in that the homeowners are rebuilding a home damaged by fire, using the existing foundation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the variance to allow a 25-foot front setback 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. All requirements of a building permit review shall be met.
3. The porch addition may not be used for habitable space and must remain open on three sides.

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 27th day of November, 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: November 7, 2023

SUBJECT: Request for a Variance to construct a home addition that encroaches on the front setback located at 6930 Carmen Avenue. (Brian Carpenter – Case No. 23-44V).

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice. Notices were mailed to 8 property owners on October 19th, 2023.

Presentation of Request

Associate Planner Heather Botten discussed the request for property located north of 70th Street, east of Carmen Avenue, and zoned R-1C, Low Density Residential. The property had a house fire which requires the original home to be rebuilt. The homeowners are using the existing foundation from the original home, that was built in 1960. The size of the home would be increased by adding a second story and a front porch that would be encroaching into the front setback. The porch would be located about 25 feet from the front property line whereas 30 feet is the required setback. The porch addition would be in compliance with other City Code requirements. Decks and porch additions are typical expansions of single family homes, the size and location are limited to conforming to setbacks. Although the porch addition would enhance the curb appeal of the newly built home, it would be the closest structure to the front property line in this neighborhood when comparing to other homes along the street. The lot has unique constraints as they are using the existing foundation to rebuild. There is a reasonable use on the property with the home being constructed. There is room on the property to add a porch to the rear of the home or to have an uncovered front entrance way (deck). Code allows for an uncovered front entrance way to encroach up to 24 feet. Based on information in the report and what was presented, staff recommend denial of the request as they feel that all the Variance criteria has not been met. If a recommendation is made for approval there are two conditions listed to include.

Planning Commission Discussion

Commissioner Weber said the right-of-ways for homes on the west side of the road seem to be minimal compared to the right of way on the right side of the road. Sidewalks are in on the other side of the street, they have less right of way than this side has.

Associate Planner Botten stated that the right-of-way is the distance between the property line and the curb. On the other side, she was unsure of the dimensions, could be greater because of a sidewalk.

Opening of Public Hearing

Brian Carpenter, 3010 Lunar Lane, Eagan, Capital City Construction, Applicant, stated he has read and understands the report. He addressed the porch stating it does not block site lines, is open air, not enclosed, and does not have living space. It will add to the curb appeal of the

property. Not having a covered entry could pose a safety issue for the children in the home to keep snow and ice from falling off the roofline.

Chair Niemioja asked if a back patio concept was looked at as opposed to a front porch.

Mr. Carpenter replied it was not being used as a living space. It was to have a covered area into the entryway of the home.

Liz Crandall, 6930 Carmen Avenue, Homeowner, shared that they had a devastating loss when an electrical fire started while out of town. Their belongings were unsalvageable. They raised their two children there for the past 12 years, the thought of not returning broke their hearts. They determined it would be more cost effective to rebuild versus buy. They are using this as an opportunity to add a second story and have a covered entry on the front of their home. They are seeking a variance to allow them to add a roof to cover the front entry of their home, which reduces the front yard setback to 25 feet. By definition, a porch is a covered shelter projecting in front of the entrance of a building. Zoning ordinance states it would allow for an uncovered porch to encroach up to 24 feet from the property line. She said based on the definition of a porch, an uncovered porch is an oxymoron and does not exist.

Chair Niemioja mentioned she drove by today and noticed the property line ended 5-6 feet short of the road. She asked if they mow and maintain the piece of property in front of the home.

Ms. Crandall replied they do. She said there are similar homes in their neighborhood that have a second story and a covered front entry, similar to their planned design (photos were shown).

She referenced the report and stated city code identifies criteria considered as practical difficulties. City staff (Heather) has evaluated their request under five criteria:

Criteria 1: Accurate based on city code and the zoning ordinance.

She stated this was the reason why they are requesting a variance and feel approval of the request would be a reasonable departure from the existing zoning ordinance.

Criteria 2: They find to be irrelevant.

They are seeking to add a front covered entryway. Adding a porch on the back of the home does not achieve this.

Criteria 3: They agree.

This is why they are asking for a 25 foot setback. It is less than the 24 feet allowed for a structural element to encroach from the front setback.

Criteria 4: Northern neighbors have no issue with what is being proposed.

Their garage would be between the porch entry and their home. It has no impact.

Criteria 5: Respectfully disagree.

The fire in their home created an undue hardship. They found it more advantageous to build instead of buy. Consideration of having a covered front entry directly stems from this hardship as a part of the rebuild.

Chair Niemioja shared that staff gave Criteria #5 for an example. It was stated as economic consideration that was not alone the reason they were going for this. Staff is not trying to work against them on these elements. These elements have to be gone through under law. The Planning Commission is missing the practical difficulty piece. She said she likely speaks on behalf of the entire Commission that they are all very sympathetic to the fact that this fire could

have been much worse had they been home. The Commission wants to try to determine a practical difficulty. All factors have to be addressed in the analysis.

Ms. Crandall said they understand the recommendation from staff is to deny the request. They feel the recommendation statement is incorrect. It is not a front porch addition, this is to cover the front entry. They do not believe adding this to their home would negatively impact the neighborhood. She asked the Commission to take into consideration the points mentioned. She shared that engineering has reviewed and takes no exception to this variance request.

Commissioner Wippermann asked if the applicant plans to maintain this porch as an open porch, with no walls, no screening, and maybe have a railing. He requested clarification that it would not be used as any type of living space or become a part of the house.

Ms. Crandall replied they would likely not have a railing. The space would not be used for living space.

Commissioner Heidenreich questioned if distances were measured from the house to the setback from the foundation or the edge of the roofline.

Associate Planner Botten responded when the roof overhang is larger than 2 feet, it is measured from the edge of the roofline. Code states the setback is a minimum distance from the lot boundary to the nearest vertical surface, except a roof eave overhang may project up to 24 inches. When going beyond the 24 inches, they measure from the edge of the roofline.

Commissioner Heidenreich asked if they were measuring from the edge of the house.

Associate Planner Botten replied they are measuring from the edge of the porch which is 25 feet from the front property line. The garage is about 30 feet, the house is setback 31/32 feet. The porch would extend into the area 25 feet from the property line.

Commissioner Heidenreich asked what the 28'2 was and if it was to the edge of the structure.

Mr. Carpenter replied that goes to the garage. The covered area would extend about 2 feet past the fascia line of the garage.

Commissioner Heidenreich mentioned it was a 3 foot 10 inch encroachment. It is 26.2 from the foundation to the edge of the property line.

Chair Neimioja explained that the Commission may be trying to determine how far over 24 inches they are going. It is 3 feet over.

Commissioner Heidenreich commented that the roof is overhanging the floor of the porch by more than 2 feet.

Mr. Carpenter replied the deck portion overhangs to the stairs. It does not extend past that.

Commissioner Heidenreich asked how deep the deck was from the front of the house toward the curb and if it was a 6 foot deck.

Mr. Carpenter replied it is 8 feet total.

Commissioner Weber asked how far the deck protrudes from the foundation towards the street.

Mr. Carpenter replied the deck to the end of the stairs is 8 feet from the front of the home. The deck itself is 6 feet.

Commissioner Heidenreich said they should not be measuring from the edge of the stairs or the end of the roof. They should be measuring from the 6 foot point of the deck.

Mr. Carpenter replied it measures from the fascia line.

Chair Niemioja asked if the foundation goes out the full 6 feet.

Mr. Carpenter replied, no, it would just be posts. There is no foundation underneath, it is just a covered entry.

Commissioner Heidenreich said it was still considered foundation for the structure. The roof line doesn't count if it is only 2 feet past the 6 feet. They are measuring from the foundation, not from the roof line, just like they do on the garage.

Associate Planner Botten replied if measuring 6 feet, they still encroach into the 30 foot setback.

Commissioner Heidenreich mentioned that the house sits back from the 30 feet for the garage making the encroachment minimal, 3 feet 10 inches. Commissioner Heidenreich said he was basing it off of the number provided, 26.2.

Mr. Carpenter replied that is the end of the new stairs.

Chair Niemioja asked if the stairs would be counted if uncovered.

Associate Planner Botten responded if the entrance was uncovered they could be located up to 24 feet from the property line.

Commissioner Heidenreich asked if this was a porch or just a landing at the top of the stairs. It is required to have a 3 foot landing at the top of the stairs. He said this does not seem like an encroachment.

Associate Planner Botten replied they can have an uncovered landing into the setback.

Chair Niemioja was uncertain they could remove the foundation piece or change how the foundation is counted.

Commissioner Heidenreich replied that was his point. The city says it sticks out 6 feet from the original foundation. He is saying the new foundation brings it out the additional 6 feet. The 2 foot overhang is not counted. It should only be measured at 6 feet from the original distance of the foundation because they do not measure from rooflines.

Vice Chair Clancy stated it could be said that the overhang stops at 28 feet from the property line, if that could pass.

Associate Planner Botten replied they are allowed a 2 foot overhang.

Vice Chair Clancy questioned by adding any type of overhang if they have to look at the entirety of the porch as one cohesive addition, or can it be said that a part of the porch encroaching on the setback from the property line, but the overhang is within the definition of what is allowed per code, 28 feet from the property line. It's 30 feet from the house, the overhang comes out 2 feet. The actual walkable porch is within a certain acceptable setback if bringing the overhang back a little bit. If it stops 28 feet from the property line it could be said per code definition, that it is within the 24 inches from the maximum lot line, stopping 28 feet from the property line. The moment the covered portion is added everything has to be looked at together, it cannot be split.

Associate Planner Botten said it was possible it could be used as a practical difficulty.

Commissioner Heidenreich asked why they wouldn't take the measurement from the new foundation point. It is a vertical surface nearest.

Associate Planner Botten replied that encroaches into the setback by 4 feet.

Commissioner Weber said if uncovered they would be allowed to go to 24.

Chair Niemioja asked if it were covered by 2 feet, if they would still be allowed to go to 24.

Associate Planner Botten replied if the wall of the house is at 30 feet, they are allowed a 2 foot overhang bringing them to 28. If the wall of the house is at 32 feet, the 2 foot overhang brings them to 30 feet.

Mr. Carpenter mentioned the house was setback from the garage a little. He questioned if the 2 feet was from the front of the garage, not the house itself.

Associate Planner Botten replied the garage would be allowed a 2 foot overhang, it is at 30 feet. The house, which is back an additional 2 feet, is also allowed the 2 foot overhang. It is measured from the top level wall. For the garage it is measured from the end of the garage.

Mr. Carpenter questioned if they kept it at the fascia line of the garage and did not extend past the current fascia line.

Associate Planner Botten replied that was something that could be used as a practical difficulty. She clarified the discussion stating they would allow a 4 foot overhang from the porch, which would be in line with the overhang of the garage. She mentioned it would be amended, it would be a little shorter, not as proposed, but could encroach 2 feet into the setback.

Mr. Carpenter replied he believed they could make that work. It allows the covered entryway.

Commissioner Schaefer asked what the purpose and intent of this part of the City Code was and why they were trying to keep 24 or 30 feet.

Associate Planner Botten replied it is a design/aesthetic requirement. There have been overhangs made larger, requirements are needed to have a max. A standard overhang is 2 feet, it is allowed to encroach.

Commissioner Schaefer referenced #1 stating if the purpose is for aesthetics, it is more aesthetically pleasing to have those overhangs aligned. One is 2 feet, one 4 feet, having them aligned would look better.

Associate Planner Botten replied that could be the recommendation for a hardship.

Ms. Crandall asked how far out the front stoop would go. The current plan has it at 6 feet.

Commissioner Weber asked if the slab could extend beyond the overhang.

Associate Planner Botten replied in the affirmative.

Commissioner Weber said they could continue the slab out and would have almost 4 feet of covered area. The roofline would be contiguous with the roof on the garage.

Chair Niemioja closed the Public Hearing.

Chair Niemioja stated they were not here to change the City Code. It is an interesting question for the Council to consider. She mentioned in the past for a practical difficulty, they have used the existing slab. She wished she could have said fire was the practical difficulty but from a legal standpoint it is not for this Commission, the City Council has more latitude. She agreed having them line up for aesthetics is appealing.

Commissioner Weber questioned the need for a variance if this was going to be redrawn. He asked it if would be a variance for the new setback.

Associate Planner Botten replied yes. It could state to be kept in line with the existing garage.

Vice Chair Clancy asked if any action needed to be taken or if it was a recommendation to the applicant.

Associate Planner Botten replied they are still encroaching, the variance is still needed.

Commissioner Schaefer summarized that they are still encroaching, there is a practical difficulty with #1 that they are trying to meet the intent and purpose of the code with the aesthetics.

Chair Niemioja said they meet #1, but still need a practical difficulty.

Commissioner Wippermann questioned why they couldn't consider rebuilding a house damaged by fire as a practical difficulty. There would not be much of a precedent set because it requires a house be damaged by fire in order to apply. Then they would not have to redesign. Chair Niemioja liked the idea and has looked into it but was unable to find anything.

Commissioner Wippermann said they are asking for 5 feet; they would still be 25 feet from the street. He said they were approving housing developments with 20 foot front setbacks. The applicant is making a major improvement to the home by putting on a second story.

Chair Niemioja asked if Acts of God were ever considered for something like this and if it was considered a practical difficulty.

Associate Planner Botten was unsure if that has been used in the past.

Chair Niemioja mentioned that Commissioner Weber referenced the 5 foot space the applicant is not getting counted in the lot line yet they maintain all the way to the street. They have played with this before as a practical difficulty.

Associate Planner Botten responded that right of ways are something all properties have. Taking setbacks from the edge of the curb could be a different avenue. Currently, all setbacks are taken from property lines in the regular R-1C District. Right of way widths vary.

Chair Niemioja mentioned there is a Church next door. They would likely not want something coming out so far that could be aesthetically off. On that side there would not be a comparison as it is a grassy church lot. She questioned if there would be more leeway on that side.

Commissioner Heidenreich commented this is being done for aesthetic reasons, not who is cutting the grass or paying property tax. He believes there are a lot of reasons to approve this.

Planning Commission Recommendation

Motion by Wippermann, Second by Teiken, to Approve the Variance to allow the porch addition within the front yard setback, subject to the 2 conditions listed, along with a 3rd condition that the porch be maintained as an open porch. The practical difficulty is rebuilding a house damaged by fire.

Ayes: 9

Nays: 0 Motion carried.

This item tentatively goes before the City Council on November 27, 2023.

Associate Planner Botten verified the Variance was approved as submitted, not the revised version with the smaller porch.

Commissioner Wippermann replied his intent was as submitted.



Planning Commission Report

MEETING DATE:	November 7, 2023
CASE NO:	23-44V
APPLICANT:	Brian Carpenter
PROPERTY OWNER:	Jacob & Elizabeth Crandall
REQUEST:	Variance to allow a porch addition to encroach within the front yard setback
LOCATION:	6930 Carment Avenue
COMPREHENSIVE PLAN:	LDR, Low Density Residential
ZONING:	R-1C, Single Family Residential
STAFF CONTACT:	Heather Botten, 651.450.2569

ACTION REQUESTED

The applicant is requesting the following:

- A **Variance** to allow a front setback of 25 feet whereas 30 feet is the required setback for a porch addition.

BACKGROUND

The property had a house fire which requires the original single-family home to be rebuilt. The homeowners are using the original foundation from the home built in 1960 but are using this opportunity to increase the size of the home by adding a second story. Additionally, the owners are hoping to add a porch that would encroach into the front setback. The neighborhood is developed with single-family homes to the north, west and east. Mt. Bethel Church is located to the south of the property. The addition would be in compliance with other city code requirements such as side setbacks, exterior building materials and impervious surfaces.

The porch would be located about 25 feet from the front property line. A porch requires a front setback of 30 feet. The zoning ordinance allows uncovered porches, decks, and entry landings to encroach into the front yard up to 24 feet from the property line. In this case, since the porch area would be covered, this section of the code would not apply.

EVALUATION OF REQUEST

North, West, & East:	Single-family	Zoned: R-1C, Single-family Residential	Guided: LDR, Low Density Residential
South	Church	Zoned: P, Public	Guided: P/I, Public/Institutional

Engineering. The Engineering Department has reviewed the request and takes no exception to the Variance 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 as practical difficulties. The applicant's request is reviewed below against such criteria.

1. The Variance request is in harmony with the general purpose and intent of the City Code and consistent with the Comprehensive Plan.

A covered porch is considered part of the principal structure and therefore requires a 30-foot front setback. An open deck (no roof) would be allowed to encroach up to 24 feet from the front property line. Staff does not believe the Variance request is 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.

Decks and porches are typical expansions of single-family homes. However, size and location are limited to maintaining setbacks. A reasonable use for the property has been established with the home, with space on the rear of the home to add the desired porch that could comply with setbacks. Allowing the proposed location would be a convenience to the property owner, not a practical difficulty.

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

The site is unique in that the rebuild of the home is limited to the location of the original foundation, which complies with the 30-foot front setback. The applicant would like to make the property more aesthetically pleasing by adding a front porch, encroaching into the setback.

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

Although the porch addition would enhance the curb appeal of the home, it would be the closest structure to the front property line when compared to the other homes in the neighborhood. The property to the north is the most directly affected property, which would be at least 60 feet between their home and the proposed porch.

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

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

ALTERNATIVES

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

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

- Approval of the **Variance** to allow a porch addition within the front yard setback is 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. All requirements of a building permit review shall be met.

Practical Difficulty: To be stated.

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

1. Denying the Variance request does not preclude the applicant from reasonable use of the property as the proposed home provides reasonable use and there is space on the rear of the home to add a porch addition that would comply with setback requirements.
2. Approval of the Variance could set a precedent for other encroachments within the front yard setback.
3. The facts presented did not satisfy the criteria needed to show a practical difficulty on the lot to support granting a Variance. Allowing a porch addition to encroach within the front setback appears to be a convenience to the landowner and not dictated by unique circumstances of the property.

RECOMMENDATION

The lot does have some unique constraints. However, there is reasonable use of the property with the home. A front porch addition may be considered a nice amenity, but there is room on the property to have an uncovered front entrance or to construct the porch on the rear of the home that would be in compliance with code requirements.

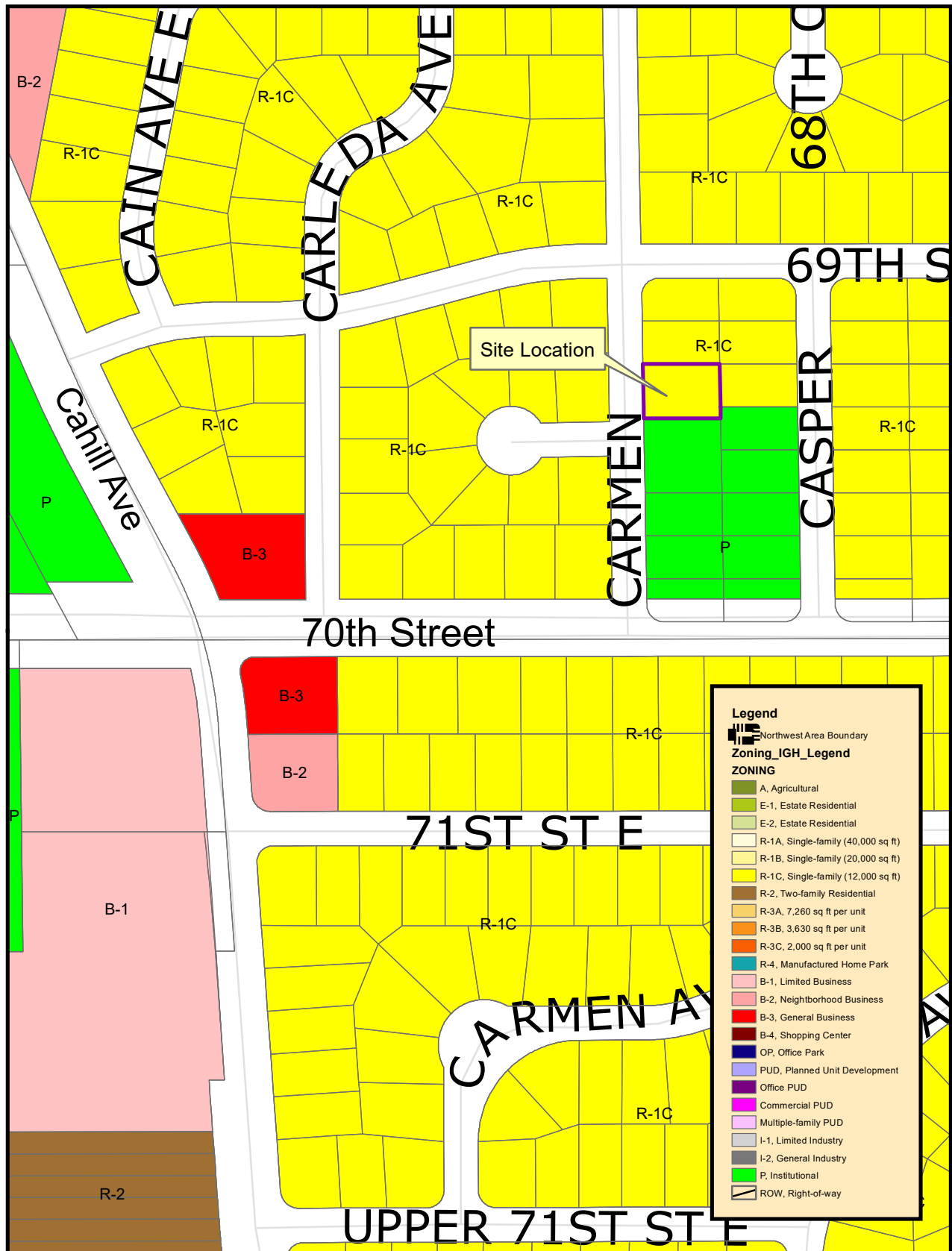
Based on the information in the preceding report and the reasons listed in Alternative B, staff does not believe there is sufficient rationale to support the criteria of a Variance review and therefore recommends Denial of the request as proposed.

ATTACHMENTS

1. Location Map
2. Applicant Narrative
3. Site Plan
4. Elevations



6930 Carmen Avenue Case No. 23-44V



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

I am writing to formally request a building variance to permit the construction of a front-covered porch that encroaches on the front property line setback. The setback of the residence complies with the current setback requirements; however, I believe that granting this variance will greatly enhance the aesthetics of the property, increase its curb appeal, and maintain the essential character of the neighborhood.

Background: The residence is located at 6930 Carmen Ave, within the South Grove No 4 neighborhood. The family that owns this home has suffered a devastating fire loss that requires them to move into temporary housing while the reconstruction occurs. This fire loss is the impetus for the reconstruction and remodeling of the residence. The neighborhood boasts a rich heritage characterized by its charming, cozy, and welcoming atmosphere. Several homes in the community feature front porches, which serve as a hub for social interaction, fostering a sense of belonging among residents. When reconstruction is complete the family would love to use this porch to reengage with the neighborhood.

Proposed Improvement: I propose constructing a front covered porch that would extend approximately 25' 2" from the front property line. The fascia line would only extend 3' past the current garage fascia line. This porch will not only provide the family with a space to enjoy the outdoors in various weather conditions but will also enhance the aesthetic appeal of the home. The design of the porch is in harmony with the architectural style of the neighborhood, blending seamlessly with the existing structures and maintaining the essential character of the area.

Reasons for the Variance: While I understand the importance of zoning regulations in maintaining uniformity and safety within the community, I believe that granting this variance is justified for several reasons:

1. **Preservation of Neighborhood Character:** The front porches in the neighborhood contribute significantly to the welcoming and close-knit atmosphere of the community. The proposed porch addition will align perfectly with this character, preserving the essence of the community.
2. **Increased Curb Appeal:** The addition of a front porch will undoubtedly enhance the curb appeal of this property. It will provide a visually pleasing focal point that complements the existing architecture while adding to the overall attractiveness of the neighborhood.
3. **Community Engagement:** The neighborhood thrives on interaction among residents. A front porch is not just a space; it's a platform for building community bonds. It encourages neighbors to gather, converse, and strengthen the sense of unity that defines the area.
4. **Practical Difficulty:** The current location of the home, complying with the setback requirement, poses a practical difficulty in creating a functional covered front deck without encroaching on the setback. The existing foundation is being used for the reconstruction. Moving the house back from the property line is not practical. The variance would alleviate this challenge and enable the homeowner to maximize the use of the property.

Considerations: I am committed to ensuring that the construction adheres to all city codes and regulations, does not interfere with traffic or public access, and remains consistent with the aesthetics of the neighborhood.

I kindly request that the planning commission review my application for a building variance favorably, understanding that it aligns with the essential character of the neighborhood and will contribute positively to the community. I am more than willing to address any concerns or questions the commission may have regarding this proposal.

Thank you for your time and consideration of my request. I look forward to the opportunity to discuss this proposal further during the upcoming review.

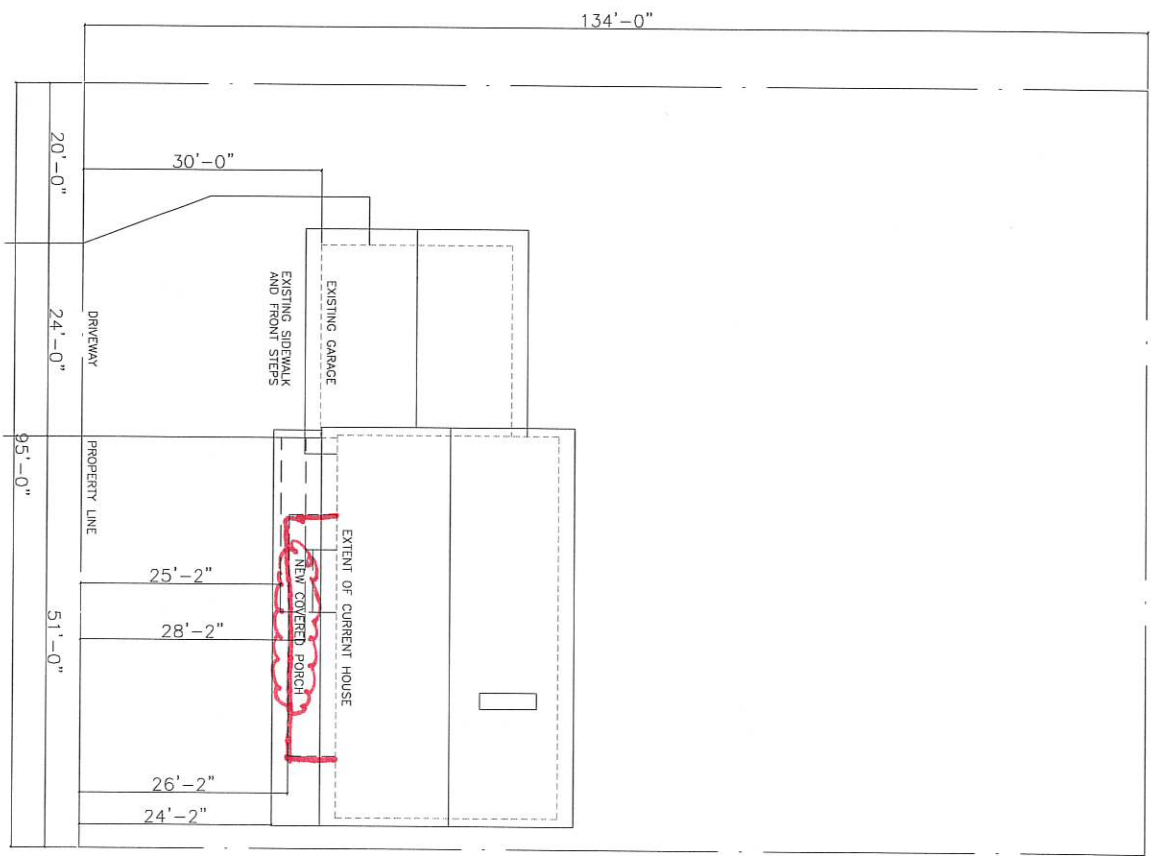
Sincerely,

Brian Carpenter

Director

Capital City Construction and Remediation

PROJECT FOR:
 JAKE & LIZ CRANDALL
 6930 CARMEN AVE
 INVER GROVE HEIGHTS, MN
 55076



SHEET 1A OF 15 SHEETS	PLAN #: 23-0415	REVIEWED DATE 9/9/2015 10-2-2015 FINAL DATE 9/11/2015 SITE PLAN SCALE: 3/32" = 1'-0"	DESIGN FOR: JAKE & LIZ CRANDALL 6930 CARMEN AVE INVER GROVE HEIGHTS, MN 55076	GENERAL CONTRACTOR: CAPITAL CITY CONSTRUCTION EAGAN, MN 55121 651-994-6844	DESIGN BY: GATES DESIGNS GREEN BAY, WI 920-246-3913
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A PROJECT FOR:
JAKE & LIZ CRANDALL
6930 CARMEN AVE
INVER GROVE HEIGHTS, MN
55076



DESIGN BY:	GATES DESIGNS GREEN BAY, WI 920-246-3913
GENERAL CONTRACTOR:	CAPITAL CITY CONSTRUCTION EAGAN, MN 55121 651-994-6844
DESIGN FOR:	JAKE & LIZ CRANDALL 6930 CARMEN AVE INVER GROVE HEIGHTS, MN 55076
TITLE PAGE	SCALE: 1/4"=1'-0"
FINAL DATE:	9/1/2023
REVISED DATE:	9/5/2023
PLAN #:	23-0613
SHEET	OF 15 SHEETS



Request for Council Action

SUBJECT: **3rd Reading of Ordinance Establishing Development Fees for 2024**

MEETING DATE: November 27, 2023
ITEM TYPE: Regular Business
CONTACT: Kris Wilson, City Administrator, 651.450.2511

ACTION REQUESTED

The Council is asked to consider approval of the third reading of the attached Ordinance, which establishes planning and development-related fees for calendar year 2024.

BACKGROUND

Minnesota Statute requires that certain land use planning and development related fees be established by ordinance following a public hearing. This is an annual item that comes before the City Council and encompasses fees for various land-use applications, such as a preliminary or final plat, rezoning, conditional use permit or variance application, and connection fees for the City's three utility systems (water, sewer and stormwater), which are paid as part of the development process.

The proposed connection fees for the City's utility systems (Sections 1 thru 4 of the attached ordinance) reflect a 5% increase from the current rates. This corresponds with the estimated increase in capital costs in the utility sections of the proposed 2024-2028 Capital Improvement Plan (CIP), which will be funded in part by these connection fee revenues.

The recommended planning and land-use application fees (Section 5) contain just one recommended adjustment - to insure that the fee is the same for all final plat applications.

No changes to the proposed Ordinance have been made since the public hearing was held and the second reading was approved on November 13.

FISCAL IMPACT

The fiscal impact of these fees is extremely difficult to estimate as they are all dependent on the amount and type of development that occurs within a given year, and whether that occurs inside or outside the Northwest Area (NWA).

RECOMMENDATION

Staff recommends approval of the third and final reading.

ATTACHMENTS

1. Ordinance Establishing Development & Connection Fees for 2024 (2nd Reading Nov 13, 2023)

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

ORDINANCE NO. _____

**AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE, TITLE 3,
CHAPTER 4, SECTIONS (2) and (3) RELATED TO WATER, SANITARY SEWER, AND
STORMWATER SYSTEM CONNECTION FEES AND SANITARY SEWER AND
WATER TRUNK AREA ASSESSMENTS; SECTION 8-7-4 RELATED TO
STORMWATER SYSTEM RATES AND CHARGES; AND SECTION 10-3-8 RELATED
TO LAND USE APPROVAL FEES AND DEPOSITS**

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

Section One. Amendment. Sections 3-4-2-2(C) and (E) of the Inver Grove Heights City Code are hereby amended as follows:

C. Connection Fees for Water Utility System. The following connection fees for the water utility system are hereby imposed and required to be paid with respect to land outside of the Northwest Area that is within the Metropolitan Urban Service Area (MUSA) and for land located within the Northwest Area. Connection fees are required to be paid at the time of plat and at the time of issuance of building permit as noted in Table 3-4-2-2(C)(1). Fees required to be paid at time of plat must be paid when the property is subdivided or the property is platted or a building permit is obtained or when connection is made to the municipal water system, whichever occurs first.

Table 3-4-2-2(C)(1)

FEE	AMOUNT
Land Outside the Northwest Area	
<i>Fees due at time of plat **</i>	
Water Plat Connection Fee*	\$1,805.00 \$1,720.00 multiplied by a density factor of 3.5 multiplied by net developable acres
<i>Fees due at time of building permit or connection to water system ***</i>	
Water Building Permit Connection Fee	\$1,060.00 \$1,010.00 per SAC unit
Water Treatment Plant Fee	\$945.00 \$900.00 per SAC unit
Water Core Connection Fee (based on water meter size)	
1 inch (or smaller)	\$2,225.00 \$2,120.00
1 ½ inch	\$4,440.00 \$4,230.00

2 inch	\$7,100.00 \$6,760.00
3 inch	\$14,200.00 \$13,520.00
4 inch	\$22,175.00 \$21,120.00
6 inch	\$44,340.00 \$42,230.00
8 inch (or larger)	\$70,960.00 \$67,580.00
Land Inside the Northwest Area	
<i>Fees due at time of plat **</i>	
Water Plat Connection Fee * (By Zoning District)	
R-1 and R-2	\$1,505.00 \$1,435.00 multiplied by a density factor of 2.0 multiplied by the net developable area
R-3A	\$1,505.00 \$1,435.00 multiplied by a density factor of 4.0 multiplied by the net developable area
R-3B	\$1,505.00 \$1,435.00 multiplied by a density factor of 6.5 multiplied by the net developable area
R-3C	\$1,505.00 \$1,435.00 multiplied by a density factor of 12.0 multiplied by the net developable area
B-1 and Office Park	Multiply the net developable area by 43,560 to determine square footage, then take the square footage and multiply it by 0.25 (the minimum FAR required by the Northwest Area Overlay District). The result is the minimum building area required by the Northwest Area Overlay District. Divide the minimum building area by the density factor of 2,400 square feet to arrive at density units. Then multiply the density units by \$1,505.00 \$1,435.00 .
B-2, B-3, and B-4	Multiply the net developable area by 43,560 to determine square footage, then take the square footage and multiply it by 0.25 (the minimum FAR required by the Northwest Area Overlay District). The result is the minimum building area required by the Northwest Area Overlay District. Divide the minimum building area by

	the density factor of 3,000 square feet to arrive at density units. Then multiply the density units by \$1,505.00 <u>\$1,435.00</u> .
I-1 and I-2	Multiply the net developable area by 43,560 to determine square footage, then take the square footage and multiply it by 0.25 (the minimum FAR required by the Northwest Area Overlay District). The result is the minimum building area required by the Northwest Area Overlay District. Divide the minimum building area by the density factor of 7,000 square feet to arrive at density units. Then multiply the density units by \$1,505.00 <u>\$1,435.00</u> .
P-Institutional	Multiply the net developable area by 43,560 to determine square footage, then take the square footage and multiply it by 0.25 (the minimum FAR required by the Northwest Area Overlay District). The result is the minimum building area required by the Northwest Area Overlay District. Divide the minimum building area by the density factor of 2,400 square feet to arrive at density units. Then multiply the density units by \$1,505.00 <u>\$1,435.00</u> .
Mixed Use-Residential and Mixed Use-Commercial	The fee shall be calculated with respect to each pro-ratable area component of the mixed-use development using the appropriate fee calculations set forth above in relation to the respective land use of the component. The respective fees for each component shall then be added to compute the total fee.
<i>Fees due at time of building permit or connection to water system ***</i>	
Water Building Permit Connection Fee	\$4,095.00 <u>\$3,900.00</u> per SAC unit
Water Treatment Plant Fee	\$945.00 <u>\$900.00</u> per SAC unit
Water Core Connection Fee (based on water meter size)	
1 inch (or smaller)	\$2,225.00 <u>\$2,120.00</u>

1 ½ inch	\$4,440.00 \$4,230.00
2 inch	\$7,100.00 \$6,760.00
3 inch	\$14,200.00 \$13,520.00
4 inch	\$22,175.00 \$21,120.00
6 inch	\$44,340.00 \$42,230.00
8 inch (or larger)	\$70,960.00 \$67,580.00

* This connection fee is not required if the property has been previously specially assessed on an area basis for a trunk water line.

**Payable when property is subdivided or the property is platted or a building permit is obtained or when connection is made to the municipal water system, whichever occurs first. In the Northwest Area, no fee is required if the property is being platted as an agricultural planned unit development with no connection to the municipal water system.

*** Payable at time of issuance of building permit or when connection is made to the municipal water system, whichever occurs first.

Section Two. Amendment. Sections 3-4-2-2(D) and (F) of the Inver Grove Heights City Code are hereby amended as follows:

D. Connection Fees for Sanitary Sewer Utility System. The following connection fees for the sanitary sewer utility system are hereby imposed and required to be paid with respect to land outside of the Northwest Area that is within the Metropolitan Urban Service Area (MUSA) and land located within the Northwest Area. Connection fees are required to be paid at the time of plat and at the time of issuance of building permit as noted in Table 3-4-2-2(D)(1). Fees required to be paid at time of plat must be paid when the property is subdivided or the property is platted or a building permit is obtained or when connection is made to the municipal sanitary sewer system, whichever occurs first. Fees required to be paid when a building permit is obtained or a when connection is made to the municipal sanitary sewer system, whichever occurs first. Sanitary sewer plat connection fees for property within the Northwest Area are not required to be paid if the property is being platted as an agricultural planned unit development with no connection to the municipal sewer system.

Table 3-4-2-2(D)(1)

FEE	AMOUNT
Land Outside the Northwest Area	
<i>Fees due at time of plat **</i>	
Sanitary Sewer Plat Connection Fee*	\$1,805.00 \$1,720.00 multiplied by a density factor of 3.5 multiplied by net developable acres

<i>Fees due at time of building permit or connection to sanitary sewer system ***</i>	
Sanitary Sewer Building Permit Connection Unit Fee	\$610.00 \$580.00 per SAC unit
MCES SAC Unit Fee	\$2,485.00 per SAC unit
B-Line Special Connection Charge (applicable only to the B-Line area)****	\$1540.00 \$1,465.00 per SAC unit
Sewer Core Connection Fee (based on water meter size)	
1 inch (or smaller)	\$735.00 \$700.00
1 ½ inch	\$1,460.00 \$1,390.00
2 inch	\$2,320.00 \$2,210.00
3 inch	\$4,640.00 \$4,420.00
4 inch	\$7,255.00 \$6,910.00
6 inch	\$14,500.00 \$13,810.00
8 inch (or larger)	\$23,195.00 \$22,090.00
Land Inside the Northwest Area	
<i>Fees due at time of plat ****</i>	
Sanitary Sewer Plat Connection Fee (By Zoning District)	
R-1 and R-2	\$2,710.00 \$2,580.00 multiplied by a density factor of 2.0 multiplied by the net developable area
R-3A	\$2,710.00 \$2,580.00 multiplied by a density factor of 4.0 multiplied by the net developable area
R-3B	\$2,710.00 \$2,580.00 multiplied by a density factor of 6.5 multiplied by the net developable area
R-3C	\$2,710.00 \$2,580.00 multiplied by a density factor of 12.0 multiplied by the net developable area
B-1 and Office Park	Multiply the net developable area by 43,560 to determine square footage, then take the square footage and multiply it by 0.25 (the minimum FAR required by the Northwest Area Overlay District). The result is the minimum building area required by the Northwest Area Overlay District. Divide the minimum building area by the density factor of 2,400 square feet to arrive at

	density units. Then multiply the density units by \$2,710.00 \$2,580.00 .
B-2, B-3, and B-4	Multiply the net developable area by 43,560 to determine square footage, then take the square footage and multiply it by 0.25 (the minimum FAR required by the Northwest Area Overlay District). The result is the minimum building area required by the Northwest Area Overlay District. Divide the minimum building area by the density factor of 3,000 square feet to arrive at density units. Then multiply the density units by \$2,710.00 \$2,580.00 .
I-1 and I-2	Multiply the net developable area by 43,560 to determine square footage, then take the square footage and multiply it by 0.25 (the minimum FAR required by the Northwest Area Overlay District). The result is the minimum building area required by the Northwest Area Overlay District. Divide the minimum building area by the density factor of 7,000 square feet to arrive at density units. Then multiply the density units by \$2,710.00 \$2,580.00 .
P-Institutional	Multiply the net developable area by 43,560 to determine square footage, then take the square footage and multiply it by 0.25 (the minimum FAR required by the Northwest Area Overlay District). The result is the minimum building area required by the Northwest Area Overlay District. Divide the minimum building area by the density factor of 2,400 square feet to arrive at density units. Then multiply the density units by \$2,710.00 \$2,580.00 .
Mixed Use-Residential and Mixed Use-Commercial	The fee shall be calculated with respect to each pro-ratable area component of the mixed-use development using the appropriate fee calculations set forth above in relation to the respective land use of the component. The respective

	fees for each component shall then be added to compute the total fee,
<i>Fees due at time of building permit or connection to water system ***</i>	
Sanitary Sewer Building Permit Connection Fee***	\$7,310.00 \$6,960.00 per SAC unit
MCES SAC Unit Fee	\$2,485.00 per SAC unit
Sewer Core Connection Fee (based on water meter size)	
1 inch (or smaller and sewer-only services)	\$735.00 \$700.00
1 ½ inch	\$1,460.00 \$1,390.00
2 inch	\$2,320.00 \$2,210.00
3 inch	\$4,640.00 \$4,420.00
4 inch	\$7,255.00 \$6,910.00
6 inch	\$14,500.00 \$13,810.00
8 inch (or larger)	\$23,195.00 \$22,090.00

*The connection fee is not required if the property has been previously specially assessed on an area basis for a trunk sanitary sewer line.

**Payable when a building permit is issued or when connection is made to the municipal sanitary sewer system, whichever occurs first.

*** The B-line special connection charge only applies to that area of the City served by the B-line sanitary system; for properties in the B-line area, the B-line special connection charge is payable in addition to the other fees set forth in Table 3-4-2-2(D)(1).

**** Payable when the property is subdivided or the property is platted or a building permit is obtained or when connection is made to the municipal sanitary sewer system, whichever occurs first.

Section Three. Amendment. Section 3-4-2-2(G) of the Inver Grove Heights City Code is hereby amended as follows:

G. Connection Fees for Stormwater System. The following connection fees for the stormwater system, also known as the stormwater utility system, are hereby imposed and required to be paid with respect to land outside of the Northwest Area and for land located within the Northwest Area. The following fees must be paid by the landowner when the property is subdivided or the property is platted or a building permit is obtained, whichever occurs first. The fees are not required to be paid for outlots if the property is being platted as an agricultural planned unit development in the Northwest Area.

Land Outside the Northwest Area		
	Zoning District	Fee
Stormwater Plat Connection Fee	R-1 and R-2	\$7,182 \$6,840.00 per net developable acre
	R-3A, R-3B and R-3C	\$9,337 \$8,892.00 per net developable acre
	All Other Zoning Districts (B, I and P)	\$16,519 \$15,732.00 per net developable acre
	Mixed Use Zoning Districts	Pro-rated
Land Inside the Northwest Area		
	Zoning District	Fee
Stormwater Plat Connection Fee	R-1 and R-2	A base charge of \$7,182 \$14,070.00 plus a NWA surcharge of \$7,230 per net developable acre
	R-3A, R-3B and R-3C	A base charge of \$9,337 \$16,122.00 plus a NWA surcharge of \$7,230 per net developable acre
	All Other Zoning Districts (B, I and P)	A base charge of \$16,510 \$22,962.00 plus a NWA surcharge of \$7,230 per net developable acre
	Mixed Use Zoning Districts	Pro-rated

Section Four. Amendment. The table establishing the per acre assessment amounts for trunk line area benefit found in Section 3-4-2-3 of the Inver Grove Heights City Code is hereby amended as follows:

For water trunk line area benefit	\$5,690 \$5,418 per acre
For sanitary sewer trunk line area benefit	\$5,690 \$5,418 per acre

Section Five. Amendment. The table listing base fees, other fees, and escrow amounts found in Section 10-3-8 of the Inver Grove Heights City Code is amended as follows:

REQUEST TYPE	BASE FEE	ABSTRACT FEE	GIS FEE	ESCROW*
Administrative Subdivision	\$200		\$25/lot	
Comprehensive Plan Amendment	\$500		\$50	\$2,500
Comprehensive Plan Amendment - minor	\$200			\$250
Conditional Use Permit	\$500	\$52		\$6,000
Conditional Use Permit - amendment	\$150	\$52		\$1,000
Conditional Use Permit, single-family residential	\$250	\$52		
Determination of Substantially Similar Use	\$200			\$200
Final Plat - single family	\$500	\$52	\$25/lot	\$6,000
Final Plat - other (i.e. Commercial or Industrial)	\$500 \$200	\$52	\$100/acre	\$6,000
Interim Use Permit	\$500	\$52		\$1,250
Major Site Plan Review	\$500			\$6,000
Non-Conforming Use Certificate	\$500	\$52		\$1,250
Northwest Area Environmental Studies Fee (paid with Final Plat/PUD in NWA)	\$80/gross acre			
Northwest Area Sketch Plan Review				\$1,000
Planned Unit Development (PUD) - Preliminary	\$1,000 + plat fees	\$52		\$6,000
Planned Unit Development (PUD) - Final	\$500	\$52		\$6,000
Planned Unit Development - Amendment	\$250	\$52		\$2,000
Preliminary Plat	\$500 + \$5 per lot			\$6,000

Rezoning	\$500		\$50	\$500
Street Dedication	\$150	\$52	\$50	
Street/Easement Vacation	\$150	\$52	\$50	\$500
Variance	\$200	\$52		
Waiver of Plat	\$300	\$52	\$25	
Wetland Replacement Plan	\$200		\$100/acre	\$2,500
Zoning Code Amendment	\$500			\$500
Zoning Code Amendment - minor	\$100			\$250
Zoning Interpretation Appeal	\$500			\$1,000

Section Six. Effective Date. This Ordinance shall be in full force and effect beginning January 1, 2024.

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: **Continued 3rd Reading of Ordinance Establishing Licensing Requirement for Short-Term Rentals**

MEETING DATE: November 27, 2023
ITEM TYPE: Regular Business
CONTACT: Kris Wilson, City Administrator, 651.450.2511

ACTION REQUESTED

The Council is asked to consider the 3rd reading of the attached Ordinance establishing licensing requirements for short-term rentals. Alternatively, the Council may wish to consider the 1st reading of the attached Ordinance that establishes a 30-day minimum rental period for all rentals requiring a license.

BACKGROUND

For approximately the past year, the City Council and staff have been discussing and gathering information regarding short-term rentals, such as those commonly advertised on Airbnb or VRBO, including information about how other cities are or are not regulating them. The attached ordinance establishing a licensing requirement for short-term rentals has received two readings and would be final if the third reading is adopted.

However, based on Council discussion and comments, it appeared to staff that there remain concerns with permitting the operation of short-term rentals in residential neighborhoods. Therefore, an alternative option is also attached, which would amend the City's existing rental licensing code to establish a minimum rental period of 30-days. This essentially prohibits most short-term rentals in Inver Grove Heights. What would still be permitted under the alternative ordinance, as currently drafted, is short-term rentals within owner-occupied housing or ADUs on homesteaded property. Under current city code, these types of properties are not required to have a rental license, even for long-term rentals, so the amendment to that code establishing a 30-day minimum rental period would not apply and short-term rentals would still be permitted for this category of property.

The Council is asked to provide direction regarding which set of regulations it wishes to proceed with or direct staff to develop further amendments to one ordinance or the other.

In regards to the ordinance establishing a licensing requirement for short-term rentals, staff and the City Attorney have had additional discussion regarding the enforcement mechanisms available to the City. It is important to note that in the case of alleged license violations - such as a party or event at property and or a property being over its maximum occupancy -- the Police may respond at the time, if called, and address the immediate situation, but the license would remain in place pending the appropriate due process. Notice of potential action against the license would have to be provided to the property owner, they would be given an opportunity to be heard before the City Council, and the Council would then have to take action against the license if that is what it determined was an appropriate response to the license violation. As a statutory city, Inver Grove Heights does not have

the authority to issue administrative fines or penalties for a rental license violation in the way we do for violations of liquor or tobacco licenses. Additionally, staff would not have the authority to take action on a license, other than to make a recommendation to the Council.

FISCAL IMPACT

NA

RECOMMENDATION

ATTACHMENTS

1. Short-Term Rental Licensing Ordinance (3rd Reading)
2. Ordinance Establishing 30-day Minimum Rental Period (1st Reading)

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

ORDINANCE NO. _____

**AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE,
TITLE 4, CHAPTER 13 RELATED TO SHORT TERM RENTALS AND AMENDING
TITLE 10, CHAPTER 15, SECTION 26(D) RELATED TO HOME OCCUPATIONS**

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

Section One. Amendment. Title 4, Chapter 13 is hereby renumbered and renamed as Title 4, Chapter 13, Article A: Rental License. All existing sections (4-13-1 through 4-13-11) shall be renumbered to add a reference to Article A in each section (4-13A-1 through 4-13A-11).

Section Two. Amendment. Title 4, Chapter 13 is hereby amended to add the following language. The additional language is shown underlined:

4-13-4: EXEMPTIONS:

This article does not apply to the following:

- I. Rental dwellings and rental dwelling units used exclusively as a short-term rental and licensed under Article B of this Chapter.

Section Three. Amendment. Title 4, Chapter 13 of the Inver Grove Heights City Code is hereby amended to add Article B as follows:

ARTICLE B; SHORT-TERM RENTALS

4-13B-1: Policy; Purpose; Objective; Intent

It is the purpose of this Article to protect and preserve the stability and character of residential areas within the city by establishing standards for the operation of short-term rental housing. The operation of short-term rental housing is a business enterprise that includes certain responsibilities. Rental owners, operators and managers are responsible to take such reasonable steps as are necessary to ensure that the guests who occupy such short-term rental housing, as well as neighboring properties, may pursue the quiet enjoyment of the normal activities of life in surroundings that are safe, secure, and sanitary, free from noise, nuisances and annoyances, and free from unreasonable fears about safety of persons and property.

4-13B-2: Definitions

Except as expressly provided in this Article, words, terms and phrases used in this Article have the meanings given them by Section 4-13A-3. For purposes of this Article, the following terms below have the meanings given them:

SHORT-TERM RENTAL: The letting of a residential dwelling or dwelling unit for any period of less than thirty (30) consecutive days.

4-13B-3: License Required

- A. **General Rule:** No person, partnership, business entity, or corporation shall operate a short-term rental dwelling or short-term rental dwelling unit in the city without first obtaining a short-term rental license. The licensee shall be the owner of the dwelling or dwelling unit.
- B. **Exemptions:** No short-term rental license is required for the following:
 - 1. Hospitals.
 - 2. State licensed residential care facilities.
 - 3. Assisted living facilities.
 - 4. Nursing homes.
 - 5. Hotels or motels, which are separately licensed under Title 4, Chapter 16 of this Code.
 - 6. Supervised student housing pursuant to subsection 10-14-2H of this code.
- C. **Non-Transferable:** A short-term rental license is nontransferable. If there is a change in the ownership of the rental dwelling or rental dwelling unit, a new license is required.
- D. **License Term:** The term of the license shall be two years, beginning on April 1 of all odd-numbered years.
- E. **License Fees:** Applicants for a license shall pay a fee as set by resolution adopted by the City Council. The fee is not refundable, even if the application is withdrawn, denied, revoked or suspended, or the applicant ceases to operate the property as a short-term rental during the term of the license.
- F. **Renewal And Late Fees:**
 - 1. An application for license renewal must be filed at least sixty (60) days prior to the license expiration date.
 - 2. An applicant who fails to submit a completed renewal application at least sixty (60) days prior to the expiration date shall pay a late fee equal to fifty percent (50%) of the license fee, in addition to the required license fee for the renewal.

4-13B-4: License Application

Application for a license must be made to the city by the owner of a short-term rental dwelling or dwelling unit on forms provided by the city. After the city has received a completed application, including all required documentation and fees, the application will be reviewed by city staff and then submitted to the city council for consideration. Incomplete applications will be rejected by city staff and will not be submitted to the city council.

- A. Neighbor Notification: At the time a license application is submitted, the applicant shall provide the necessary information to complete a neighbor notification form, which the City shall mail to the owners of all properties abutting the lot on which the rental dwelling or dwelling unit is located as well as all properties located directly across the street from the dwelling or dwelling unit of the application for a short-term rental license.
- B. Required Applicant Information: The following information shall be required with each application for a short-term rental license.
 - 1. Natural Person: If the applicant is a natural person, the applicant must provide the information required in Section 4-13A-3(B)(1).
 - 2. Partnership: If the applicant is a partnership, the applicant must provide the information required in Section 4-13A-3(B)(2).
 - 3. Corporation: If the applicant is a corporation or other organization, the applicant must provide the information required in Section 4-13A-3(B)(3).
 - 4. Additional Information From All Applicants: All applicants must provide the information required in Section 4-13A-3(B)(4).
 - 5. Property Contact Information: All applicants must provide the information required in Section 4-13A-3(4)
 - 6. Number And Type Of Units: The license application must contain the number of units and types of units (condominium, apartment, townhome, etc.) within the rental dwelling, as well as the maximum occupancy of each dwelling or dwelling unit. If the number or types of units changes, the licensee must notify the city.
 - 7. The applicant must attach to the application proof of a valid Hotel / Motel License from the Minnesota Department of Health for the rental dwelling or dwelling unit for which a short-term rental license is applied for. The city will not accept a short-term rental license application that does not have proof of this state license attached.
 - 8. Payment of Property Taxes and Utility Bills. In order for an application for a short-term rental license to be accepted, all property taxes and city utility bills, including water, sanitary sewer, stormwater and street light fees, if applicable, must be paid in full as of the date of application.
- B. Changes On Application: An applicant must notify the city in writing of any changes to the name(s) provided on the application including, but not limited to, owners, the property management company, property managers, twenty-four

(24) hour contact information, or agents responsible for management of the rental dwelling or rental dwelling unit. Any changes may result in additional background checks, as required by this Article, if deemed necessary by the city

- C. The applicant must file with the city proof of insurance as required in Section 4-13A-3(E). The applicant may not cancel or change the insurance without fifteen (15) days' prior written notice to the city by certified mail. The certification of insurance must be continuously in effect until fifteen (15) days after receipt of the written notice of cancellation or change, provided however, the certification must not extend for more than two (2) years.

D. Criminal Background Investigation.

1. In order to protect the general welfare of the public for all applications, criminal history background reports from the BCA must be submitted with the application for any owner who has or would have the means to enter rental dwelling units or any manager who has or would have the means within the scope of the individual's duties, to enter rental dwelling units. To satisfy this requirement:

- a. An owner who has or would have the means to enter rental dwelling units must provide a copy of a BCA public criminal conviction history report, which must be dated within twenty-four (24) months of the date of the application.
- b. A manager must provide a BCA public criminal conviction history report and a response from the superintendent of the BCA required by Minnesota statutes section 299C.68, both of which must be dated within twenty-four (24) months of the application.

If not a Minnesota resident, a criminal conviction history report from the appropriate government agency in the state of residency is also required.

2. Authorization: At the time of making applications for an initial or renewal license, the applicant must provide written authorization to the city to investigate all facts set out in the application. The information obtained from the investigation shall be used to assist the police chief in making a recommendation as to whether the applicant should be granted a license.
3. Police Chief Recommendation: The Police Chief or their designee shall make a recommendation to the City Council as to whether the applicant should be granted a license, based on any of the following criteria:
 - a. Whether the owner or manager subject to the investigation required in this Article was convicted of a crime or offense in the last five (5) years involving or directly relating to the business for which a license is sought; or
 - b. Whether the owner or manager subject to the investigation required in this Article was convicted of a "background check crime" as defined by Minnesota statutes section 299C.67, subd. 2, or as it may be amended, within the last ten (10) years; or

- c. Whether there is a material misrepresentation in the application or other grounds for denial of the license application under Sections 3-2-10 or 4-13A-8(b) of the Code.

4-13B-5: License Hearing

A. New Or Renewal Application Consideration:

1. Action: The city council must take action on each new or renewal license application within a reasonable time following receipt of a completed application and recommendation from the police chief or their designee regarding the application.
2. Procedure: At the city council meeting at which the license application is considered, any person must be provided an opportunity to be heard for or against the license. The city council may then take any of the following actions:
 - a. Approve the license,
 - b. Deny the license,
 - c. Approve the license with reasonable conditions,
 - d. Approve the license on a provisional basis, or
 - e. Continue the license application for additional information.

B. Denial, Suspension, or Revocation of License or License Application: At the recommendation of the chief of police, city administrator, or building official, the city council or its designee may hold a hearing to take action on a short-term rental license to deny, suspend, or revoke a license or to consider other actions against the license holder. In addition to those grounds enumerated in section 3-2-10 of this code, any license may be denied, suspended, issued on a conditional or provisional basis, or revoked for one or more of the following reasons listed in section 4-13A-8(B).

C. Suspension Or Revocation Hearing: Short-term rental licenses may be suspended or revoked following the procedures in Section 4-13A-8(C).

D. Reapplication Following License Revocation or Denial: Upon denial or revocation of a license, the owner may not reapply for a license for the same rental dwelling or rental dwelling unit for a period of six months.

4-13B-6: Performance Standards

All short-term rental dwellings and short-term rental dwelling units shall be subject to the following performance standards.

A. Maintenance Standards: The licensee must ensure that every short-term rental dwelling and short-term rental dwelling unit is maintained in compliance with all city codes and state laws, including:

1. The City's Building code (title 9, chapter 1 of this code)

2. The City's Zoning code (title 10 of this code),
 3. Animal control requirements (title 5, chapter 4 of this code),
 4. Fire prevention code (title 9, chapter 2 of this code),
 5. Property nuisances (title 5, chapter 9 of this code),
 6. Miscellaneous offenses (title 5, chapter 5 of this code),
 7. The applicable provisions of the 2021 International property maintenance code as adopted and with the exceptions found in Section 4-13-1-E.
- B. **Occupancy Maximums:** The maximum overnight occupancy of a rental dwelling or dwelling unit, between the hours of midnight and six a.m., shall be two adults per legal bedroom, plus an additional two adults. For example, the maximum overnight occupancy for a four-bedroom home would be ten adults. A legal bedroom is defined as a room of at least 70 square feet in size that has proper egress directly to the outdoors. A dwelling or dwelling unit's legal bedrooms for the purpose of operating a short-term rental shall match the number of bedrooms identified in the most current records of the Dakota County Assessor's office. The maximum daytime occupancy of a rental dwelling or dwelling unit, between the hours of six a.m. and midnight, shall be the overnight occupancy plus no more than four unregistered adults. Children under the age of 18 **who accompany their parent or legal guardian** are not counted for purposes of determining total occupancy.
- C. **Parking Requirements:** In all zoning districts, all renter and/or guest parking for a short-term rental dwelling or short-term rental dwelling unit must be on an improved driveway or improved parking surface located on the premise or property where the short-term rental unit is located.
- D. **Tents, Campers and RVs:** No campers or recreational vehicles may be parked on the premise of a short-term rental and no tents may be erected or utilized for overnight sleeping accommodations.
- E. **Events, Sales and ~~Home Occupations~~Business Operations:** Events, sales and the conducting of ~~home occupations~~other business operations are not allowed to be hosted or conducted by renters or guests on the premises. For purposes of this section, an event means a gathering on the premises of more than four unregistered adults. Sales include garage sales, estate sales, or any other exchange of items or goods for money, and business operations include events at which sales are made or a fee is paid to attend the event.
- F. **Required Postings**
1. **Display Of License Certificate:** The license certificate must be exhibited in a conspicuous place at or near the entrance to the short-term rental dwelling or short-term dwelling unit. One license certificate must be displayed for each building.

2. Display of Property Address and Emergency Contact Information: The property address and emergency contact information for the license and any property manager must be prominently posted in each short-term dwelling.

- G. Tenant Register: As a condition of the license, the licensee must, as a continuing obligation, maintain a current register of tenants and other persons who have a lawful right to occupancy of short-term rental dwellings or short-term rental dwelling units. In its application, the applicant must designate the name of the person or persons who will have possession of the register and must promptly notify the city of any change in the identity, address or telephone numbers of such person. The register must be available for inspection by city officials at all times and must be kept for a period of twelve (12) months.
- H. Payment of Lodging Taxes: The property owner must pay all applicable federal, state and local taxes related to the short-term rental. In addition, the licensee is required to collect and remit to the city on a quarterly basis the lodging tax imposed under Title 4, Chapter 10 of this code. If no sales are made during a quarter, a report must be submitted to the city stating that no sales were made or lodging tax collected during that quarter.
- I. Responsibility for Acts of Managers: Licensees are responsible for the acts or omissions of their managers as it pertains to the short-term rental dwelling.

4-13B-6: Inspections; Compliance Orders

Short-term rental dwellings and dwelling units may be inspected in the same manner and per the process found in Section 4-13A-6. Violations of this Article may be addressed by the issuance of compliance orders and criminal citations in the same manner and per the process found in Section 4-13A-7.

Section Four. Amendment. Title 10, Chapter 15, Section 26(D) of the Inver Grove Heights City Code is hereby amended to read as follows. The ~~struck-out~~ text shows the deleted wording:

D. Other Home Occupations: Home occupations include minor repair services, photo or art studios, dressmaking, teaching limited to three (3) students at any one time, in home daycare as licensed by the state, licensed massage therapy in accordance with the regulations of title 4, chapter 8 of this code and similar uses; however, a home occupation shall not be interpreted to include ~~tourist homes~~, restaurants or similar uses.

Section Five. 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

ORDINANCE NO. _____

AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE,
TITLE 4, CHAPTER 13, RELATED TO RENTAL LICENSES

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

Section One. Amendment. Section 4-13-2 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:

HOTEL OR MOTEL: For purposes of this Chapter, a hotel or motel shall mean a hotel or motel as defined in Section 10-2-2.

~~RENTAL: An owner or nonowner occupied single- or multi-family~~ A dwelling or dwelling unit that is let to a party other than the owner of the property or a member of the owner's family.

Section Two. Amendment. Section 4-13-3 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:

4-13-3: LICENSE REQUIRED:

- A. General Rule: No person, partnership, business entity, or corporation shall operate a rental dwelling or rental dwelling unit in the city without a license. The licensee shall be the owner. No dwelling or dwelling unit, other than those exempt from the licensing requirements of this Chapter, shall be rented or let for a period of less than thirty (30) consecutive days.

Section Three. Effective Date. This Ordinance shall be in full force and effect following 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: **2nd Reading of Ordinance Amending Weed and Grass Regulations**

MEETING DATE: November 27, 2023

ITEM TYPE: Regular Business

CONTACT: Bridget Nason, City Attorney

ACTION REQUESTED

The Council is asked to consider the second reading of the attached Ordinance, amending the City's weed and grass regulations.

BACKGROUND

The City Code currently prohibits long grass and weeds, and adopts certain turf establishment requirements. During the most recent legislative session, state statutes were amended to require cities to permit managed natural landscapes on all private properties. A "managed natural landscape" is defined as a "planned, intentional, and maintained planting of native or nonnative grasses, wildflowers, forbs, ferns, shrubs, or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plants. Managed natural landscapes do not include turf-grass lawns left unattended for the purpose of returning to a natural state. Managed natural landscapes may include plants and grasses that are in excess of eight inches in height and have gone to seed, but may not include any noxious weeds and must be maintained.

The attached ordinance includes other revisions suggested by staff related to the process for abatement of long grass and weeds, as well as turf establishment requirements. A few minor clarifications were made to the ordinance since the first reading; those revisions are highlighted on the attached ordinance.

FISCAL IMPACT

n/a

RECOMMENDATION

Staff recommends approval of the second reading of the attached Ordinance.

ATTACHMENTS

1. Ordinance Amending Weed and Grass Regulations

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE SECTIONS 5-9-2 AND 4(D) RELATED TO WEEDS AND GRASS

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

Section One. Amendment. Section 5-9-4(D) of the Inver Grove Heights City Code is hereby repealed in its entirety and replaced as follows:

D. Weeds And Grass:

1. The following shall apply to property in all zoning districts:

- a. Lawns or vegetation on a property outside of the traveled portion of any street or alley including right-of-way's adjacent to the property shall not exceed a height of (8) eight inches, measured from the base at ground level to the tip of each stalk, stem, blade, or leaf, except permitted vegetation other than turf grass that naturally exceeds (8) eight inches in height due to the plant's cultivar.
- b. Noxious weeds, nuisance weeds, unmanaged volunteer trees, and unmanaged vegetation shall not be permitted on any property, except that unmanaged vegetation and volunteer trees are permitted on land **that has not been** previously graded, landscaped, mowed or **has** otherwise previously **been kept** in a natural state.
- c. Managed Natural Landscapes as defined in Minnesota Statutes, Section 412.925 are permitted on any property and shall conform with all the requirements set forth in that statute as well as this section of the City Code.

The following areas are exempt from the requirements listed above:

- a. Wetlands, stormwater ponds and/or their surface conveyances, lakes, streambeds, and a fifty-foot (50') buffer area around such areas.
- b. Pastures and parks, park facilities, and recreation areas as defined by Section 7-5-1(B) this Code.
- c. Railroad rights-of-way
- d. Property located in the A-Agricultural, E-Estate and I-Industrial Zoning Districts.

- e. Areas with slopes steeper than a four to one (4:1) slope ratio.
- f. An area of land that has not been graded, landscaped, mowed or otherwise previously disturbed by human or mechanical means.
- g. The natural areas and open space areas as defined in the Northwest Area Overlay Zoning District regulations, [title 10, chapter 13](#), article J of this Code.
- h. Public land and right-of-ways within the Mississippi River Corridor Critical Area (MRCCA) Zoning District.

2. Upon determining that a violation of section 5-9-4(D)(1) exists, the Enforcement Officer or designee shall e-mail, mail or post upon the property a written notice to the owners of the property and/or the responsible parties in apparent control of the property. The notice shall state that the responsible parties in control of the property and/or the owners must correct the violation within seven (7) days after the date of the notice and that failure to do so may result in the City correcting the violation, charging the cost of correction to the owners and specially assessing the cost thereof against the property pursuant to Minnesota Statutes section 429.101 if the owners do not pay for the cost of the correction. If the owner(s) or other responsible party has not corrected the violation within the time stated in the violation notice, the City may correct the violation and may charge the cost of correction to the owner(s). The owners are liable for the costs and must pay the costs within thirty (30) days after the invoice. If the owners do not pay for the costs, the City may specially assess the property pursuant to Minnesota Statutes section 429.101.

3. Within all zoning districts, responsible parties have the obligation to establish lawns, managed natural landscapes, or other approved landscaping within (1) one year of the date a building or land alteration permit is issued for the property and must maintain that perennial vegetative cover for perpetuity. The City Engineer or their designee may grant an extension to the one-year deadline for establishing lawns or landscaping in extraordinary circumstances.

Section Two. Amendment. Section 5-9-2 of the Inver Grove Heights City Code is hereby amended to add the following definitions:

TURF GRASS OR TURF GRASS LAWN: A lawn composed mostly of grasses commonly used in regularly cut lawns or play areas, including but not limited to bluegrass, fescue, and ryegrass blends, intended to be maintained at a height of no more than eight inches.

MANAGED NATURAL LANDSCAPE: A planned, intentional, and maintained planting of native or nonnative grasses, wildflowers, forbs, ferns, shrubs, or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plants. Managed natural

landscapes does not include turf-grass lawns left unattended for the purpose of returning to a natural state.

MEADOW VEGETATION: Grasses and flowering broad-leaf plants that are native to, or adapted to, the state of Minnesota, and that are commonly found in meadow and prairie plant communities, not including noxious weeds. “Noxious weed” has the meaning given in Minnesota Statutes, Section 18.77, subd. 8

ORNAMENTAL PLANTS: grasses, perennials, annuals, and groundcovers purposely planted for aesthetic reasons.

RAIN GARDEN: a native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of stormwater and accompanying pollutants from entering streams, lakes, and rivers; and

NOXIOUS WEED: Means an annual, biennial, or perennial plant that the Commissioner of Agriculture designates to be injurious to public health, the environment, public roads, crops, livestock, or other property and includes any plant species listed as a “noxious weed” by Federal, State, or County authorities.

NUISANCE WEED: means a plant generally not valued, growing wild and rank, and regarded as cumbering the ground or hindering the growth of desired vegetation and/or volunteer tree(s), volunteer shrub(s), noxious weeds, invasive trees and plants and any other vegetation that is deemed a nuisance by the weed inspector.

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



Request for Council Action

SUBJECT: **1st Reading of Ordinance Allowing Shipping Containers in Certain Zoning Districts**

MEETING DATE: November 27, 2023
ITEM TYPE: Regular Business
CONTACT: Allan Hunting, City Planner, 651.450.2554

ACTION REQUESTED

The Council is asked to consider the first reading of the attached ordinance, amending the Zoning Code to allow Shipping Containers as an accessory use in certain zoning districts.

BACKGROUND

After the Council considered a variance application to allow a shipping container for Jersey's Bar in May of this year, Council asked staff to look into possible regulations to allow shipping containers in certain zoning districts. Staff presented some preliminary information to Council on July 10, 2023. Following that meeting, staff prepared a draft ordinance and the Planning Commission held a public hearing on September 19, 2023.

These containers typically go by the term "shipping" or "cargo" containers. Containers are six-sided steel containers originally constructed as cargo containers used for the transport of goods and materials. The definition of what is proposed to be allowed does not include structures like railroad cars, recreational vehicles, bus bodies, semi-trailers and similar prefabricated items.

A primary benefit to businesses of allowing such containers is that they can be purchased as used containers or be customized for the specific use and can be hauled onto the site, put in place and be ready to go. There would be no construction of a building. The containers proposed would be allowed with their existing exterior ribbed metal material without the need for a variance.

Under the draft ordinance, shipping containers would be permitted as an accessory use in the B-3, I-1, I-2 and P zoning districts. Within the B-3 district, shipping containers are intended to be used as an accessory retail building with some storage allowed. They are not intended to be used solely as storage buildings in the B-3 District. Only one container would be allowed per lot in the B-3 District. Since storage may be the primary use in industrial or institutional zoning, these containers would be allowed to be used solely for storage in the I-1, I-2 and P zoning districts, with a maximum of three shipping containers being allowed on a property.

FISCAL IMPACT

N/A

RECOMMENDATION

The Planning Commission recommended approval of the ordinance amendment with a minor change to the language regarding coloration and aesthetic of the exterior. These changes are incorporated into the draft ordinance.

Staff recommends approval of the 1st reading of the ordinance.

ATTACHMENTS

1. Ordinance Allowing Shipping Containers as an Accessory Use in Certain Zoning Districts (1st Reading)
2. Shipping container picture
3. Retail use shipping container picture
4. Planning Commission Recommendation
5. Planning Report
6. Map of B-3 Zoned Properties
7. Map of I-1, 1-2, P Zoned Properties

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

ORDINANCE NO. _____

**AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE, TITLE 10,
CHAPTER 2, SECTION 2 ADDING A DEFINITION OF SHIPPING CONTAINER AND
ADDING TITLE 10, CHAPTER 15, SECTION 37, SHIPPING CONTAINERS AS AN
ACCESSORY USE**

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

Section One. Amendment. Title 10, Chapter 2, Section 2, **DEFINITIONS**, of the Inver Grove Heights City Code is hereby amended to add the following:

Shipping Container:

A "shipping container" is a six-sided steel unit originally constructed as a general cargo container used for the transport of goods and materials. The maximum dimensions allowed are twenty feet (20') in length by eight feet (8') in width by eight feet (8') in height. Shipping containers do not include similar structures such as railroad cars, recreational vehicles, bus bodies, semi-trailers, and similar prefabricated items.

Section Two. Amendment. Title 10, Chapter 15 of the Inver Grove Heights City Code is hereby amended to add the following:

10-15-37: SHIPPING CONTAINERS AS AN ACCESSORY USE

Shipping containers are allowed as an accessory use in the B-3, P, I-1, I-2 zoning districts subject to the following performance standards:

- A. For shipping containers located on properties zoned B-3:
 - 1. A limit of one shipping container shall be allowed per lot.
 - 2. Property owners may be required to obtain a building permit from the city prior to placing or moving the shipping container onto the property. The Building Official shall determine what permits may be needed based on the use of the container.
 - 3. The shipping container shall be placed on a hard surface such as concrete, asphalt or a gravel pad.
 - 4. A shipping container located within the floodplain shall comply with all floodplain requirements.
 - 5. The placement of the shipping container shall comply with all applicable building setbacks for the zoning district in which it is located and all other applicable zoning ordinance requirements, except as modified herein.
 - 6. A shipping container shall not be used as a dwelling unit.
 - 7. A shipping container shall not be used solely for storage purposes.

Ordinance No. _____

8. Shipping containers are allowed to retain their vertical ribbed metal siding but must be painted a color that is compatible with the primary structure on the lot or aesthetically appropriate to the intended use and in compliance with signage regulations.
9. The shipping container shall be structurally sound, operated in a safe manner and maintained in good repair. No shipping container may contain any holes, peeling paint, rust or damage.

B. For shipping containers located on properties zoned P, I-1 and I-2:

1. A limit of (3) three shipping containers shall be allowed per lot.
2. Property owners may be required to obtain a building permit from the city prior to placing or moving the shipping container on to the property. The Building Official shall determine what permits may be needed based on the use of the container.
3. Shipping containers shall be placed on a hard surface such as concrete, asphalt or a gravel pad.
4. Shipping containers located within the floodplain shall comply with all floodplain requirements.
5. The placement of shipping containers shall comply with all applicable building setbacks for the zoning district in which it is located and all other applicable zoning ordinance requirements, except as modified herein.
6. Shipping containers shall not be used as a dwelling unit.
7. No stacking of shipping containers shall be allowed.
8. Shipping containers are allowed to retain their vertical ribbed metal siding but must be painted a color that is compatible with the primary structure on the lot or aesthetically appropriate to the intended use and in compliance with signage regulations.
9. All shipping containers shall be structurally sound, operated in a safe manner and maintained in good repair. No shipping container may contain any holes, peeling paint, rust or damage.

Ordinance No. _____

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

Passed in regular session of the City Council on the ____ day of _____, 2023.

CITY OF INVER GROVE HEIGHTS

By: _____
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: September 19, 2023

**Consider an Ordinance Amendment to Title 10 of the City Code (Zoning Regulations) to add Shipping Containers to Section 10-2-2 Definitions and to add Section 10-15-37: Shipping Containers as an Accessory Use. (Case No. 23- 38ZA).
Reading of Public Notice**

Commissioner Weber read the Public Hearing Notice. No notices were mailed out.

Presentation of Request

City Planner Allan Hunting mentioned that a discussion about shipping containers came up when Jersey's Bar requested a variance when placing a shipping container on the property to be used as an outside bar. At that time, they needed a variance for exterior building materials. The Council asked staff to review and look into the possibility of allowing shipping containers in the city. There was not much information locally, but did find nationwide information. Shipping containers/cargo containers are a six-sided ribbed structure designed for shipping on semis or cargo ships. The benefit in allowing these is that they can be purchased new or used, customized, and brought to the site. No construction is needed. Information was brought before the Council in July; they continue to support the idea. Council requested staff to draft an ordinance to allow these in B-3 Districts in public and industrial districts. It is not specific to a geographic area. It would be an accessory to a principal use, they cannot be the only structure on the site.

Background:

- Noticed for commercial use as a bar/kitchen or other commercial kiosk in the B-3 District
- Could be used in parks
- In industrial zones the shipping container could be used as storage

Staff created definition of a shipping container consists of units that are 20 feet long, 8 feet high, and 8 feet wide. They are not looking to allow the larger 40-foot containers. Due to the B-3 use/commercial, conditions would be:

- Limiting to just one (1) accessory structure on the property
- Depending on use, may/may not need building permits
- Should be placed on some type of hard surface, asphalt, concrete, gravel (not grass)
- If by the river or floodplain area, should comply with those regulations
- Need to meet all necessary setbacks in the zoning district
- Not be used as a dwelling unit
- Should not be used solely for storage purposes ○ If in the B-3 District, would like to see these utilized as a type of commercial use

- Allow with ribbed siding. No other siding is needed to meet code requirements.
- Need to be in good shape, painted properly, not banged up or rusted. Previous company markings or identification should be painted over.

In industrial/public areas, likely used for storage:

- Allow more than one, limiting to 3
- Building permit may be necessary depending on how it would be used
- Placed on a hard surface
- Recommend no stacking of the units, on ground level
- Vertical ribbed, good shape, painted, more appealing

Staff recommends an ordinance be adopted by the Council but are presenting it to the Planning Commission to see if there are any comments or suggestions.

Chair Niemioja referenced "not solely for storage purposes" in the B-3, stating that is what she wanted to avoid most. She liked the idea of it being used like a food truck/café. She questioned for example, if CHS wanted this on their parking lot as a donut/coffee shop, but only rent it 6 months of the year, if it would work out to shut it down for the 6 months, they are not using it and then open it back up.

City Planner Hunting agreed.

Chair Niemioja referenced painting and if it has to match the other building(s) or if, for example, they could paint it with donuts pictured on it.

City Planner Hunting replied the recommendation is that it not be painted as signage. Signage cannot be painted on a building; it would not be allowed on these containers.

Chair Niemioja asked about having one at the dog park and if kids from the elementary school could paint dogs on it.

City Planner Hunting replied that could be possible, it is not business signage.

Chair Niemioja said she was trying to think of what would make it appealing. She referenced the photo of the bar/food truck container and said it would be neat if it had some type of design.

Commissioner Weber said if it couldn't be a billboard for a business, but wanted to wrap it with something cool, he questioned how to determine.

Chair Niemioja replied it could probably not have words on it such as "Bills Donut Shop".

City Planner Hunting replied that would be a sign.

Commissioner Heidenreich questioned for example, if having graffiti on it such as the one at Jersey's Bar, which would be similar to a railroad train. He does not believe they should be overly restrictive. He could see signs stating "Must be 18", "Bar", "Cash Only". He does not believe they need to overregulate and should skip that part. His thought was that they should strip every rule.

Commissioner Weber asked if this precludes a residential property from using a shipping container for a pool.

City Planner Hunting replied a shipping container would not be allowed in a residential district. If someone wanted to put one in as an accessory structure, they would have to comply with accessory structure materials.

Commissioner Weber mentioned there is a company that turns shipping containers into a hot tub or pool.

Associate Planner Heather Botten replied that would be a different code amendment.

Commissioner Weber shared that there was a company in Eagan called Nomadic Shack that takes shipping containers and turns them into dwelling units. He asked about putting an ADU or a granny pod on their personal property.

City Planner Hunting replied it would not meet minimum size requirements. It may have to be a bigger one. It would still need to be sided correctly, comply with all building codes, and have approval from the building official.

Commissioner Teiken asked for more information on circumstances referenced that would require a building permit.

City Planner Hunting replied the building official mentioned it would have to be looked at based on the use. He thought a permit may be needed if running electricity and/or water.

Commissioner Teiken asked if the permit would mean that a future plan would come before the Planning Commission.

City Planner Hunting replied no.

Commissioner Heidenreich said this does not allow a temporary use in a residential or interculture area. He provided an example of a family losing their home to a fire, a container would be a very secure way to store belongings on site. Other examples could include someone having a major remodel or storm damage on a property. He suggested allowing a temporary use on all properties. He said the temporary use of a container up to 40 feet could be used as long as it is maintained on the property for 6 months, 8 months, or 1 year.

Associate Planner Botten mentioned the code may have flexibility regarding a roll off or storage container that is parked temporarily.

Commissioner Heidenreich said this code says no shipping containers. He could see a neighbor complaining that the code says no shipping containers. He recommends it last as long as the building permit is enforced.

City Planner Hunting stated that Council directed staff to deal with business use. He suggested staff take the comments mentioned and if Council wants to go further, they could, or it could be looked at through the code. He said there has not been questions regarding pods, which is temporary storage on a site. It could be looked at that way.

Chair Niemioja mentioned no stacking was important. Commissioner Weber said they could be stacked more securely than a structure could be built. They can be locked together. They are stocked in shipping yards and boats 10 high.

Chair Niemioja asked if Commissioner Weber would recommend stacking no higher than 3.

Commissioner Weber recommends no stacking higher than the limit. If not wanting to use up a parking lot, stacking these would be more secure than a structure.

Chair Niemioja said she was looking at it from an eyesore standpoint or road view blockage.

Opening of the Public Hearing

With no people in the audience, Chair Niemioja closed the public hearing.

Planning Commission Discussion

Commissioner Weber asked if no stacking could be adjusted to say "no stacking any higher than the structure on the property".

Commissioner Presley mentioned it does not specify whether shipping containers can be stacked or not in the B-3. She questioned if it should specify.

City Planner Hunting replied they are only allowing one.

Commissioner Presley referenced P, I-1, and I-2, and if they could solely be used for storage. It does not specify that it can't be.

City Planner Hunting replied that is what its assumed they would be used for, solely for storage.

Commissioner Twedt said he would not be in favor of stacking. It could become a question of if the directions were followed or if they were sure they are secured. He was more comfortable with having just the one.

Planning Commission Recommendation

Motion by Weber to Approve the Zoning Code Amendment with the recommended Zoning Ordinance to allow for shipping containers to be allowed as an accessory use in the B-3, I-1, I-2, and P, Zoning Districts with the performance standards listed under A. and B.

Commissioner Clancy questioned whether they wanted to add an opinion or recommendation to strike any requirements under the B-3 usage, specifically, A.8.

City Planner Hunting said the Commission may want to modify it. There is an important first clause included that states they are allowed to retain the vertical metal siding. It could be left at that or modified.

Chair Niemioja agreed with maintaining the first part of the clause and suggested it state that they paint it a color that is compatible with the primary structure on the lot, or aesthetically appropriate for the use of the storage container.

Commissioner Weber asked if they could say it is not allowed to be used as signage or advertising. It opens it up to get wrapped or something else.

Commissioner Heidenreich said they should be allowed to put signage on, but not advertising.

Chair Niemioja suggested it be pursuant to the code guidelines related to business signage.

Motion Amended by Weber to adjust #8 to state that shipping containers are allowed to retain their vertical ribbed metal siding but must be painted a color that is compatible with the primary structure on the lot or aesthetically appropriate to the intended use of the container and is in compliance with business signage regulations under city code. Second by Heidenreich.

Ayes: 8

Nays: 0 Motion carried.



Planning Commission Report

MEETING DATE:	September 19, 2023
CASE NO:	23-38ZA
APPLICANT:	City of Inver Grove Heights
PROPERTY OWNER:	NA
REQUEST:	Zoning Code Amendment relating to allowing Shipping Containers
LOCATION:	NA
COMPREHENSIVE PLAN:	NA
ZONING:	NA
STAFF CONTACT:	Allan Hunting, 651.450.2554

ACTION REQUESTED

BACKGROUND

After City Council approved the Variance to allow a shipping container for Jersey's Bar and Grill in May of this year, Council asked staff to research possible regulations to allow shipping containers.

Staff conducted some research and found some regulations for shipping containers in other cities and states. Researching ordinances for abutting or nearby cities, only Mounds View and Apple Valley addressed them. Mounds View allows temporary use in residential districts for storage and Apple Valley does not allow in any district. All other abutting city codes did not address.

These containers typically go by the term "shipping" or "cargo" containers. Containers are six-sided steel containers originally constructed as cargo containers used for the transport of goods and materials and do not include structures like railroad cars, recreational vehicles, bus bodies, semi-trailers and similar prefabricated items.

A primary benefit to a business allowing such containers is that they can be purchased as used containers or be customized for the specific use and can be hauled onto the site, put in place and be ready to go. There would be no construction of a building. The containers proposed to be allowed utilize the existing exterior ribbed metal material without the need for a Variance.

EVALUATION OF REQUEST

Staff presented some background information to the City Council at a Council meeting in July. Council continued to support the idea of allowing shipping containers and asked staff to prepare an Ordinance and present to Planning Commission at a public hearing.

The City Council wanted to allow shipping containers as an accessory for use throughout the city. Staff looked at how these containers might be used and felt that they might be used differently in commercial zoning as opposed to industrial zoning. In commercial areas, they would most likely be

used as outdoor bars (Jersey's Bar), kiosks or the like. In industrial areas, they would most likely be used for storage units. As a result, staff has prepared different performance standards for these districts.

The following contains the proposed draft language for a Code Amendment allowing shipping containers in the city.

10-2-2: DEFINITIONS

SHIPPING CONTAINER

A "shipping container" is a six-sided steel unit originally constructed as a general cargo container used for the transport of goods and materials. The maximum dimensions allowed are twenty feet (20') in length by eight feet (8') in width by eight feet (8') in height. Shipping containers do not include similar structures such as railroad cars, recreational vehicles, bus bodies, semi-trailers, and similar prefabricated items.

10-15-37: SHIPPING CONTAINERS AS AN ACCESSORY USE

Shipping containers are allowed as an accessory use in the B-2, P, I-1, I-2 zoning districts subject to the following performance standards:

A. For shipping containers located on properties zoned B-3:

1. A limit of one (1) shipping container shall be allowed per lot.
2. Property owners may be required to obtain a building permit from the City prior to placing or moving the shipping container onto the property. The Building Official shall determine what permits may be needed based on the use of the container.
3. The shipping container shall be placed on a hard surface such as concrete, asphalt or a gravel pad.
4. A shipping container located within the floodplain shall comply with all floodplain requirements.
5. The placement of the shipping container shall comply with all applicable building setbacks for the zoning district in which it is located and all other applicable zoning ordinance requirements, except as modified herein.
6. A shipping container shall not be used as a dwelling unit.
7. A shipping container shall not be used solely for storage purposes.
8. Shipping containers are allowed to retain their vertical ribbed metal siding but must be painted a color that is compatible with the primary structure on the lot or to blend in with the surrounding environment.
9. The shipping container shall be structurally sound, operated in a safe manner and maintained in good repair. No shipping container may contain any holes, peeling paint, rust or damage.

B. For shipping containers located on properties zoned P, I-1 and I-2:

1. A limit of three (3) shipping containers shall be allowed per lot.
2. Property owners may be required to obtain a building permit from the City prior to placing or moving the shipping container on to the property. The Building Official shall determine what permits may be needed based on the use of the container.
3. Shipping containers shall be placed on a hard surface such as concrete, asphalt or a gravel pad.
4. Shipping containers located within the floodplain shall comply with all floodplain requirements.
5. The placement of shipping containers shall comply with all applicable building setbacks for the zoning district in which it is located and all other applicable zoning ordinance requirements, except as modified herein.
6. Shipping containers shall not be used as a dwelling unit.
7. No stacking of shipping containers shall be allowed.
8. Shipping containers are allowed to retain their vertical ribbed metal siding but must be painted a color that is compatible with the primary structure on the lot or to blend in with the surrounding environment.
9. All shipping containers shall be structurally sound, operated in a safe manner and maintained in good repair. No shipping container may contain any holes, peeling paint, rust or damage.

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 action should be taken:

- Recommend amending the Zoning Ordinance to allow for shipping containers to be allowed as an accessory use in the B-3, I-1, I-2, and P zoning districts with the performance standards listed.

B. Denial:

If the Planning Commission finds issues with the Ordinance, a recommendation of denial should be made or specify recommended changes to the Ordinance.

RECOMMENDATION

Staff recommends Approval of an Ordinance to allow shipping containers.

ATTACHMENTS

None

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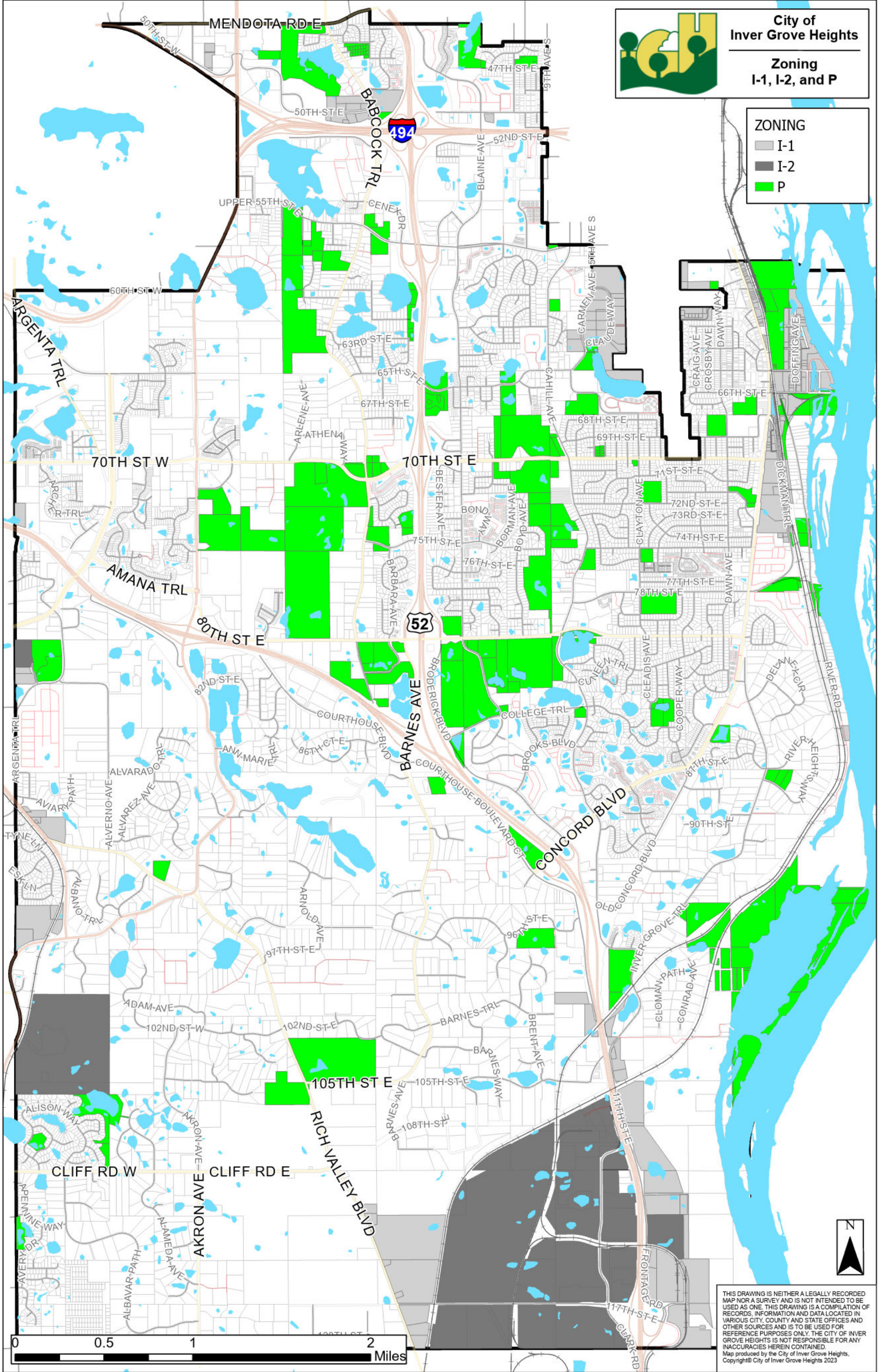


City of
Inver Grove Heights

Zoning
I-1, I-2, and P

ZONING

- I-1
- I-2
- P



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Request for Council Action

SUBJECT: **Direction to Staff Regarding City Attorney Contract**

MEETING DATE: November 27, 2023

ITEM TYPE: Regular Business

CONTACT: Kris Wilson, City Administrator, 651.450.2511

ACTION REQUESTED

The Council is asked to provide direction to staff regarding the City's contract for City Attorney services.

BACKGROUND

The City currently contracts with the law firm of Levander, Gillen & Miller for civil legal services, which are provided primarily by City Attorney Bridget McCauley Nason. I was recently notified that Ms. Nason has decided to move to the law firm of Kennedy & Graven, which also specializes in municipal law. The City has the option to move its businesses to Kennedy & Graven and retain Ms. Nason as its City Attorney, or remain with Levander, Gillen & Miller and work with a different attorney.

After giving the subject careful consideration and soliciting input from Councilmembers and staff, I recommend that the City enter into a contract with Kennedy & Graven and retain the services of Ms. Nason. Ms. Nason's experience with the City of Inver Grove Heights and her knowledge of our policies, practices and ordinances is extremely valuable. While the City Attorney works with all City departments on a wide range of issues, here in Inver Grove Heights they are particularly involved with planning, zoning and development-related matters. With the City planning to hire and onboard its next Community Development Director in the coming months, Ms. Nason's expertise with the Inver Grove Heights City Code will be very valuable in supporting the new Director's transition into the job.

Given the length of time since the City issued a Request for Proposals for civil legal services, I would also recommend that the Council consider a planned RFP process for sometime in 2025, in order to ensure that we are receiving competitive rates and services for the long-term. Any interested law firm would have the opportunity to be considered for the City's business as part of that process.

FISCAL IMPACT

The rates for Ms. Nason's time would be the same at Kennedy & Graven as they have been with Levander, Gillen & Miller, with previously agreed-upon annual increases.

RECOMMENDATION

If the Council concurs with staff's recommendation, the appropriate motion would be to direct the City Administrator to negotiate a contract with Kennedy & Graven for consideration by the Council at one of its December meetings.

ATTACHMENTS

None



Request for Council Action

SUBJECT: **Closed Session Pursuant to Minn. Stat. Sec. 13D.05, subd. (3)(c)(3)**

MEETING DATE: November 27, 2023

ITEM TYPE: Regular Business

CONTACT: Kris Wilson, City Administrator, 651.450.2511

ACTION REQUESTED

The Council is asked to move to a closed session to develop or consider offers or counteroffers for the purchase of real property.

BACKGROUND

The Council is asked to make a motion to close the meeting pursuant to Minnesota Statutes, Section 13D.05, subdivision 3(c) (3) in order to develop or consider offers or counteroffers for the purchase of the real property located at 6971 Dickman Trail, and property located on Dickman Trail and legally described as Lots 14-17, OM Johnson Addition.

FISCAL IMPACT

n/a

RECOMMENDATION

Staff recommends a motion to close the meeting as described above.

ATTACHMENTS

None