

INVER GROVE HEIGHTS CITY COUNCIL AGENDA

Monday, February 26, 2018

8150 BARBARA AVENUE

7:00 P.M.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PRESENTATIONS**

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

A. i. Minutes of February 5, 2018 Work Session Meeting Minutes

ii. Minutes of February 12, 2018 City Council Meeting Minutes

B. Resolution Approving Disbursements for Period Ending February 20, 2018

C. Consider Approval for Design Services/Plans and Specification for the Replacement of Rich Valley Tennis Court

D. Consider Renewal of North Valley Disc Golf Operations Agreement with Municipal Disc Management (MDM)

E. **KYLE KRECH** – CASE NO. 17-07CV: Approve a Resolution relating to the Storm Water Maintenance Agreement for the property located at 6163 Cahill Avenue

F. Accept Proposal for Professional Services for Design and Construction Administration and Observation for Exterior Reconditioning of the Five Million Gallon Concrete Ground Storage Reservoir

G. Accept and Approve Proposal from Stantec Consulting Services for the Northwest Area (NWA) Trunk Water System

H. Consider a Resolution Authorizing Engineering Services and Authorizing Preparation of an Operation and Maintenance (O&M) Manual and One-Year Evaluation Report for City Project No. 2016-01 – Stormwater Treatment for Mississippi River Discharge from Barr Engineering Company

I. 2018 Draft Legislative Initiatives

J. Personnel Actions

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

6. **PUBLIC HEARING**:

A. Assessment Hearing for the 2018 Pavement Management Program, City Project No. 2015-09D – Broderick Boulevard Area Reconstruction

7. **REGULAR AGENDA**:

I. COMMUNITY DEVELOPMENT:

A. **JAYME QUINELL**; Consider a Resolution relating to a Variance to allow a porch addition six feet from the side property line whereas 10 feet is required for property located at 9304 Avalon Court

B. INDUSTRIAL EQUITIES, LLP; Consider the following for property located at Auburn Path and Argenta Trail:

- a) A Resolution relating to a Comprehensive Plan Amendment to change the land use designation from P, Public/Institutional to GI, General Industrial
- b) An Ordinance to Rezone the property from P, Institutional to I-2, General Industry

C. INTERSTATE DEVELOPMENT CORPORATION; Consider the following for property located at 9015 Broderick Boulevard:

- a) An Ordinance to amend the Arbor Pointe PUD Ordinance to allow Special Education School as a permitted use in the CSC, Community Shopping Center District
- b) A Resolution relating to Amending the Arbor Point PUD to approve a revised site plan for the location

D. PINE BEND LANDFILL; Consider the following for property located at 2495 117th Street E:

- a) First Reading of an Ordinance Amendment to allow a side slope capacity expansion of an existing landfill as a conditional use permit in the Integrated Resource Management Overlay District
- b) A Resolution relating to a Non-Conforming Use Certificate Amendment to allow a side slope expansion
- c) A Resolution relating to a Conditional Use Permit to allow a side slope capacity expansion of the Pine Bend Landfill

E. CITY OF INVER GROVE HEIGHTS; Consider the First Reading of an Ordinance to allow Park and Ride facilities as an Interim Use in the B-3, B-4 and P zoning Districts.

II. ADMINISTRATION:

F. CITY OF INVER GROVE HEIGHTS; Third and Final Reading of Ordinance Amending City Code Section 4-1- 6(l) relating to the Distances between an Off-sale Intoxicating Liquor Facility and a School or Church

8. PUBLIC HEARING:

A. Consider Approval of Off-Sale Liquor License for Mallory-Mikayla, LLC, 6530 Cahill Ave.

9. MAYOR & COUNCIL COMMENTS:

10. EXECUTIVE SESSION:

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

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

- i. LSS Properties LLC – 6455 Doffing Ave – 20-36500-32-110
- ii. Hay – No address – 20-36500-31-050
- iii. Kramer – 4301 64th St 20-36550-31-070

11. ADJOURN:

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

**INVER GROVE HEIGHTS CITY COUNCIL WORK SESSION
MONDAY, FEBRUARY 5, 2018, 2018 6:00 PM – 8150 BARBARA AVENUE**

A. CALL TO ORDER: The City Council of Inver Grove Heights met in work session on Monday, February 5, 2018, in the Inver Grove Heights Council Chambers. Mayor George Tourville called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited. Roll call: Present were Mayor Tourville, Councilmembers Bartholomew, Hark, Perry, and Piekarski Krech. Staff; City Administrator Joe Lynch, Attorney Tim Kuntz, City Planner Allen Hunting, City Clerk Michelle Tesser, and Police Chief Paul Schnell.

1) Neighborhood Noise Analysis/Bituminous Roadways

City Planner, Allan Hunting, introduced the item. He reported that in October of 2017 when the City Council was reviewing Bituminous Roadways' five-year extension a number of residents came to the meeting to speak about the increasing noise from their operation. Council directed staff to look into doing a noise analysis. In the Council report, four examples were given where noise was reviewed as part of an application or after an operation began. One was for Bituminous Roadways expansion EAW in 2011. As part of EAW's the consultant does some analysis of noise but they did not go out on the site and do any measuring. They review the truck noise, distance to homes, topography and make some assumptions on these factors such as if the noise will increase and affect the surrounding homes. One on-site analysis was done for Simon Delivers in 2005. It was done for the neighbors to the west because of their concerns about noise by delivery trucks during the early morning. The study indicated the facility was below the MPCA noise standards.

Mayor Tourville said because of the noise study a solution was found for the steel ramps in between the trucks and the building. Rubber bumpers were installed (cost about \$80.00 each) and the solution resulted in diminishing the sound for the neighbors.

Mr. Hunting stated that five residents spoke at the October meeting were concerned about the noise they hear from the dump trucks and the tailgates slamming after the trucks have dumped their load. H stated that the noise analysis might not pick up these sounds because it is a quick noise and not continuous.

He stated he did call Barr Engineering and received general information. A typical noise monitoring method would be to do a continuous 24 hours monitoring for a couple of days. A couple of noise monitors would be put on the perimeter of the site to compare the actual noise and background noise. Some analysis can be done from that method. The cost would be about \$5,000.00. Monitors could also be installed in neighboring yards to monitor noise for a period of time. Staff is looking for direction on measurement of the baseline and the process that will be used.

Councilmember Piekarski Krech asked about the dump trucks banging noise. It is not thought to be a continuous noise? Mr. Hunting stated that his understanding is that a continuous noise is defined as continuous for over a 10-minute time period. A quick banging does not trigger a violation - it needs to be over a longer period of time. As Bituminous Roadways moves west and south they are going to be moving closer to the neighborhood.

Councilmember Hark asked if a study was done would there be a record of the quick banging noise. Mr. Hunting said there would be a record of the spike in the noise.

Mayor Tourville said the state statute was looked at and noise is defined as at a certain decibel level for a certain period of time. What would be helpful would be to do the study at their operational times as a base level. If a noise analysis is done, Bituminous Roadways can't say you have never tested or monitored for noise. Mr. Hunting said they could be creating noise trying to shake everything out of the truck bed.

Councilmember Hark asked if the testing would be done on the Bituminous site or the neighbor's yard? Mr. Hunting stated that is the direction he is looking for from Council on where to put the monitors. One should be put on the perimeter of the site to get a good baseline of their operation. One could be extended out onto a neighbor's property to find the decibel level on their property. He asked if staff should extend it to one or two of the neighbor's properties?

Councilmember Hark asked if a monitor where put on a neighbor's property if Bituminous would be notified? There may be an advantage to not letting the company know when and where monitoring will be held. Mr. Hunting responded that the company would not be notified. If a monitor was installed on their property they would know it was being monitored but not what days are set for monitoring. This is what happened at Simon Delivers - they knew they were being monitored but not when it was happening.

Mayor Tourville said it might be good to put a monitor on their property to get a baseline. He asked City Attorney Kuntz, if it could be put in as part of the process and charge the applicant? Mr. Kuntz said the permit has already been issued. The terms of the permit would need to be looked at but he believes there is no ability to charge the applicant.

Mayor Tourville asked if the Council would be interested in doing a noise analysis?

Councilmember Bartholomew said it would be a good idea. He stated we can get input from Barr Engineering on how they propose to do it, what is recommend and what are the costs.

Mr. Hunting said he would bring it back to the Council at another work session. Mayor Tourville said that Bituminous Roadways can know this is being done but not when it is being done.

Councilmember Piekarski Krech said it is good to get a baseline because as they get closer to the homes there may be more noise issues.

Mr. Hunting said he would get costs that would include add-ons so monitors could be placed in neighbor's yards also.

2) Police Survey Results

Police Chief, Paul Schnell, introduced the first annual community safety survey results. A PowerPoint presentation was shown. The survey was launched in mid-December and was opened for four weeks. There was a really good response. There were 459 responses. He stated that his Command staff put together a presentation regarding the results.

Police Officer, Trent Anderson, said one of the questions on the survey was where they lived or work in the community. A quadrant map was used for the response (1, 2, 3 or 4) and shown. A lot of people could not understand the map. We used the survey to get feedback on traffic, crime, and quality of life issues. To assess their levels of fear within the community. And to address concerns and better focus our patrol units.

The survey had 39 questions. Some of the questions were multi-layered or comparative. Two questions focused on actions homeowners may take for protection (such as purchasing an alarm system or purchase a gun). Nearly all the questions offered respondents access to a narrative text box.

Officer Anderson stated homeowners represented 88% of respondents and 10% were identified as an employee at a business in Inver Grove Heights. We did not get a lot of responses for the age group of 16 to 24 years old. The largest age group responding was 36 to 65 years old. Women accounted for 55% of the respondents. 96% of the respondents reported themselves as Caucasian. 19% identified themselves as being non-white or mixed ethnicity.

We asked their perceptions of seriousness of crime and quality of life concerns. These are the biggest concerns:

- 36% was theft from motor vehicles
- 26% was speeding or traffic related concerns
- 25% was break-ins (burglary) of garages, sheds or homes
- 20% was disorderly persons/youth

He stated over 50% of respondents are satisfied with the level of proactive police patrol. 32% would like to see increased police patrols – they don't have safety problems, they would like to maintain their neighborhood safety. Nearly 50% of respondents said they were unsure if officers were familiar with the issues important to them and their neighborhood.

Level of crime in the respondent's own neighborhood felt:

- 26% felt it has increased
- 68% felt it stayed the same
- 5% felt it decreased

In the city overall

- 45% felt it has increased
- 51% felt it stayed the same
- 2% felt it decreased

In general, 63% reported feeling very safe or extremely safe. At night, 51% reported feeling very safe or extremely safe.

Officer Anderson stated locations to focus on were received from the narrative – parks (Sleepy Hollow Park, Harmon Park Reserve, Oakwood Park, Rich Valley Park and Salem Park) and near schools (where youth would hang out) and streets and intersections citywide- for traffic violations.

He stated top areas off increased emphasis were: drug and alcohol issues, juvenile/youth problems, traffic safety and domestic/family violence. Others included: vandalism, theft, DWI, and child abuse/neglect.

He stated we asked what social platform they used:

Facebook 85%

Instagram 23%
Twitter 19%
Snapchat 15%
Nextdoor.com 15%

We asked if they had trust in the Police Department and the response was:

Strongly approve	46%
Somewhat approve	32%
Somewhat disapprove	5%
Strongly disapprove	2%
Unsure	12%

We want to do a better job of the respondents that somewhat disapprove, strongly disapprove or were unsure.

We did ask them how they felt about body cameras and the responses were:

27% believe it is important to document the evidence
21% believe it helps officers from false claims
11% believe it ensures the interest of the citizens
5% believe it is an unnecessary expense
5% don't know enough about them
5% need to learn more about the use

Current staffing levels:

41% believe it is about right
3% believe it is too high
23% believe it is too low
31% are unsure

They were also asked if they believed Inver Grove Heights Police would treat people fairly –

84% responded yes
6% responded no
8% responded other – we would like to identify the why for the no responses.

Sergeant Weiderhoeft said the role of the committee was to digest the data and formulate a response to improve our community.

Priorities that were identified for improvement in 2018.

- 1) theft from vehicles
- 2) traffic safety
- 3) burglary – shed, garage home, business
- 4) youth delinquency
- 5) Domestic & family violence

He continued saying that Chief Schnell brought forward a target hardening strategy that we will be using to tackle priorities. A chart was shown of the strategy.

The strategy would be to handle the offender appropriately, make sure they are charged appropriately, investigated appropriately, manage places appropriately, remove a place where a crime can occur, or be there so a crime does not occur. We need to be good guardians of a victim and make sure they receive the support and education they may need to not become a victim again.

He stated that the theft from vehicle strategy includes: identify vulnerabilities - education, prevention messaging – use social media, charging all available offences (including tampering and possession of stolen property), consider increasing plea threshold to hold suspects accountable, undercover/bait vehicle operations and curfew sweeps.

He stated that traffic safety strategies – distracted driving is a common problem and we would use education – launch a campaign for not using a cell phone while driving. DWI enforcement is identified strongly in Inver Grove Heights. Coordinate a traffic safety group county-wide. High visibility traffic safety efforts (Dakota County Traffic Safety) officer training needed and officers will need to be visible. There will be 11 high traffic safety events in Inver Grove Heights in 2018. Tamers program – empower the citizens when they have complaints in their own neighborhood. They can check out and rent (after they have some training) a radar and they can collect some data for us. He stated we have a speed trailer that is shared by two other agencies. We would like to utilize the trailer more. Social media/education is an easy way to send out a message to a mass group.

Sergeant Wiederhoeft stated that burglaries have not increased in the last couple of years, but the survey showed that people are concerned. Burglary strategies would be to offer “crime prevention through environmental design” consultations – meet with residents to educate them on how to guard their house and possessions from burglaries. He discussed publishing burglary prevention messages and resources on website and social media. Leave notices regarding open garage doors while on patrol. Continue utilization of crime scene processing in burglary cases, including DNA swabbing by training more officers to process a crime scene more efficiently. Increase cross-jurisdictional coordination and communication of burglary investigation efforts.

He stated that youth delinquency has affected certain parts of the city and strategies would include proactive youth outreach. Engage youth where they are. Do targeted curfew sweeps. Increase our collaboration with the City Parks Department – use trail cameras to catch vandals. Develop and launch a youth police academy. We would like to explore use of restorative justice intervention for youth related offenses. How can they give back as part of their prosecution of the crime they had done? Increase focus on city parks to encourage and ensure pro-social use of the parks. We got the impression some people did not want to use the parks because of youth problems in the parks.

Sergeant Wiederhoeft stated domestic & family violence strategies include domestic abuse no contact order and order for protection safety assessment details. In our experience, sometimes the order gets dropped after the event has occurred. We should reach out and engage the victim so they do not become a victim again. We would like to work with the city attorney to expand evidence-based prosecution. Sometimes victims become uncooperative later in the investigation. We can collect evidence on the scene for a successful prosecution. Fully analyze investigation, prosecution, and advocacy for service gaps. Develop closer relationship with Dakota County probation. Continue to partner with the on-site domestic abuse advocate.

He stated strategies to increase community engagement for crime prevention: Business outreach by engaging businesses, Coffee with a cop, launch of a positive social media presence, periodic foot beat assignment (walking the street and engaging citizens at events), schedule and promote a 2018 open house to give tours and answer questions, schedule and host two "Safe Summer Nights" events in neighborhoods or multi-family dwellings where police officers would be approachable, encourage "neighborhood watch" programs or "block clubs" – physical or virtual (Facebook page), start a "see something/say something" campaign for citizen comments.

Sergeant Wiederhoeft stated the committee is developing a series of measurements to assess the outputs (measure the quantifiable activities, programing, and efforts produced) and outcomes (accomplishments achieved as a result of the planned activity, program, or effort). The team will come back late in 2018 to provide a report to Council.

Councilmember Piekarski Krech asked if more break ins were occurring in businesses or is that the perception? Mr. Weiderhoff answered that there are not more break ins. People are hearing/talking about it more on social media. Maybe that is an area where we start by being proactive. Businesses on Cahill feel that the area is being targeted. Maybe we can reach out to them a little more. Chief Schnell said that a dashboard is being set up on the department website. It would provide statistical data on reported incidents week to week. We are also asking residents to use the mapping program which is currently available. It allows people to see where incidents are occurring and when they are occurring. It is updated daily.

Councilmember Piekarski Krech believes the city is a very safe place.

Councilmember Hark said it was a very good presentation. He liked the idea of education behind distracted driving. It is a serious issue and is seen every day. The idea of a bait vehicle could may be shared with another surrounding community. Chief Schnell said one could be borrowed from St. Paul that already has bait vehicles. Councilmember Hark asked when discussing the parameters of plea bargains is the prosecuting office telling us the parameters of plea bargaining? Is the city involved in the process at all? City Administrator Joe Lynch, responded that the city is not involved in that. Chief Snell said a meeting has been set up to with prosecutors and the courts to discuss plea bargaining and known problems. Councilmember Hark said it is a tricky issue and worth discussing.

Mayor Tourville said the three areas looked at were police, fire, and parks and recreation. The Facebook pages need to be coordinated. Social media is exploding for the good and bad. The different groups or car lots (large and small) that complain about vandalism and car theft, having a meeting with them shows we are trying to be proactive. We could also be proactive with apartment buildings. With the 12 hour shifts maybe more interaction could be done. The school liaison is a very important for the youth for education especially for distracted driving. Some communities in the spring/summer hold a meeting in the parks – they will be able to notify residents that there will police in the parks. It is a good start for the betterment of the community.

Chief Schnell said he wanted to give credit to the officers and is proud of the work they did, the level of engagement, and the results are incredibly positive. The 84% that responded about trust in the police department is a huge number. The group has put together the priorities that can become realities.

Councilmember Hark asked if the survey would be posted somewhere? Chief Schnell said it would be posted without the comments. We are going to talk about how it will be posted on the website. Councilmember Hark asked that for the next survey - to think about how to engage the 16 to 24 years old age group. Chief Schnell said maybe using Twitter, Snapchat or outreach to the schools are possibilities.

3) Customer Service Policy

Joe Lynch, City Administrator, introduced the customer service policy. It is the third draft of the policy and is in response to Council's request for a policy. It is to address people's complaints, questions, concerns, and requests for information. It was started in June of 2017, with department heads. We are still trying to determine performance measures that are standard across the board. There are different departments that deal with different folks in different ways to respond to their customer inquiries.

We redrafted the policy based on feedback in July and now other minor tweaks have been made. If Council agrees to the changes it would need to be put into its proper form and sent to all of our managers/supervisors for their feedback. Once that feedback is received their comments could be included in the policy. It then would be presented to all staff along with our standards of measurement and methods. We have identified the appropriate staff and initially that group would figure out the standards of measurement. He stated we can use a benchmark that would be used across the board.

Councilmember Hark asked if the next step would be to disseminate the policy amongst the department heads for their feedback? Mr. Lynch responded that they have seen the policy but it needs to be discussed at our next staff meeting. The policy will then need to be "cleaned up". He stated it will then go in front of the department heads.

Councilmember Piekarski Krech asked if all staff would see the policy? Mr. Lynch responded affirmatively. It would be presented as the city's customer service policy. Once presented to staff they would sign the acknowledgement page stating they understand the policy. He stated that newly hired employees would have to complete the customer service training within the first 30 days. All existing employees will be required to complete a customer service training course within 12 months of their anniversary date.

Councilmember Piekarski Krech asked if staff would be able to give feedback on the policy. Mr. Lynch responded that they would be able to comment.

Councilmember Hark said he would like to keep this moving forward. He asked when it would come back to the Council. Mr. Lynch responded at the April work session.

Councilmember Bartholomew asked if each department would be able to present their methodology on how they are going to record their complaints and how they are going to reach a resolution. Mr. Lynch responded that he thinks it's going to be by subgroups of those identified as department contacts. Along with what are common ways we get complaints – email, phone call, voicemail, through the website and mobile app? How do we collect the data from those inputs and then how do we start monitoring the resolution rate based on the department division (output)? Staff will work together on the details. Mr. Lynch stated he would like the group to come up with those standards because they will be the one's being held accountable to those standards.

Councilmember Bartholomew said he would encourage not only a resolution to the problem but an analysis to find the root or cause of the problem that would prevent the problem from occurring again. He asked for that to be apart of the process.

Mayor Tourville said some problems may not have a root cause. Councilmember Bartholomew agreed. Mayor Tourville said the item will be brought back in April and will continue to go forward.

The council discussed scheduling the City Administrator's review. Lynch asked for clarification if the meeting will be about strategic actions and his performance review. Mayor Tourville responded that the meeting will be for both and will be a recap of 2017. Saturday, March 10th at 8:00 AM was decided for the meeting date and time.

Councilmember Piekarski Krech made a motion to meet on March 10, 2018, at 8:00 AM for the City Administrator's review and goal setting, seconded by Perry.

Ayes: 5

Nays: 0

B. Adjourn

Councilmember Bartholomew made a motion to adjourn, seconded by Councilmember Hark, and unanimously carried. The work session adjourned at approximately 7:16 p.m.

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, February 12, 2018- 8150 BARBARA AVENUE**

1. CALL TO ORDER and 2. ROLL CALL

The City Council of Inver Grove Heights met in regular session on Monday, February 12, 2018, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m. Present were Council members Bartholomew, Hark, Perry, and Piekarski Krech; City Administrator Lynch, City Attorney Kuntz, Community Development Director Link, City Clerk Tesser, Parks and Recreation Director Carlson, Finance Director Smith, Public Works Director Thureen, City Engineer Kaldunski, Fire Chief Thill, and Recording Clerk Yourczek (absent).

3. PRESENTATIONS:

A. Introduction of Sibley Marching Band

Giselle Taylor, resident of Mendota Heights, stated she is bringing awareness about the Sibley Marching Band invitation by Governor Dayton to march in the National Fourth of July Parade in Washington, DC. She stated that this is great recognition for the hard work this band has done, but also for the Community as they are a neighbor to Inver Grove Heights. She stated kids in marching bands have a strong work ethic and are hard-working and we want to give them an opportunity to go out to our Nation's Capital to perform in front of millions of people. She stated they have a Call to Action to raise \$92,000. She stated they are hoping members of the Community will donate to the cause. She stated this is a non-profit 501(c)3 tax deductible contribution and they would appreciate any support you can give the community and the kids. Their band program has 58 kids, winning third place in the State Competition and they are hoping for this to continue. She stated sponsorships are available as well.

Mayor Tourville wished them the best of luck.

4. POLICE CHIEF PRESENTATION

Police Chief Paul Schnell stated he is here this evening to update the City Council on a few items within the Community. He stated the first is regarding two men that attempted to rob the Verizon store in August of 2017. He stated the men were federally indicted under the Hobbs Act that allows prosecutors to charge people for armed robberies for the purpose of interstate commerce. He stated that these offenders were prohibited from possessing a firearm at that time. He stated they were charged under State law and that this was an investigation that was jointly conducted by the Inver Grove Heights Police Department and the Federal Bureau of Alcohol, Tobacco, and Firearms.

Chief Schnell stated that they have been compiling 2017 crime data that has been reported to the Minnesota Bureau of Criminal Apprehension. He stated since 2016 crime is down in the City. Most notable was a decrease in by 194 reported incidences, serious assaults were down 12 incidences, and sexual assaults were down by nine. He stated there were increases in burglaries of sheds and garages, and also an increase in auto theft, which was up by 45 more incidences in 2017 over 2016. He stated they have found that burglaries were up due to unlocked or open garages or sheds, and that motor vehicle thefts primarily occurred at car dealership lots. He stated vehicle thefts include crimes of opportunities, such as cars left running on the streets, in driveways, or at convenience stores. He stated they are going to be giving a heavy emphasis on crime prevention in 2018. He stated he would like to remind people that the Community plays a significant role in maximizing Community safety and asks that people report any and all suspicious activity by calling 911.

Chief Schnell stated that this past weekend five members of the Police Department participated in the Polar Plunge for Special Olympics at Carver Lake in Woodbury. The Plunge raises money to support programs and events for Minnesota Special Olympians. The Inver Grove Heights Police Department team raised over \$2,500 for Special Olympics.

Mayor Tourville stated that car thieves are breaking into vehicles and they are taking the owner's manuals and then going to the dealerships with the vehicle number and getting a new key.

Chief Schnell agreed that sometimes a key identification code is included in the owner's manual and that is one of the things that is required to obtain a new key. He stated that this is a growing trend and something everyone needs to be aware of. He stated when vehicles are locked most of the time the thieves tend to move on to one that is unlocked.

Mayor Tourville stated that the Police report information should be online soon.

5. CONSENT AGENDA:

- A. i. Minutes of November 9, 2017 Special Council Meeting Minutes
- ii. Minutes of December 11, 2017 Council Meeting Minutes
- iii. Minutes of January 2, 2018 Work Session Meeting Minutes
- iv. Minutes of January 8, 2018 Special Council Meeting Minutes
- v. Minutes of January 8, 2018 Council Meeting Minutes
- vi. Minutes of January 18, 2018 Special Council Meeting Minutes
- B. **Resolution 18-16** Approving Disbursements for Period Ending January 17, 2018
- C. **Resolution 18-17** Approving Disbursements for Period Ending February 6, 2018
- D. Consider Approval of Joint Powers Agreement with the State of Minnesota for the VMCC Parking Lot Project
- E. Consider Hiring WSB Inc. for Heritage Village Park Phase I Design and Bidding Services
- F. Consider Accepting a \$310,230.07 Assistance Firefighter's Grant for Self-Contained Breathing Apparatus (SCBA)
- G. Approve Inver Grove Heights Firefighters' Relief Association Contribution Payments
- H. Consider Approval of Joint Powers Agreement with City of Rosemount for the West Rink Improvement Project
- I. Consider Approval of Contract with Stevens Engineering for West Rink Rehabilitation Project
- J. Consider Purchase of Golf Course Capital Equipment
- K. Sale of Real Property on 5039 Brent Avenue **Resolution 18-18**
- L. Personnel Actions January 22, 2018
- M. Appoint a Director and Alternate Director to LOGIS Board of Directors **Resolution 18-19**
- N. Approval of Temporary Liquor Permit for Church of St. Patrick
- O. VICKY STADTHER (McDONALDS); Approve a **Resolution 18-20** approving the Storm Water Maintenance Agreement for the property located at 5760 Cahill Avenue.
- P. CALATLANTIC GROUP, INC.; Approve a **Resolution 18-21** approving the Development Contract, Storm Water Maintenance Agreement and other related agreements for the plat of Blackstone Vista 3rd Addition.
- Q. Resolution Calling for Hearing on Proposed Assessments and Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for Nuisance Abatement 2017 **Resolution 18-22 Call Hearing, Resolution 18-23 Declare Assessment**
- R. Personnel Actions February 12, 2018
- S. Consider **Resolution 18-24** Approving Xcel Encroachment Agreement for City Project No. 2015-09D – Broderick Boulevard Reconstruction (80th Street to Concord Blvd.)
- T. Consider **Resolution 18-25** Approving Plans and Specifications, Authorizing Advertisement for Bids for the 2018 Pavement Management Program, City Project No. 2017-09E – 93rd Street/Abigail Court Area Reconstruction
- U. **Resolution 18-26** Scheduling a Public Hearing to Consider Ordering City Project No. 2018-04 – Arbor Pointe PUD Shared Street Light System Improvements
- V. Consider **Resolution 18-27** Approving Retaining Wall Maintenance Agreement, Temporary Construction Easement Agreement, Permanent Pedestrian Sidewalk Agreement and Settlement Agreement for Lot 3, Block 1, Arbor Pointe 11 Addition (9087 Broderick Boulevard)

W. Consider **Resolution 18-28** Approving Temporary Construction Easement Agreement and Settlement Agreement for Lots 1 and 2, Block 1, Arbor Pointe 12th Addition (8851 Broderick Boulevard)

X. **Resolution 18-29** Accepting the Proposal of Braun Intertec for Geotechnical Testing Services for City Project No. 2016-08 – Trunk Highway 3/70th Street Intersection Improvements (Roundabout)

Councilmember Piekarski Krech requested to pull Agenda items 5Aiii, 5Aiv, 5Avi and also 5E.

Mayor Tourville had a question regarding item “R” under Personnel Actions. He stated they used to receive information on whether people were getting hired, fired, resigning, or retiring. He felt it would be nice to know how employees left the city.

City Administrator Joe Lynch stated most of the hires are seasonal and temporary, so they come and go frequently. He stated they can list them for full-time employees.

Motion by Bartholomew second by Hark to approve all items on the Consent Agenda except items 5A 3, 4, and 6, and item E.

Ayes: 5

Nays: 0 Motion carried.

Motion by Bartholomew second by Perry to approve items 5Aiii, 5Aiv, 5Avi due to Piekarski Krech’s absence.

Ayes: 4

Nays: 0

Abstain: 1 (Piekarski Krech) Motion carried.

Mayor Tourville stated they will move onto agenda item E. to Consider Hiring WSB Inc. for Heritage Village Park Phase I Design and Bidding Services.

Councilmember Piekarski Krech commented that she wanted to make sure that when we get to the operational expenses that it becomes self-funded. She stated it seemed like the dog park group has the 501(c)3 so it could be funded through donations.

Park and Recreation Director Eric Carlson stated the volunteer group, Friends of the Dog Park, are working on getting a 501(c)3, but it is not in place yet. He stated they would strive for it to be self-funded, but that it would be hard to know what those operational expenses will be until operations begin.

Councilmember Perry stated the annual passes and fees are not yet set in stone so they can be changed to offset the expenses.

Motion by Hark second by Perry to approve the hiring of WSB Inc. for Heritage Village Park Phase I Design and Bidding Services.

Ayes: 5

Nays: 0 Motion carried.

6. PUBLIC COMMENT: There were no public comments.

7. PUBLIC HEARINGS:

A. Public Hearing to Consider Ordering Project, Approving the Plans and Specifications, Authorizing Advertisement for Bids for City Project No. 2018-05 – Intersection Improvements at T.H. 3 and Diffley Road. Resolution 18-30

City Engineer Tom Kaldunski stated he is here this evening to conduct a public hearing for a project at the intersection of Highway 3 and Diffley Road known as City Project 2018-05. It will be completed jointly with Dakota County. He stated there will be construction of a turning lane to go southbound on Highway 3, a modified turn signal, ADA upgrades to the intersection, and some guardrail modifications. He referenced a map of the area along with a description of what is being proposed. He stated they will be working jointly with the City of Eagan as part of the location is in that area. He stated it will require approval for work by Dakota County and MnDOT. He stated that Dakota County and the City of Inver Grove Heights will have a Joint Powers Agreement to construct the project and the Developer will have a development agreement for the Robert Curve development. He stated the project cost estimate is approximately \$200,000 and the developer will be responsible for all costs associated with this improvement which will improve access to commercial development that is proposed on the east side. He stated the plans are almost done and they hope to bid this spring with construction to occur by the end of this year. He stated they had an informational meeting and those in attendance were in support of the project. He stated plans were done by Kimley-Horn and Associates and are included in the council's packet.

Councilmember Hark asked if the developer deposits the money with the City or if the City pays for the project and bills the developer?

Engineer Kaldunski responded that they will have a letter of credit deposited with the developer as they enter into an agreement that will cover all the cost. Then the County will bid the project and when they get to a point when they seek funds from the City, they will ask us to provide funding through an invoice. He stated the City has 35 days to pay that invoice. There is a process set up that the developer has 20 days to pay the invoice.

Motion by Piekarski Krech second by Hark to close the public hearing at 7:24PM.

Ayes: 5

Nays: 0 Motion carried.

Motion by Piekarski Krech second by Hark to Consider Ordering Project, Approve the Plans and Specifications, Authorizing Advertisement for Bids for City Project No. 2018-05 – Intersection Improvements at T.H. 3 and Diffley Road. Resolution 18-30.

Ayes: 5

Nays: 0 Motion carried.

8. REGULAR AGENDA:

I. COMMUNITY DEVELOPMENT:

A. IGH INVESTMENTS, INC.; Approve the Resolution Memorializing the Findings of Fact and Reasons for Denial Relating to the Requests of IGH Investments, LLC for a Comprehensive Plan Amendment, an Ordinance Re-Zoning, A Conditional Use Permit, A Preliminary and Final Plat and a Preliminary PUD Amendment and Final PUD (City Planning Case No. 17-08PUD). Resolution 18-31.

City Administrator Joe Lynch stated on January 9th the City Council received an application to approve the Resolution Memorializing the Findings of Fact and Reasons for Denial Relating to the Requests of IGH Investments, LLC., for a Comprehensive Plan Amendment, an Ordinance Re-Zoning, A Conditional Use Permit, A Preliminary and Final Plat and a Preliminary PUD Amendment and Final PUD (City Planning Case No. 17-08PUD) and denied those applications and specifying findings of fact. He stated that by MN

statute you are required to adopt those at the next meeting. Due to that meeting's cancellation, you now have before you two alternative resolutions. He stated the first one is accepting denials of all of the applications components, such as the Comprehensive Plan Amendment, Rezoning, Conditional Use Permit and Final Plat and Preliminary PUD. The other is a resolution calling for a finding of denial for the Comprehensive Plan, but not taking action on the other denials in findings that the applicant can withdraw consideration from those other items. He stated based on City Code, denial does not allow the applicant to return with an application for six months, but the applicant would like some consideration for the ability to do that prior to having to wait six months. He stated Mr. Kuntz will go over the alternative resolution approach that you can consider, which has been included as well as a letter from McGough and IGH Investments, LLC.

City Attorney Tim Kuntz stated that at your last Council meeting on January 8th, two actions were taken with respect to IGH Investments, LLC. One was a motion to deny the Comprehensive Plan that passed by a vote of 5-0. He stated that Minnesota Statute dictates that each Councilmember state their reasons for denial. There was also a second motion to deny the Rezoning, the PUD Plats, PUD Plans, and the Conditional Use Permit and that motion also passed. The motion stated the reasons for denial were because the Comprehensive Plan Amendment did not pass.

He stated there is a requirement that at the next regular meeting the Council should memorialize their reasons for denial on both actions. Due to that, they have prepared two resolutions. One is a Resolution which combines and memorializes the reasons for denial on both the Comprehensive Plan and the Rezoning. He stated that in order to distinguish that from the other Resolution they have written and placed in the upper right-hand corner the wording, Comprehensive Plan and Rezoning. He stated that if the Council passes that Resolution then the matter is complete, and reasons are given for both actions. The results are that the denial will have occurred, and the applicant will be bound by the provision contained in the zoning code which states "no application for rezoning which has been denied, wholly or in part, shall be re-submitted for a period of six months from the date of denial." He stated the applicant is seeking not to be bound by that provision. He stated the alternative procedure to that would be to memorialize your reasons for denying the Comprehensive Plan. He stated there is a Resolution that just memorializes those reasons and just deals with the Comprehensive Plan. He stated this is just like the other Resolution except that it doesn't address the rezoning and the second motion. The denial of the rezoning triggers the six-month wait. The applicant is agreeing to withdraw the applications for rezoning, conditional use permit, and plat approval.

Attorney Kuntz stated the first step in the alternative approach would be to approve the Resolution which memorializes the denial of the Comprehensive Plan. If council passes that, then it's completed, and the Comprehensive Plan is denied.

Attorney Kuntz stated the second step would be for a motion to be made to reconsider the denial of the rezoning plat and conditional use permit. If the motions were made, seconded, and passed, and people voted in favor of reconsidering, the motion for denial would be back on the table. He stated that the applicant has submitted a letter which seeks to withdraw the applications, the Council will have to vote on the request to withdraw. If the vote is to allow withdrawal, then you are accepting the withdrawal and withdrawing the applications. He stated that the maker and seconder of the original motion would be asked by the Council to withdraw their motion. If there are no objections, the Mayor would declare by unanimous consent that the motion to denial is withdrawn.

Attorney Kuntz stated all of these actions achieve the opportunity for the applicant to make an application earlier than six months.

Councilmember Hark asked if these are all 3/5 motions to be passed.

Attorney Kuntz responded in the affirmative.

Councilmember Bartholomew asked if there was a time limitation to reapply for a Comprehensive Plan amendment.

Attorney Kuntz responded in the negative.

David Higgins, McGough Development, 3253 Bryan Avenue South, Minneapolis, he stated he is before the Council this evening to request the withdrawal of three application items due to the discussion at the January 8th public hearing. He stated based on the feedback of the Council and the neighborhood, McGough is going to try come up with an alternative plan. He stated he would like them to consider the withdrawal to allow the elimination of the six months timeframe. He stated he understands the process needs to take place as it did previously, such as going before the Planning Commission, gather staff support, and then go before the City Council for a public hearing.

Motion by Piekarski Krech second by Hark to receive the letter from McGough Development signed by Mark Fable dated February 12, 2018

Ayes: 5

Nays: 0 Motion carried.

Motion by Piekarski Krech second by Perry to accept the resolution that was on their desk tonight labeled only Comprehensive Plan.

Ayes: 5

Nays: 0 Motion carried.

Motion by Piekarski Krech second by Perry to Reconsider the Denial of the Re-Zoning, the Preliminary and Final Plat, the Conditional Use Permit, and the PUD Amendment Plans for IGH Investments, LLC., Argenta Hills. Resolution 18-31

Ayes: 5

Nays: 0 Motion carried.

Attorney Kuntz stated that the motion for denial is back on the table and that this would be the time to address the applicant's letter of withdrawal. He stated that if you wanted to allow the applicant to withdraw, it would be appropriate to make a motion to accept and approve the withdrawal letter.

Motion by Bartholomew second by Piekarski Krech to accept and approve the withdrawal letter provided by the applicant.

Ayes: 5

Nays: 0 Motion carried.

Attorney Kuntz stated they still need to address the pending motion of denial. On January 8th, the motion was made by Councilmember Bartholomew and seconded by Councilmember Perry. He stated the action is to ask them to state whether they want that motion to be withdrawn.

Councilmembers Bartholomew and Perry both responded yes.

Attorney Kuntz stated that they have both responded yes and the motion once made and seconded, is the property of the Council. He stated the Mayor needs to announce that if there are no objections he will declare that the motion to deny is withdrawn.

Mayor Tourville asked if there were any questions or objections from the Council on the removal of the motion made by Bartholomew and seconded by Perry. He stated hearing none, it is declared the motion has been withdrawn.

Attorney Kuntz stated that it has been made clear to the applicant that in order to move forward on any application other than the current Comprehensive Plan, it will require an amendment.

B. JAEGER CONSTRUCTION; Consider Resolution 18-32 relating to a Conditional Use Permit Amendment to allow an addition to the existing auto sales building for the property located at 1290 50th Street.

Community Development Director Tom Link stated the item before you this evening is regarding the Hyundai Dealer property located on South Robert Trail and Highway 110. The request is to add a 2,000 square foot addition onto the south end of the building. He stated there would be no changes to the access or surface. There would be a reduction of two parking stalls but doing so still meets the parking requirements. The exterior would match the existing building. He stated staff finds the request to be consistent with the Comprehensive Plan, compatible with the zoning, and meets the Conditional Use Permit criteria of the zoning ordinance. Planning Staff recommends approval, and the Planning Commission unanimously approves.

Barry Jeager, 8308 Alverno Avenue stated he is here for questions if there are any.

Motion by Piekarski Krech second by Perry to approve Resolution 18-32 relating to a Conditional Use Permit Amendment to allow an addition to the existing auto sales building for the property located at 1290 50th Street.

Ayes: 5

Nays: 0 Motion carried

II. PUBLIC WORKS

C. Consider Resolution Approving a Joint Powers Agreement (JPA) with Dakota County for Engineering, Right Turn Lane Construction and Signal Revision for City Project No. 2018-05 – Intersection Improvements at T.H. 3 and Diffley Road. Resolution 18-33

City Engineer Tom Kaldunski stated he is here this evening to consider a Joint Powers Agreement between Inver Grove Heights and Dakota County for improvements at the intersection of T.H. 3 and Diffley Road.

Motion by Bartholomew second by Piekarski Krech to approve Resolution 18-33 Approving a Joint Powers Agreement (JPA) with Dakota County for Engineering, Right Turn Lane Construction and Signal Revision for City Project No. 2018-05 – Intersection Improvements at T.H. 3 and Diffley Road.

Ayes: 5

Nays: 0 Motion carried.

D. Consider Resolution Approving the Payment Agreement for City Project No. 2018-05 – Intersection Improvements at T.H. 3 and Diffley Road. Resolution 18-34

City Engineer Tom Kaldunski stated this agreement represents the terms between the City of Inver Grove Heights and the developer of the project, known as Robert Curve, they are funding the project and covering the costs of the construction. He stated that they have negotiated the agreement and the document has been signed by the applicant.

Councilmember Bartholomew asked if they have received the letter of credit.

Engineer Kaldunski responded the letter of credit is being prepared.

Motion by Bartholomew second by Hark to Consider Resolution 18-34 Approving the Payment Agreement for City Project No. 2018-05 – Intersection Improvements at T.H. 3 and Diffley Road.

Ayes: 5

Nays: 0 Motion carried.

II. ADMINISTRATION:

E. CITY OF INVER GROVE HEIGHTS; Second Reading of Ordinance Amending City Code Section 4-1-6(l) relating to the Distances between an Off-sale Intoxicating Liquor Facility and a School or Church

City Attorney Tim Kuntz stated this is the second reading of this ordinance with the third reading taking place two weeks from today. This is regarding the distance dealing with the off-sale liquor establishment and a church or school is at a 500-foot distance from the boundary of the properties. This ordinance changes the instances where there are multiple buildings and shared parking. He stated these change the measurement, not from the property boundary, but from the main front door of the establishment to the boundary line of the church or school. There have been no changes from the first reading.

Councilmember Hark asked if there has been any feedback since the first reading.

City Administrator Joe Lynch responded that he has not received any public comment or correspondence on this item.

Mayor Tourville stated the applicant has called and stated that they had heard that they may not have three readings. Mayor Tourville responded that they will in fact have three readings on the ordinance change.

Motion by Hark second by Piekarski Krech to approve the Second Reading of Ordinance Amending City Code Section 4-1-6(I) relating to the Distances between an Off-sale Intoxicating Liquor Facility and a School or Church

Ayes: 5

Nays: 0 Motion carried.

F. CITY OF INVER GROVE HEIGHTS; Consider Approving the Five Bugles Schematic Design for Fire Station #2

City Administrator Joe Lynch stated that on January 18th Council had met with the architects Five Bugles, the Fire Department Chief, Assistant Chief, and himself. The Five Bugles representatives walked you through the station at the property located at 9250 Courthouse Boulevard, as well as the layout of the property and the locations of the training areas, the storage areas, basement, hose tower, and alternative construction in the basement. He stated they are recommending that the City Council approve the schematic design as noted in your packet. He stated the next step is working their way to the final design, and then they would get to the point of putting together a bid package in April.

Motion by Piekarski Krech second by Perry to Approve the Five Bugles Schematic Design for Fire Station #2

Councilmember Hark stated he received an email from someone today asking questions about LEEDS and whether they will be LEEDS Certified. He stated they will be up to those standards but not certified. They were also asking about an efficiency program called SB2030. He stated he wasn't familiar with that but will pass this information along to the Fire Chief and then perhaps they can pass that along to Five Bugles.

Ayes: 5

Nays: 0 Motion carried.

Mayor Tourville stated that since the subject of LEED Certification has come up, the difficulty with that was getting it certified and that the City has to pay for it. He stated most cities look at this and will not pay for it due to the high cost.

G. CITY OF INVER GROVE HEIGHTS; Designate Dakota Broadband Board Member

City Administrator Joe Lynch stated the City has decided to become a member of the Joint Powers Agreement now named Dakota Broadband Board. As a member we need to designate an official elected person to attend the board meetings as well as an alternate in case the board member is unable to attend. Dates for the meetings have not been chosen yet but will be chosen based on popular dates via survey.

Mayor Tourville volunteered to be a board member and Councilmember Perry volunteered to be the alternate.

Motion by Piekarski Krech second by Bartholomew to have Mayor Tourville as the board member and Councilmember Perry as the alternate.

Ayes: 5

Nays: 0 Motion carried.

H. CITY OF INVER GROVE HEIGHTS; Consider Approval of Job Descriptions for the Position of Deputy Chief of Police and Police Commander and Approve the Recommended Rank Restructuring Plan for the Police Department.

Police Chief Paul Schnell stated that changes from the previous nine-hour patrol schedule to the 12-hour shift resulted in benefits for the Police Department that included increased coverage, team based policing orientation, boost in morale, and increased productivity. He stated there have been challenges with this. With team-based policing there is an A-side team and a B-side team comprised of 12 Officers and a Sergeant. That means six Officers and a Sergeant that work days, and six Officers and a Sergeant that work nights. They also have two Administrative Sergeant's that provide shift coverage for when day and night Sergeant's use vacations, holiday time, or sick leave. He stated the Administrative Sergeant had, in 2017, 60 days that they were able to give full focus to their administrative functions. Due to this they have become relief Sergeant's covering shifts for their regular team during the day or night. He stated that this results in either the administrative functions to suffer, or their patrol supervision suffers. He stated that having fully engaged patrol supervision has been shown to reduce liability and increase service quality. Some of the Administrative Sergeant duties are statutorily mandated while others are essential to the order and operation of the Police Department.

Chief Schnell stated with the proposed restructuring, administrative assignment duties would be moved to a new division commander. The proposed changes to the rank structure reflect an organizational design that shows the future needs of the Police Department. As the number of Officers increase over time as a result of population growth and service demand, no additional command staff would be required. They will then have a structure to lead efforts to deepen community engagement, devote resources to community problem solving, and prioritize and implement strategies with the 2015 report of the President's Task Force on 21st Century Policing. He stated when there is double coverage among Sergeants one will be tasked with identifying and leading targeted problem-solving efforts. He feels this change can allow the department to give greater focus to the priorities identified in their survey overview. He stated the restructuring creates a Patrol Division, Investigations Division, and an Administration Technology and Support Services Division. He recommends that Sean Folmar be reclassified from Police Lieutenant to Deputy Chief of Police and would oversee the largest division, the Patrol Division. He stated he is recommending reclassification of Josh Otis from the rank of Police Lieutenant to the rank of Police Commander who would oversee the administration and technology and support service division. They are recommending a to-be-determined promotion of existing an Sergeant from rank of Police Sergeant to Police Commander who would oversee the investigations division. To backfill that spot they would have a to-be-determined promotion of one Police Officer to the rank of Police Sergeant to cover the previous Commander promotion. This would decrease the rank of Investigators from four to three. He stated this reduction would be addressed by assigning some cases to the Investigations Division Commander. The previous rank of Lieutenant will no longer be in existence and that this change will not change the strength of the Department as established by the City Council. He stated funding for this would be that the City would normally contribute about 16.2% of his salary toward his State Retirement Plan. He stated that given the fact that he is no longer retired and has returned back to work, he is no longer eligible to have contributions placed into his pension and the pension remains at the rate it was upon his previous retirement.

Chief Schnell stated an analysis was done for 2018 regarding costs associated with this restructuring plan and does call for some increases. He stated the recommended changes are within the Departments approved budget. They have consulted with the city's Human Resources Manager and have determined that the restructuring will not affect pay equity compliance. He stated the biggest difference is the additional divisional budget management. He stated that while the Deputy Chief and the Commanders

would have divisional budget management responsibility, overall departmental budget accountability would remain with himself.

Mayor Tourville stated that this allows for an opportunity with the pension, but also brings a better chain of command within the Police Department.

Councilmember Bartholomew stated he is in favor of this because we have identified an inefficiency and with this action they will make improvements to our service.

Mayor Tourville asked Chief Schnell if he could amend the organization chart with the new names associated with the different titles and pass that information along to the Council when completed.

Chief Schnell stated they would like to recognize these promotions and bring them back before the Council for a formal swearing-in.

Motion by Piekarski Krech second by Hark to Approve Job Descriptions for the Position of Deputy Chief of Police and Police Commander and Approve the Recommended Rank Restructuring Plan for the Police Department as presented.

Ayes: 5

Nays: 0 Motion carried.

9. MAYOR & COUNCIL COMMENTS: There were no comments.

10. EXECUTIVE SESSION:

City Attorney Tim Kuntz stated that this evening they are asking the City Council to go into an Executive Closed-Door Session. The statute allows the Council to go into a closed session to discuss offers and counteroffers with respect to the acquisition of real estate and to discuss non-public appraisal data. He stated we are asking the Council to utilize that statute to discuss the following four properties that have been identified by the Council as potential acquisitions in respect to improvement and betterment of the Heritage Village Park area.

A. Executive Session Pursuant to Minn. Stat. §13D.05, Subd. 3(c)2 & 3: Discuss Doffing Ave. Property Acquisition Related to Heritage Village Park for Property Located at

- i. LSS Properties LLC – 6455 Doffing Ave – 20-36500-32-110**
- ii. Hay – No address – 20-36500-31-050**
- iii. Kramer – 4301 64th St – 20-36550-31-070**
- iv. Walser Real Estate III LLC – 4343 65th St E – 20-36500-32-070**

Attorney Kuntz stated the next item the Council would be discussing would be = possible litigation relating to property located at 6840 Dixie Avenue. Litigation is imminent, and a closed-door session is occurring pursuant to the statute.

B. Executive Session to discuss active investigative data as defined by Minn. Stat. §13.82, Subd. 7 and to discuss possible litigation relating to property at 6840 Dixie Avenue, Inver Grove Heights, Minnesota containing Tax Parcel Nos. 20-00200-51-020 and 20-39900-00-050. This discussion is being conducted in a closed Executive Session pursuant to Minn. Stat. §13D.05, Subd. 2(a)(2) dealing with active investigative data and Minn. Stat. §13D.05, Subd. 3(b) dealing with the attorney – client privilege.

Attorney Kuntz stated the following Executive Session would be to discuss offers and counteroffers with respect to real estate and to look at non-public appraisal data. There are eight parcels to be discussed and are listed below:

**C. Executive Session Pursuant to Minn. Stat §13D.05, Subd. 3(c)2&3:
Discuss Acquisitions for City Projects 2017-24 and 2017-03 relating to Permanent and Temporary Easements from the following parcel owners:**

- Parcel 1 – Robert Dalsin and Barbara D. Dalsin
- Parcel 2 – Garold M. Murphy and Marylin L. Murphy
- Parcel 3 – Lisa J. Lojovich and Bradley J. Lojovich
- Parcels 4 and 5 – William P. Nichols and Cynthia Nichols
- Parcel 6 – Thomas L. Peltier
- Parcel 7 – Thomas C. Lund and Deborah L. Lund
- Parcel 8 – Clyde Wille and Sandra Wille

Attorney Kuntz stated in each instance there is a statute to allow the Executive Session to occur with the reasons he has outlined.

Motion by Piekarski Krech second by Perry to move into Executive Session.

Ayes: 5

Nays: 0 Motion carried.

11. ADJOURN: The meeting was adjourned at 8:19p.m.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Meeting Date: February 26, 2018
 Item Type: Consent
 Contact: Kristi Smith 651-450-2521
 Prepared by: Bill Schroepfer, Accountant
 Reviewed by: N/A

Fiscal/FTE Impact:

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

PURPOSE/ACTION REQUESTED

Approve the attached resolution approving disbursements for the period of February 7, 2018 to February 20, 2018.

SUMMARY

Shown below is a listing of the disbursements for the various funds for the period ending February 20, 2018. The detail of these disbursements is attached to this memo.

General & Special Revenue	\$381,121.40
Debt Service & Capital Projects	572.70
Enterprise & Internal Service	412,971.87
Escrows	13,937.75
Grand Total for All Funds	<u><u>\$808,603.72</u></u>

If you have any questions about any of the disbursements on the list, please call Kristi Smith, Finance Director at 651-450-2521.

Attached to this summary for your action is a resolution approving the disbursements for the period February 7, 2018 to February 20, 2018 and the listing of disbursements requested for approval.

DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

**RESOLUTION APPROVING DISBURSEMENTS FOR THE
PERIOD ENDING February 20, 2018**

WHEREAS, a list of disbursements for the period ending February 20, 2018 was presented to the City Council for approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS: that payment of the list of disbursements of the following funds is approved:

General & Special Revenue	\$381,121.40
Debt Service & Capital Projects	572.70
Enterprise & Internal Service	412,971.87
Escrows	13,937.75
 Grand Total for All Funds	 <u><u>\$808,603.72</u></u>

Adopted by the City Council of Inver Grove Heights this 26th day of February, 2018.

Ayes:

Nays:

George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk



City of Inver Grove Heights

Expense Approval Report

By Fund

Payment Dates 02/07/2018 - 02/20/2018

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
ACCESSABILITY, INC.	15245	02/13/2018	1/31/18	101.41.1100.413.30700	38.50
ACCESSABILITY, INC.	15245	02/13/2018	1/31/18	101.43.5000.441.30700	26.64
ADVANCED GRAPHIX, INC.	197486	02/20/2018	9020909043	101.42.4000.421.50030	75.00
ADVANCED GRAPHIX, INC.	197806	02/20/2018	8/30/17	101.42.4000.421.50030	255.50
AMERICAN BUILDING CONTRACTOR	212111	02/13/2018	CANCELLED SIDING	101.45.0000.3221000	80.00
BJORKLUND COMPENSATION CONS	00003861	02/20/2018	2/8/18	101.41.1100.413.30500	290.00
CITY OF MINNEAPOLIS RECEIVABLE	400451001727	02/13/2018	612005356	101.42.4000.421.30700	1,301.40
CONTROLLED AIR	216217	02/13/2018	REFUND - MH2017-4185	101.45.0000.3224000	64.00
CULLIGAN	1/31/18 157-98459100-6	02/13/2018	157-98459100-6	101.42.4200.423.60065	130.60
CULLIGAN	1/31/18 157-98459118-8	02/13/2018	157-98459118-8	101.42.4200.423.60065	38.60
DAKOTA COMMUNICATIONS CENTE	IG2018-03	02/13/2018	MARCH 2018	101.42.4000.421.70502	44,147.50
DAKOTA COMMUNICATIONS CENTE	IG2018-03	02/13/2018	MARCH 2018	101.42.4200.423.70502	5,907.50
DAKOTA CTY FINANCIAL SVCS	00028968	02/20/2018	P0001753	101.42.4000.421.70501	1,469.79
DAKOTA CTY FINANCIAL SVCS	00028968	02/20/2018	P0001753	101.42.4200.423.30700	1,656.43
DAKOTA CTY FINANCIAL SVCS	00028968	02/20/2018	P0001753	101.43.5200.443.30700	46.66
DAKOTA CTY FINANCIAL SVCS	00026628	02/13/2018	P0001753	101.42.4000.421.70501	1,469.79
DAKOTA CTY FINANCIAL SVCS	00026628	02/13/2018	P0001753	101.42.4200.423.30700	1,656.43
DAKOTA CTY FINANCIAL SVCS	00026628	02/13/2018	P0001753	101.43.5200.443.30700	46.66
DAKOTA CTY FINANCIAL SVCS	00026814	02/13/2018	P0001753	101.42.4000.421.70501	1,469.79
DAKOTA CTY FINANCIAL SVCS	00026814	02/13/2018	P0001753	101.42.4200.423.30700	1,656.43
DAKOTA CTY FINANCIAL SVCS	00026814	02/13/2018	P0001753	101.43.5200.443.30700	46.66
DAKOTA CTY FINANCIAL SVCS	00028477	02/13/2018	P0001753	101.42.4000.421.70501	578.80
DAKOTA CTY TREASURER	10484	02/20/2018	1/30/18	101.43.5200.443.30700	132.68
DAKOTA ELECTRIC ASSN	246837-9 2/18	02/20/2018	Electric	101.44.6000.451.40020	320.08
DAKOTA ELECTRIC ASSN	250165-8 2/18	02/20/2018	Electric	101.44.6000.451.40020	59.00
DAKOTA ELECTRIC ASSN	393563-2 2/18	02/20/2018	Electric	101.44.6000.451.40020	181.23
DAKOTA ELECTRIC ASSN	426713-4 2/18	02/20/2018	Electric	101.43.5400.445.40020	55.68
DAKOTA ELECTRIC ASSN	443054-2 2/18	02/20/2018	Electric	101.44.6000.451.40020	20.65
DAKOTA ELECTRIC ASSN	109394-7 2/18	02/20/2018	Electric	101.43.5400.445.40020	1,199.09
EFTPS	INV0071361	02/06/2018	FEDERAL WITHHOLDING	101.203.2030200	33.02
EFTPS	INV0071363	02/06/2018	MEDICARE WITHHOLDIN	101.203.2030500	14.66
EFTPS	INV0071364	02/06/2018	SOCIAL SECURITY WITH	101.203.2030400	62.66
EFTPS	INV0071664	02/16/2018	FEDERAL WITHHOLDING	101.203.2030200	45,765.84
EFTPS	INV0071666	02/16/2018	MEDICARE WITHHOLDIN	101.203.2030500	14,379.66
EFTPS	INV0071667	02/16/2018	SOCIAL SECURITY WITH	101.203.2030400	43,739.06
GALLS INC	009157623	02/13/2018	1001727847	101.42.4000.421.60045	27.99
GALLS INC	009227160	02/13/2018	1001727847	101.42.4000.421.60045	102.99
GALLS INC	00918649	02/13/2018	1001727847	101.42.4000.421.60045	118.01
GENESIS EMPLOYEE BENEFITS ACH	INV0071649	02/16/2018	HSA ELECTION-FAMILY	101.203.2032500	2,826.01
GENESIS EMPLOYEE BENEFITS ACH	INV0071650	02/16/2018	HSA ELECTION-SINGLE	101.203.2032500	4,282.45
GENESIS EMPLOYEE BENEFITS, INC	IN1203123	02/13/2018	Payroll	101.41.1100.413.30550	7.77
GENESIS EMPLOYEE BENEFITS, INC	IN1203123	02/13/2018	Payroll	101.41.2000.415.30550	10.10
GENESIS EMPLOYEE BENEFITS, INC	IN1203123	02/13/2018	Payroll	101.42.4000.421.30550	41.37
GENESIS EMPLOYEE BENEFITS, INC	IN1203123	02/13/2018	Payroll	101.42.4200.423.30550	2.58
GENESIS EMPLOYEE BENEFITS, INC	IN1203123	02/13/2018	Payroll	101.43.5000.441.30550	2.58
GENESIS EMPLOYEE BENEFITS, INC	IN1203123	02/13/2018	Payroll	101.43.5100.442.30550	10.32
GENESIS EMPLOYEE BENEFITS, INC	IN1203123	02/13/2018	Payroll	101.43.5200.443.30550	2.58
GENESIS EMPLOYEE BENEFITS, INC	IN1203123	02/13/2018	Payroll	101.44.6000.451.30550	6.04
GENESIS EMPLOYEE BENEFITS, INC	IN1203123	02/13/2018	Payroll	101.45.3000.419.30550	2.33
GENESIS EMPLOYEE BENEFITS, INC	IN1203123	02/13/2018	Payroll	101.45.3300.419.30550	7.77
GO PERMITS LLC	216393	12/13/2018	BD2017-4199	101.45.0000.3221000	59.00
ICMA RETIREMENT TRUST - 457	INV0071651	02/16/2018	ICMA-AGE <49 %	101.203.2031400	6,287.47
ICMA RETIREMENT TRUST - 457	INV0071652	02/16/2018	ICMA-AGE <49	101.203.2031400	4,936.54
ICMA RETIREMENT TRUST - 457	INV0071653	02/16/2018	ICMA-AGE 50+ %	101.203.2031400	1,471.84
ICMA RETIREMENT TRUST - 457	INV0071654	02/16/2018	ICMA-AGE 50+	101.203.2031400	5,829.36
ICMA RETIREMENT TRUST - 457	INV0071655	02/16/2018	ICMA (EMPLOYER SHAR	101.203.2031400	81.29
ICMA RETIREMENT TRUST - 457	INV0071662	02/16/2018	ROTH IRA (AGE 49 & UN	101.203.2032400	1,943.07
ICMA RETIREMENT TRUST - 457	INV0071663	02/16/2018	ROTH IRA (AGE 50 & OV	101.203.2032400	400.00
INNOVATIVE OFFICE SOLUTIONS	SUM-037674	01/31/2018	S28777	101.41.1100.413.60018	28.88

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
INNOVATIVE OFFICE SOLUTIONS	SUM-037674	01/31/2018	S28777	101.41.1100.413.60065	16.62
INNOVATIVE OFFICE SOLUTIONS	SUM-037674	01/31/2018	S28777	101.41.2000.415.60010	184.00
INNOVATIVE OFFICE SOLUTIONS	SUM-037674	01/31/2018	S28777	101.43.5100.442.60040	13.49
INNOVATIVE OFFICE SOLUTIONS	SUM-037674	01/31/2018	S28777	101.43.5200.443.60016	19.49
INNOVATIVE OFFICE SOLUTIONS	SUM-037674	01/31/2018	S28777	101.45.3000.419.60010	13.49
INNOVATIVE OFFICE SOLUTIONS	SUM-037674	01/31/2018	S28777	101.45.3300.419.60040	190.77
INTERNATIONAL CODE COUNCIL INC	1000861857	02/13/2018	0296400	101.45.3300.419.50080	620.00
INTERNATIONAL CODE COUNCIL INC	1000861862	02/13/2018	0296400	101.45.3300.419.50080	620.00
JCE TREE SERVICES	3759	02/20/2018	1/31/18	101.43.5200.443.40046	18,900.00
KEEPRS, INC	370454	02/13/2018	INVERG0015	101.42.4000.421.60045	219.98
KENISON, TERRI	JANUARY 2018	02/13/2018	JANUARY 2018	101.42.4200.423.30700	850.00
LEADING EDGE COACHING & DEVEL	1262	02/20/2018	1/11/18	101.41.1000.413.30700	3,000.00
LEAGUE OF MN CITIES	2/1/18	02/13/2018	LMC WC 39315	101.42.4200.423.30700	894.98
LEATHAM FAMILY, LLC	0298525-IN	02/13/2018	00-0009381	101.42.4000.421.60045	110.00
LEVANDER, GILLEN & MILLER P.A.	12/31/17 92000E	12/31/2017	92000E	101.42.4000.421.30410	14,556.48
MINNESOTA ALLIANCE ON CRIME	201/ MEMBERSHIP	02/13/2018	2018 MEMBERSHIP	101.42.4000.421.50070	100.00
MINNESOTA DEPARTMENT OF HUM	INV0071647	02/16/2018	STEVE HER FEIN/TAXPA	101.203.2032100	427.04
MINNESOTA DEPARTMENT OF HUM	INV0071648	02/16/2018	JOEL JACKSON FEIN/TA	101.203.2032100	432.57
MN DEPT OF REVENUE	INV0071362	02/06/2018	STATE WITHHOLDING	101.203.2030300	20.44
MN DEPT OF REVENUE	INV0071665	02/16/2018	STATE WITHHOLDING	101.203.2030300	21,708.48
MN DEPT OF REVENUE	JAN 2018	02/20/2018	SALES & USE TAX	101.207.2070300	1,138.73
MN DEPT OF REVENUE	JAN 2018	02/20/2018	SALES & USE TAX	101.207.2070300	0.03
MOORE MEDICAL LLC	99777804	02/13/2018	21185816	101.42.4200.423.60065	480.89
NATIONAL BLACK POLICE ASSOCIAT	2018 MEMBERSHIP	02/13/2018	2018 MEMBERSHIP	101.42.4000.421.50070	25.00
NRG ENERGY INC	000856834815	02/13/2018	NOVEMBER 2017	101.43.5400.445.40020	1,026.30
NRG ENERGY INC	000856834815	02/13/2018	NOVEMBER 2017	101.44.6000.451.40020	20.18
NRG ENERGY INC	000856834819	02/13/2018	NOVEMBER 2017	101.43.5400.445.40020	791.53
NRG ENERGY INC	000856834819	02/13/2018	NOVEMBER 2017	101.44.6000.451.40020	98.84
NRG ENERGY INC	000856778305 B	02/20/2018	008000130189	101.44.6000.451.40020	90.81
OFFICE OF THE SECRETARY OF STA	2/6/18 J. CHAMBERS	02/13/2018	NOTARY COMMISSION A	101.45.3300.419.50070	120.00
OXYGEN SERVICE COMPANY, INC	03396640	02/13/2018	04394	101.42.4000.421.60065	38.81
PERA	INV0071359	02/06/2018	PERA COORDINATED PL	101.203.2030600	65.70
PERA	INV0071360	02/06/2018	EMPLOYER SHARE (EXT	101.203.2030600	5.05
PERA	INV0071656	02/16/2018	PERA COORDINATED PL	101.203.2030600	38,435.20
PERA	INV0071657	02/16/2018	EMPLOYER SHARE (EXT	101.203.2030600	2,956.59
PERA	INV0071658	02/16/2018	PERA DEFINED PLAN	101.203.2030600	69.23
PERA	INV0071659	02/16/2018	EMPLOYER SHARE (PER	101.203.2030600	69.23
PERA	INV0071660	02/16/2018	PERA POLICE & FIRE PL	101.203.2030600	15,005.94
PERA	INV0071661	02/16/2018	EMPLOYER SHARE (POL	101.203.2030600	22,509.00
PETTY CASH	2/20/18	02/20/2018	PETTY CASH REQUEST	101.45.3300.419.50080	15.84
PETTY CASH	2/20/18	02/20/2018	PETTY CASH REQUEST	101.45.3300.419.50080	24.53
PETTY CASH-WF PURCHASE CARD	JANUARY 2018	02/12/2018	JANUARY 2018	101.41.2000.415.70440	140.54
PRECISE MRM	IN200-1015561	02/20/2018	000208	101.43.5200.443.30700	113.75
RCM SPECIALTIES, INC.	6415	02/20/2018	12/5/17	101.43.5200.443.40046	3,050.00
RCM SPECIALTIES, INC.	6419	02/20/2018	12/19/17	101.43.5200.443.40046	6,100.00
ROSS ALAN DACK	15207	02/20/2018	1/25/18	101.43.5200.443.60016	2,500.00
ROSS ALAN DACK	15206	02/20/2018	12/20/17	101.43.5200.443.60016	2,500.00
SOLBERG AGGREGATE CO	19163	02/20/2018	1/10/18	101.43.5200.443.60016	251.94
THOMSON REUTER - WEST	837626009	02/13/2018	1/1/18-1/31/18	101.42.4000.421.30700	199.56
UNIFIRST CORPORATION	090 0404157	02/20/2018	1051948	101.43.5200.443.60045	45.99
UNIFIRST CORPORATION	090 0404157	02/20/2018	1051948	101.44.6000.451.60045	24.47
UNIFIRST CORPORATION	090 0405274	02/20/2018	1/9/18	101.43.5200.443.60045	45.99
UNIFIRST CORPORATION	090 0405274	02/20/2018	1051948	101.44.6000.451.60045	24.47
US POSTMASTER - EAGAN	MARCH-APRIL 2018	02/13/2018	INSIGHTS NEWSLETTER	101.41.1100.413.50035	2,500.00
VERIZON WIRELESS	9800471595	02/13/2018	Telephone	101.41.1000.413.50020	175.05
VERIZON WIRELESS	9800471595	02/13/2018	Telephone	101.42.4000.421.50020	494.56
VERIZON WIRELESS	9800471595	02/13/2018	Telephone	101.42.4200.423.50020	577.85
VERIZON WIRELESS	9800471595	02/13/2018	Telephone	101.43.5000.441.50020	51.58
VERIZON WIRELESS	9800471595	02/13/2018	Telephone	101.43.5100.442.50020	309.48
VERIZON WIRELESS	9800471595	02/13/2018	Telephone	101.43.5200.443.50020	369.13
VERIZON WIRELESS	9800471595	02/13/2018	Telephone	101.44.6000.451.50020	466.09
VERIZON WIRELESS	9800471595	02/13/2018	Telephone	101.45.3000.419.50020	51.58
VERIZON WIRELESS	9800471595	02/13/2018	Telephone	101.45.3300.419.50020	297.44
WEEDS NATIVE LANDSCAPING AND	1121	02/20/2018	11/20/17	101.43.5200.443.40046	1,812.50

Fund: 101 - GENERAL FUND

364,891.56

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
PIONEER PRESS	0118563204	02/20/2018	563204	201.44.1600.465.50025	625.00
PORTAGE & MAIN DEVELOPMENT L	MP-127-0218	02/20/2018	2/1/18	201.44.1600.465.50025	800.00
Fund: 201 - C.V.B. FUND					1,425.00
GENESIS EMPLOYEE BENEFITS, INC	IN1203123	02/13/2018	Payroll	204.44.6100.452.30550	0.85
MN DEPT OF REVENUE	JAN 2018	02/20/2018	SALES & USE TAX	204.207.2070300	87.34
VERIZON WIRELESS	9800471595	02/13/2018	Telephone	204.44.6100.452.50020	51.58
Fund: 204 - RECREATION FUND					139.77
AEP ONSITE PARTNERS, LLC	419-21107568	02/13/2018	1/1/18-1/31/18	205.44.6200.453.40020	852.83
AEP ONSITE PARTNERS, LLC	419-21107568	02/13/2018	1/1/18-1/31/18	205.44.6200.453.40020	904.42
AQUA LOGIC, INC.	47224	02/13/2018	2/1/18	205.44.6200.453.40040	1,620.37
EDDY, NATHAN	2/9/18	02/13/2018	2018 3AA SECTION	205.44.6200.453.30700	135.00
EZ FITNESS SOLUTIONS, LLC	18-0001	02/13/2018	2/6/18	205.44.6200.453.40042	477.25
GENESIS EMPLOYEE BENEFITS, INC	IN1203123	02/13/2018	Payroll	205.44.6200.453.30550	2.58
GENESIS EMPLOYEE BENEFITS, INC	IN1203123	02/13/2018	Payroll	205.44.6200.453.30550	8.59
GENESIS EMPLOYEE BENEFITS, INC	IN1203123	02/13/2018	Payroll	205.44.6200.453.30550	1.29
GENESIS EMPLOYEE BENEFITS, INC	IN1203123	02/13/2018	Payroll	205.44.6200.453.30550	1.29
HAUGEN, DONNA	2/5/18	02/13/2018	REFUND - LOW ENROLL	205.44.0000.3493501	39.00
HUEBSCH SERVICES	4018521	02/13/2018	92965	205.44.6200.453.40040	272.40
HUEBSCH SERVICES	4018521	02/13/2018	92965	205.44.6200.453.40040	59.79
MEDICINE LAKE TOURS	1/11/18	02/13/2018	1/26/18	205.44.6200.453.50090	1,160.00
MN DEPT OF REVENUE	JAN 2018	02/20/2018	SALES & USE TAX	205.207.2070300	8,460.82
STANEFSKI, MIKE	2/9/18	02/13/2018	2018 3AA SECTION	205.44.6200.453.30700	90.00
SWEENEY, BRIAN	2/9/18	02/13/2018	2018 3AA SECTIONS	205.44.6200.453.30700	45.00
SWEENEY, LOGAN	2/9/18	02/13/2018	2018 3AA SECTION	205.44.6200.453.30700	135.00
TANBERG, TERRY	2/6/18	02/13/2018	REFUND	205.44.0000.3493501	126.00
VERIZON WIRELESS	9800471595	02/13/2018	Telephone	205.44.6200.453.50020	71.08
VERIZON WIRELESS	9800471595	02/13/2018	Telephone	205.44.6200.453.50020	71.07
VERIZON WIRELESS	9800471595	02/13/2018	Telephone	205.44.6200.453.50020	51.58
VERIZON WIRELESS	9800471595	02/13/2018	Telephone	205.44.6200.453.50020	79.45
Fund: 205 - COMMUNITY CENTER					14,664.81
GENESIS EMPLOYEE BENEFITS, INC	IN1203123	02/13/2018	Payroll	290.45.3000.419.30550	0.26
Fund: 290 - EDA OPERATING					0.26
AMERICAN ENGINEERING TESTING, 99144		02/20/2018	INV001	434.42.4200.423.30200	502.50
Fund: 434 - 2014 IMPROVEMENT FUND					502.50
JR'S APPLIANCE DISPOSAL	94218	02/20/2018	1/23/18	454.43.5500.446.40025	70.20
Fund: 454 - LANDFILL ABATEMENT					70.20
FRIEDGES LANDSCAPING, INC.	1711	02/13/2018	REFUND HYDRANT PERI	501.207.2070300	(42.75)
FRIEDGES LANDSCAPING, INC.	1711	02/13/2018	REFUND HYDRANT PERI	501.50.0000.3813000	(600.00)
GENESIS EMPLOYEE BENEFITS, INC	IN1203123	02/13/2018	Payroll	501.50.7100.512.30550	11.15
INNOVATIVE OFFICE SOLUTIONS	SUM-037674	01/31/2018	S28777	501.50.7100.512.60016	11.53
MN DEPT OF REVENUE	JAN 2018	02/20/2018	SALES & USE TAX	501.207.2070200	1,565.25
NCI, INC. - KRUGE AIR	IN-86416	02/13/2018	1/19/18	501.50.7100.512.40040	175.13
NRG ENERGY INC	000856834815	02/13/2018	NOVEMBER 2017	501.50.7100.512.40020	1,957.22
NRG ENERGY INC	000856834819	02/13/2018	NOVEMBER 2017	501.50.7100.512.40020	1,702.32
NRG ENERGY INC	000856778305 B	02/20/2018	008000130189	501.50.7100.512.40020	6,567.28
SCHLOMKA, DANNY	1701	02/13/2018	REFUND HYDRANT PERI	501.207.2070300	(11.17)
SCHLOMKA, DANNY	1701	02/13/2018	REFUND HYDRANT PERI	501.50.0000.3813000	(156.80)
VERIZON WIRELESS	9800471595	02/13/2018	Telephone	501.50.7100.512.50020	382.92
Fund: 501 - WATER UTILITY FUND					11,562.08
GENESIS EMPLOYEE BENEFITS, INC	IN1203123	02/13/2018	Payroll	502.51.7200.514.30550	6.95
METROPOLITAN COUNCIL	0001078029	02/13/2018	5084	502.51.7200.514.40015	158,711.74
NRG ENERGY INC	000856834815	02/13/2018	NOVEMBER 2017	502.51.7200.514.40020	7.52
NRG ENERGY INC	000856834819	02/13/2018	NOVEMBER 2017	502.51.7200.514.40020	74.40
Fund: 502 - SEWER UTILITY FUND					158,800.61
ARAMARK REFRESHMENT SERVICE	7846305	02/20/2018	48128X	503.52.8300.524.40042	100.16
DAKOTA ELECTRIC ASSN	201360-5 2/18	02/20/2018	Electric	503.52.8600.527.40020	227.22
GENESIS EMPLOYEE BENEFITS, INC	IN1203123	02/13/2018	Payroll	503.52.8000.521.30550	1.72
GENESIS EMPLOYEE BENEFITS, INC	IN1203123	02/13/2018	Payroll	503.52.8600.527.30550	2.58
IVERIFY.US	94647261	02/20/2018	64063	503.52.8500.526.50055	610.61

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
MN DEPT OF HEALTH	2018 FBL-8905-6408	02/20/2018	2018 LICENSE RENEWAL	503.52.8300.524.50070	685.00
MN DEPT OF REVENUE	JAN 2018	02/20/2018	SALES & USE TAX	503.207.2070300	(0.33)
NRG ENERGY INC	000856834815	02/13/2018	NOVEMBER 2017	503.52.8600.527.40020	52.24
TITLEIST	905012716	02/20/2018	US000008363	503.52.8200.523.76250	721.57
UNIFIRST CORPORATION	090 0404231	02/20/2018	1258268	503.52.8600.527.60045	37.17
UNIFIRST CORPORATION	090 0405354	02/20/2018	1258268	503.52.8600.527.60045	63.62
UNIFIRST CORPORATION	090 0406478	02/20/2018	1258268	503.52.8600.527.60045	65.12
VERIZON WIRELESS	9800471595	02/13/2018	Telephone	503.52.8500.526.50020	205.15

Fund: 503 - INVER WOOD GOLF COURSE

2,771.83

GENESIS EMPLOYEE BENEFITS, INC	IN1203123	02/13/2018	Payroll	602.00.2100.415.30550	0.26
LEAGUE OF MN CITIES INS TRUST	2/5/18	02/13/2018	40001322	602.00.2100.415.50009	119,461.00
LEAGUE OF MN CITIES INS TRUST	3RD QTR 2017-2018	02/13/2018	2017-2018	602.00.2100.415.50010	4,117.75
LEAGUE OF MN CITIES INS TRUST	3RD QTR 2017-2018	02/13/2018	2017-2018	602.00.2100.415.50010	34,476.25
LEAGUE OF MN CITIES INS TRUST	3RD QTR 2017-2018	02/13/2018	2017-2018	602.00.2100.415.50011	27,053.50
LEAGUE OF MN CITIES INS TRUST	3RD QTR 2017-2018	02/13/2018	2017-2018	602.00.2100.415.50012	9,312.75
LEAGUE OF MN CITIES INS TRUST	3RD QTR 2017-2018	02/13/2018	2017-2018	602.00.2100.415.50015	521.50
LEAGUE OF MN CITIES INS TRUST	3RD QTR 2017-2018	02/13/2018	2017-2018	602.00.2100.415.50016	2,003.25

Fund: 602 - RISK MANAGEMENT

196,946.26

ALLSTATE PETERBILT OF SOUTH ST	3004123415	02/20/2018	14649	603.140.1450050	290.36
ALLSTATE PETERBILT OF SOUTH ST	3004128435	02/20/2018	14649	603.140.1450050	69.96
DEY DISTRIBUTING	8772456	02/20/2018	11324	603.00.5300.444.40040	379.38
FACTORY MOTOR PARTS COMPANY	1-5490767	02/20/2018	10799	603.00.5300.444.40041	868.32
FERRELLGAS	1100011261	02/20/2018	7754787	603.00.5300.444.40041	53.00
FLEETPRIDE	91979935	02/20/2018	2/1/18	603.00.5300.444.40041	3,425.00
FORCE AMERICA, INC.	IN001-1211707	02/20/2018	1/29/18	603.00.5300.444.40041	14.96
GENESIS EMPLOYEE BENEFITS, INC	IN1203123	02/13/2018	Payroll	603.00.5300.444.30550	2.58
H&L MESABI	99869 B	02/13/2018	81000E	603.00.5300.444.40041	40.00
H&L MESABI	00030	02/20/2018	514	603.00.5300.444.40041	828.88
H&L MESABI	00031	02/20/2018	514	603.00.5300.444.40041	299.07
H&L MESABI	00125	02/20/2018	514	603.140.1450050	2,823.94
INNOVATIVE OFFICE SOLUTIONS	SUM-037674	01/31/2018	S28777	603.00.5300.444.40040	12.49
INVER GROVE FORD	5246169	02/20/2018	1/23/18	603.00.5300.444.40041	672.86
INVER GROVE FORD	5246512	02/20/2018	1/29/18	603.00.5300.444.40041	(50.00)
INVER GROVE FORD	5247011	02/20/2018	2/6/18	603.00.5300.444.40041	27.52
INVER GROVE FORD	6249226/2	02/20/2018	2/7/18	603.00.5300.444.40041	109.99
INVER GROVE FORD	5247161	02/20/2018	2/8/18	603.00.5300.444.40041	33.90
KREMER SERVICES LLC	53637	02/20/2018	1/15/18	603.00.5300.444.40041	1,944.50
MACQUEEN EMERGENCY GROUP	W00449	02/20/2018	INVER003	603.00.5300.444.40041	399.47
MACQUEEN EMERGENCY GROUP	P00886	02/20/2018	INVER003	603.00.5300.444.40041	150.38
MANSFIELD OIL COMPANY	673283	02/20/2018	23866-02-673283	603.140.1450060	10,359.80
MANSFIELD OIL COMPANY	673287	02/20/2018	23866-01-673287	603.140.1450060	5,998.83
MANSFIELD OIL COMPANY	676551	02/20/2018	23866-01-676551	603.140.1450060	2,166.70
MANSFIELD OIL COMPANY	676552	02/20/2018	23866-02-676552	603.140.1450060	219.75
MASTER TRANSMISSION	225293	02/20/2018	2/2/18	603.00.5300.444.40041	246.15
METRO JANITORIAL SUPPLY INC	11014712	02/20/2018	2/12/18	603.00.5300.444.60011	288.88
MID CITY SERIVCES, INC.	70710	02/20/2018	2/2/18	603.00.5300.444.40065	45.75
MN LOCKS	101092501	02/20/2018	2/2/18	603.00.5300.444.40040	147.81
MTI DISTRIBUTING CO	1153224-00	02/20/2018	91180	603.00.5300.444.40041	93.68
NORTH AMERICAN TRAILER SALES	0304125675	02/20/2018	10095	603.00.5300.444.40041	11.80
NRG ENERGY INC	000856778305 B	02/20/2018	008000130189	603.00.5300.444.40020	892.92
O' REILLY AUTO PARTS	1767-309952	02/20/2018	1578028	603.140.1450050	112.50
O' REILLY AUTO PARTS	1767-309958	02/20/2018	1578028	603.00.5300.444.40041	46.05
O' REILLY AUTO PARTS	1767-309959	02/20/2018	1578028	603.140.1450050	42.60
O' REILLY AUTO PARTS	1767-309982	02/20/2018	1578028	603.00.5300.444.40041	41.90
O' REILLY AUTO PARTS	1767-310670	02/20/2018	1578028	603.00.5300.444.40041	43.49
O' REILLY AUTO PARTS	1767-310720	02/20/2018	1578028	603.00.5300.444.40041	21.27
O' REILLY AUTO PARTS	1767-311011	02/20/2018	1578028	603.00.5300.444.40041	87.91
O' REILLY AUTO PARTS	1767-311122	02/20/2018	1578028	603.00.5300.444.40041	4.19
O' REILLY AUTO PARTS	1767-311124	02/20/2018	1578028	603.00.5300.444.60012	14.39
O' REILLY AUTO PARTS	1767-311125	02/20/2018	1578028	603.00.5300.444.60012	16.29
O' REILLY AUTO PARTS	1767-311131	02/20/2018	1578028	603.00.5300.444.40041	27.08
O' REILLY AUTO PARTS	1767-311598	02/20/2018	1578028	603.00.5300.444.40041	11.22
O' REILLY AUTO PARTS	1767-311599	02/20/2018	1578028	603.00.5300.444.40041	34.10
O' REILLY AUTO PARTS	1767-311642	02/20/2018	1578028	603.00.5300.444.60012	3.99
O' REILLY AUTO PARTS	1767-311790	02/20/2018	1578028	603.140.1450050	43.80

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
O' REILLY AUTO PARTS	1767-311889	02/20/2018	1578028	603.00.5300.444.40041	27.57
O' REILLY AUTO PARTS	1767-311908	02/20/2018	1578028	603.00.5300.444.40041	4.72
O' REILLY AUTO PARTS	1767-312020	02/20/2018	1578028	603.00.5300.444.40041	49.74
O' REILLY AUTO PARTS	1767-311126	02/20/2018	1578028	603.00.5300.444.60012	(14.39)
SCHLOMKA'S VAC TRUCK SERVICE,	7743	02/20/2018	2/5/18	603.00.5300.444.40040	735.00
SNAP-ON INDUSTRIAL	ARV/35032237	02/20/2018	200100474	603.00.5300.444.60040	376.33
TOWMASTER TRAILERS INC	399999	02/20/2018	2946	603.140.1450050	340.08
TOXALERT INTERNATIONAL INC	19357	02/20/2018	1/19/187	603.00.5300.444.40040	140.00
UNIFIRST CORPORATION	090 0404157	02/20/2018	1051948	603.00.5300.444.40065	174.47
UNIFIRST CORPORATION	090 0404157	02/20/2018	1051948	603.00.5300.444.60045	39.67
UNIFIRST CORPORATION	090 0405274	02/20/2018	1051948	603.00.5300.444.40065	170.18
UNIFIRST CORPORATION	090 0405274	02/20/2018	1051948	603.00.5300.444.60045	39.67
VERIZON WIRELESS	9800471595	02/13/2018	Telephone	603.00.5300.444.50020	119.87
WESTERN PETROLEUM COMPANY	97547188-41801	02/20/2018	112741	603.140.1450050	499.40
WESTERN PETROLEUM COMPANY	97548523-41801	02/20/2018	112741	603.00.5300.444.40041	265.10
ZARNOTH BRUSH WORKS	0168202-IN	02/20/2018	INV1669	603.00.5300.444.40041	168.00
Fund: 603 - CENTRAL EQUIPMENT					36,554.82
INNOVATIVE OFFICE SOLUTIONS	SUM-037674	01/31/2018	S28777	604.00.2200.416.60005	128.48
INNOVATIVE OFFICE SOLUTIONS	SUM-037674	01/31/2018	S28777	604.00.2200.416.60010	3,498.75
Fund: 604 - CENTRAL STORES					3,627.23
AEP ONSITE PARTNERS, LLC	419-21107568	02/13/2018	1/1/18-1/31/18	605.00.7500.460.40020	513.23
CULLIGAN	1/31/18 157-98503022-8	02/20/2018	157-98503022-8	605.00.7500.460.60011	69.05
HUEBSCH SERVICES	4018520	02/13/2018	100075	605.00.7500.460.40065	118.22
LONE OAK GRAPHICS INC	2/9/17	02/13/2018	UTILITY POSTAGE	605.00.7500.460.50035	1,449.00
MAS COMMUNICATIONS	171200050101	02/13/2018	1/1/18	605.00.7500.460.40040	48.20
Fund: 605 - CITY FACILITIES					2,197.70
GENESIS EMPLOYEE BENEFITS, INC	IN1203123	02/13/2018	Payroll	606.00.1400.413.30550	5.18
MN DEPT OF REVENUE	JANUARY 2018	12/31/2017	SALES & USE TAX	606.00.1400.413.60041	30.67
MN DEPT OF REVENUE	JANUARY 2018	12/31/2017	SALES & USE TAX	606.00.1400.413.60042	106.05
MN DEPT OF REVENUE	JANUARY 2018	12/31/2017	SALES & USE TAX	606.00.1400.413.80610	296.10
MN DEPT OF REVENUE	JANUARY 2018	12/31/2017	SALES & USE TAX	606.00.1400.413.80620	73.34
Fund: 606 - TECHNOLOGY FUND					511.34
BARR ENGINEERING COMPANY	23190218.00-258	02/13/2018	ENVIRONMENTAL TECHI	702.229.2283801	175.00
BARR ENGINEERING COMPANY	23190218.00-258	02/13/2018	ENVIRONMENTAL TECHI	702.229.2293002	1,280.00
BARR ENGINEERING COMPANY	23190218.00-259	02/13/2018	SERVICES FROM 10/7/17	702.229.2283801	5,745.00
BARR ENGINEERING COMPANY	23190218.00-259	02/13/2018	SERVICES FROM 10/7/17	702.229.2293002	1,322.50
CULLIGAN	1/31/18 157-98473242-8	02/20/2018	157-98473242-85	702.229.2286300	42.85
FRIEDGES LANDSCAPING, INC.	1711	02/13/2018	REFUND HYDRANT PERI	702.229.2294300	1,000.00
HENNEPIN COUNTY DISTRICT COUR	18402773	02/20/2018	TEVIN BARNETT	702.229.2291000	160.00
SARJU IGH, LLC	2/6/18	02/20/2018	ESCROW RELEASE	702.229.2300202	3,212.40
SCHLOMKA, DANNY	1701	02/13/2018	REFUND HYDRANT PERI	702.229.2294300	1,000.00
Fund: 702 - ESCROW FUND					13,937.75
Grand Total					808,603.72

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Approval for Design Services/Plans and Specification for the Replacement of Rich Valley Tennis Court

Meeting Date: February 26, 2018
 Item Type: Consent Agenda
 Contact: Eric Carlson – 651.450.2587
 Prepared by: Brian Swoboda-651-450-2582
 Reviewed by: Eric Carlson – Parks & Recreation

Fiscal/FTE Impact:

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

PURPOSE/ACTION REQUESTED

Consider approval of Design Services, Plans, Specifications, Construction Administration, Inspections and Geotechnical investigation for the replacement of the single tennis court located at Rich Valley Athletic Complex. (1841 105th St. E.) The Single Tennis Court at Rich Valley Park is approximately 30 years old and is past it's life expectancy and is no longer safe. It is recommended by staff to approve plans and specifications proposal submitted by Fred Kolkman Tennis & Sport Surfaces, LLC. The design services for the replacement of the single tennis court shall be funded by the Fund 444 and not to exceed \$12,000. The Council is asked to approve the proposal to continue the process of replacing the tennis court at Rich Valley Park.

SUMMARY

During the Fall 2017, the tennis court at Rich Valley Athletic Complex was closed due to unsafe playability. The 30-year-old single tennis court has been resurfaced and cracked filled numerous times over the years and has gotten to the point of no return. The large cracks and slippery surface have been looked at by several Sport Court professionals and have been deemed beyond repair.

On January 10, 2018 at a PRAC Work Study Session, staff updated the PRAC of the condition of the Rich Valley Park tennis court. Discussions indicated that given Rich Valley Athletic Complex is a highly used park and that this single tennis court is the only court South of 80th that it should be considered for replacement. PRAC instructed staff to bring back a proposal for design services and to further the discussion of replacing the tennis court.

Staff received two proposals and recommends hiring Fred Kolkman Tennis & Sport Surfaces, LLC. Fred Kolkman Tennis & Sport Surfaces specializes in sport courts replacement and assures quality construction and administration thru the whole project.

The tentative project schedule is as follows:

March	Preparation of plans and specifications
April	Bidding
May	Award contract
June – August	Construction

The Park and Recreation Commission is recommending approval.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Renewal of North Valley Disc Golf Operations Agreement with Municipal Disc Management (MDM)

Meeting Date: February 26, 2018
 Item Type: Consent Agenda
 Contact: Tracy Petersen – 651.450.2588
 Prepared by: Tracy Petersen
 Reviewed by: Eric Carlson – Parks & Recreation

Fiscal/FTE Impact:

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

PURPOSE/ACTION REQUESTED

Consider renewal of North Valley Disc Golf Operations Agreement with Municipal Disc Management (MDM)

SUMMARY

From 2015-2017, Municipal Disc Management (MDM) has operated a mobile sales unit at North Valley Park Disc Golf Course. The vendor sold daily and annual passes, some concessions, disc golf product and provided an on-course presence at the site seven (&) days a week.

The current vendor and management of the facility continues to be well received by staff and users of the facility. MDM would like to retain the same financial arrangement with the City which we had in 2017 which would be a City 30%/MDM 70% revenue split.

In addition, the contract for 2018 would continue to provide the following services:

- Length of season would be April 15-end of September (weather dependent)
- Youth ages 17 and under would be free; ages 18 and over would pay in full
- Revenue split would be City 30%/MDM 70%
- Provide ability for players to track handicap through optional membership
- Provide access to rental discs with paid admission
- Situate mobile sales unit so have the ability to sell concessions to park users utilizing fields for baseball, softball and soccer
- Maintains disc golf partnership the City has with South St. Paul's Kaposia Disc Golf Course and the shared pass program
- Provide for opportunity to partner with City on youth workshop and leagues if desired
- Host a large tournament in the fall in conjunction with the River Heights Chamber of Commerce and the Convention and Visitor's Bureau

Continued Benefits of Mobile Sales Unit:

- Continued presence of a vendor reduces vandalism, litter and unwanted behavior at the park
- Provides for an additional set of eyes and ears to identify maintenance issues
- Generates some general fund money for the Recreation fund
- Provides ability to provide better disc golf experience through added course improvements, knowledge and education

YEAR	Length of Season	Age Restrictions	Revenue Sharing	Revenue Received by City
2015	May 1-end of September	Ages 17 & under free; 18 & over pay in full	City 60%/MDM 40%	\$7,675.13
2016	May 1-end of September	Ages 17 & under free; 18 & over pay in full	City 60%/MDM 40%	\$7,277.01
2017	May 1-end of September	Ages 17 & under free; 18 & over pay in full	City 30%/MDM 70%	\$3,804.65
2018 Proposed	April 1-end of September	Ages 17 & under free; 18 & over pay in full	City 30%/MDM 70%	TBD

Staff recommends renewing a one (1) year agreement with Municipal Disc Management (MDM) for the 2018 season.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

KYLE KRECH – CASE NO. 17-07CV

Meeting Date: February 26, 2018
 Item Type: Consent Agenda
 Contact: Heather Botten 651.450.2569
 Prepared by: Heather Botten, Associate Planner
 Reviewed by: 

Fiscal/FTE Impact:

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

PURPOSE/ACTION REQUESTED

Consider a **Resolution** approving the Storm Water Facilities Maintenance Agreement for the property located at 6163 Cahill Avenue

- Requires 3/5th's vote

SUMMARY

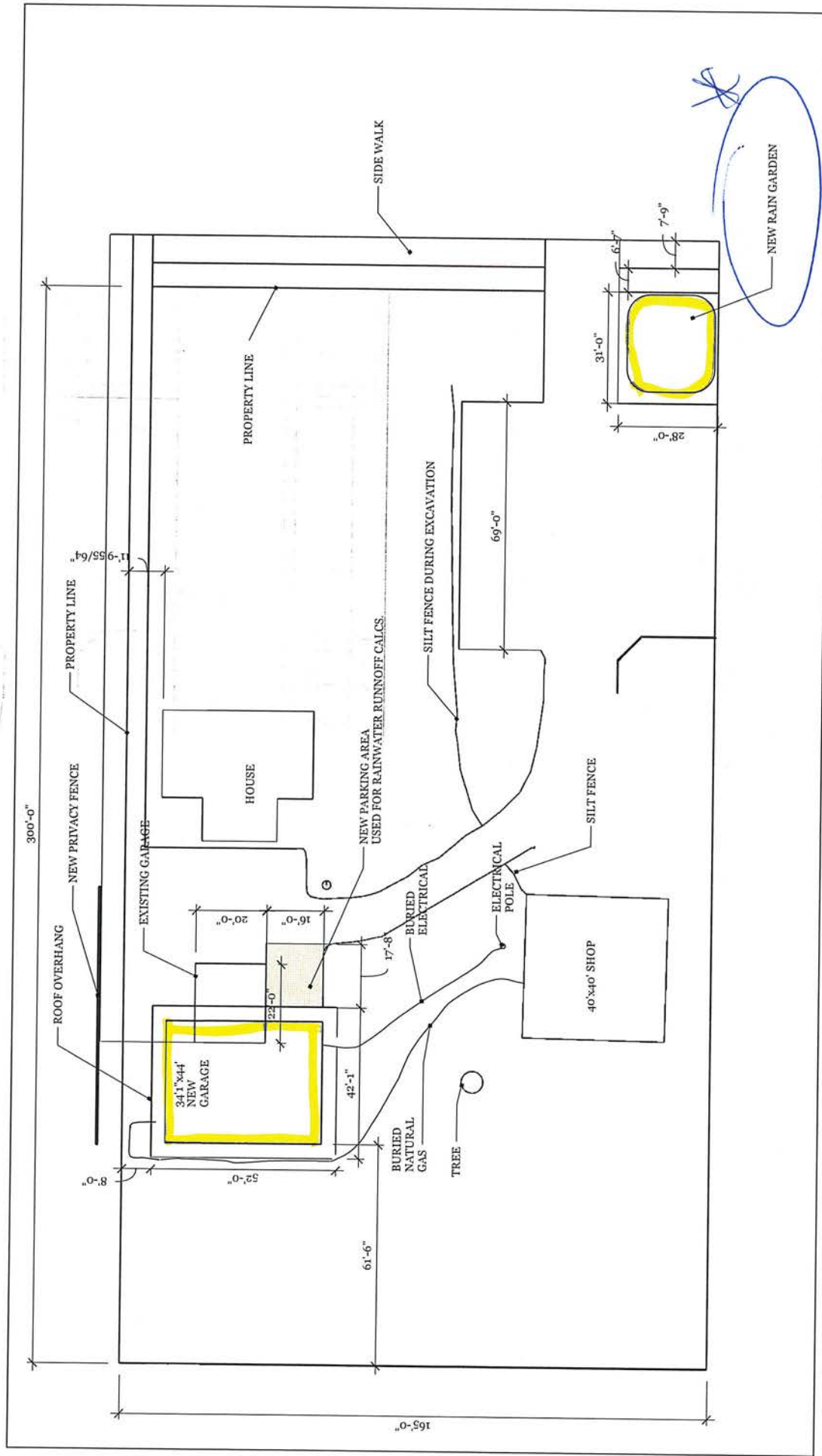
The City Council approved a variance for a 1,500 square foot detached accessory building on April 10, 2017. This structure is for personal use only and shall not be used for commercial uses, storage related to a commercial use, or a home occupation. The related storm water facilities maintenance agreement was not ready when the project was reviewed by Council.

The applicant has been working with the City Engineering Department to finalize stormwater and grading plans. The final details on the plans and agreements would be reviewed and approved by the City Engineer prior to any work commencing on the site.

RECOMMENDATION: Planning and Engineering Staff recommend approval of the Storm Water Facilities Maintenance Agreement as presented.

Attachments:

1. Resolution approving documents relating to the development
2. Storm Water Facilities Maintenance Agreement



B		REVISIONS	
1	12/06/2007	INITIAL RELEASE REV A	DRAFT
2	12/07/2007	REV B	
3	12/07/2007	REV B	
4	12/07/2007	REV B	
5	12/07/2007	REV B	

6163 CAHILL AVE
INVER GROVE HEIGHTS MN 55076

SITE PLAN

KRECH SITE PLAN

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

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE STORM WATER FACILITIES MAINTENANCE
AGREEMENT FOR THE PROPERTY LOCATED AT 6163 CAHILL AVENUE**

**CASE NO. 17-07CV
(Kyle Krech)**

WHEREAS, a Variance was approved on April 10, 2017 for a 1,500 square foot accessory building to be used for personal use;

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

WHEREAS, the agreements were not completed prior to Council approving the project on April 10, 2017 and therefore must be approved by Council on separate action;

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

Passed this 26th day of February, 2018.

AYES:

NAYS:

ATTEST:

George Tourville, Mayor

Michelle Tesser, City Clerk

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

THIS STORM WATER FACILITIES MAINTENANCE AGREEMENT (Agreement) is made, entered into and effective this 26th day of February, 2018, by and between the City of Inver Grove Heights, a Minnesota municipal corporation (hereafter referred to as City) and Daniel J. Krech and Debra E. Krech, husband and wife (hereafter referred to as Landowner and Responsible Owner). Subject to the terms and conditions hereafter stated and based on the representations, warranties, covenants, agreements and recitals of the parties herein contained, the parties do hereby agree as follows:

ARTICLE 1
DEFINITIONS

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

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

1.3 Landowner. "Landowner" means Daniel J. Krech and Debra E. Krech, husband and wife, and their successors and assigns.

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

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

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

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

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

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

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

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

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

ARTICLE 2 **RECITALS**

Recital No. 1. Landowner owns the Landowner Property.

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

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

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

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

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

ARTICLE 3

RESPONSIBILITY FOR MAINTENANCE

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

The Storm Water Facilities shall be completed by December 31, 2018; however, the City Engineer may extend the completion date by subsequent written action of the City Engineer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 4 **ESCROW DEPOSIT**

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

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

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

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

ARTICLE 5
CITY'S COVENANTS

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

ARTICLE 6
MISCELLANEOUS

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

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

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

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

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

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

If to City:

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

If to Landowner:

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

or to such other address as the party addressed shall have previously designated by notice given in accordance with this Section. Notices shall be deemed to have been duly given on the date of service if served personally on the party to whom notice is to be given, or on the third day after mailing if mailed as provided above, provided, that a notice not given as above shall, if it is in writing, be deemed given if and when actually received by a party.

[Remainder of Page Intentionally Left Blank]

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

CITY OF INVER GROVE HEIGHTS

By: _____
George Tourville
Its: Mayor

ATTEST:

Michelle Tesser, City Clerk

(CITY SEAL)

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

On this 26th day of February, 2018, before me a Notary Public within and for said County, personally appeared George Tourville and Michelle Tesser to me personally known, who being each by me duly sworn, each did say that they are respectively the Mayor and City Clerk of the City of Inver Grove Heights, the municipality named in the foregoing instrument, and that the seal affixed to said instrument was signed and sealed on behalf of said municipality by authority of its City Council and said City Clerk acknowledged said instrument to be the free act and deed of said municipality.

Notary Public

LANDOWNER:

Daniel J. Krech

Debra E. Krech

STATE OF MINNESOTA)
)
COUNTY OF DAKOTA) ss.

The foregoing instrument was acknowledged before me this _____ day of February, 2018,
by Daniel J. Krech and Debra E. Krech, husband and wife.

Notary Public

THIS INSTRUMENT DRAFTED BY:

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

**AFTER RECORDING PLEASE
RETURN TO:**

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

EXHIBIT A
LEGAL DESCRIPTION OF LANDOWNER PROPERTY

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

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

EXHIBIT B
OPERATIONS & MAINTENANCE PLAN

Operations and Maintenance Plan

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

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

EXHIBIT C
ANNUAL INSPECTION FORM

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

* Minor Maintenance: i.e. regROUT joint, repair trash guard; Major Maintenance: structure separating(ed) from pipe

** Minor Maintenance: repair can be done by City crews, Major Maintenance: heavy equip. is needed

*** Minor Maintenance: repair can be done by City crews, Major Maintenance: heavy equip. is needed

EXHIBIT D **STORM WATER FACILITY PLAN**

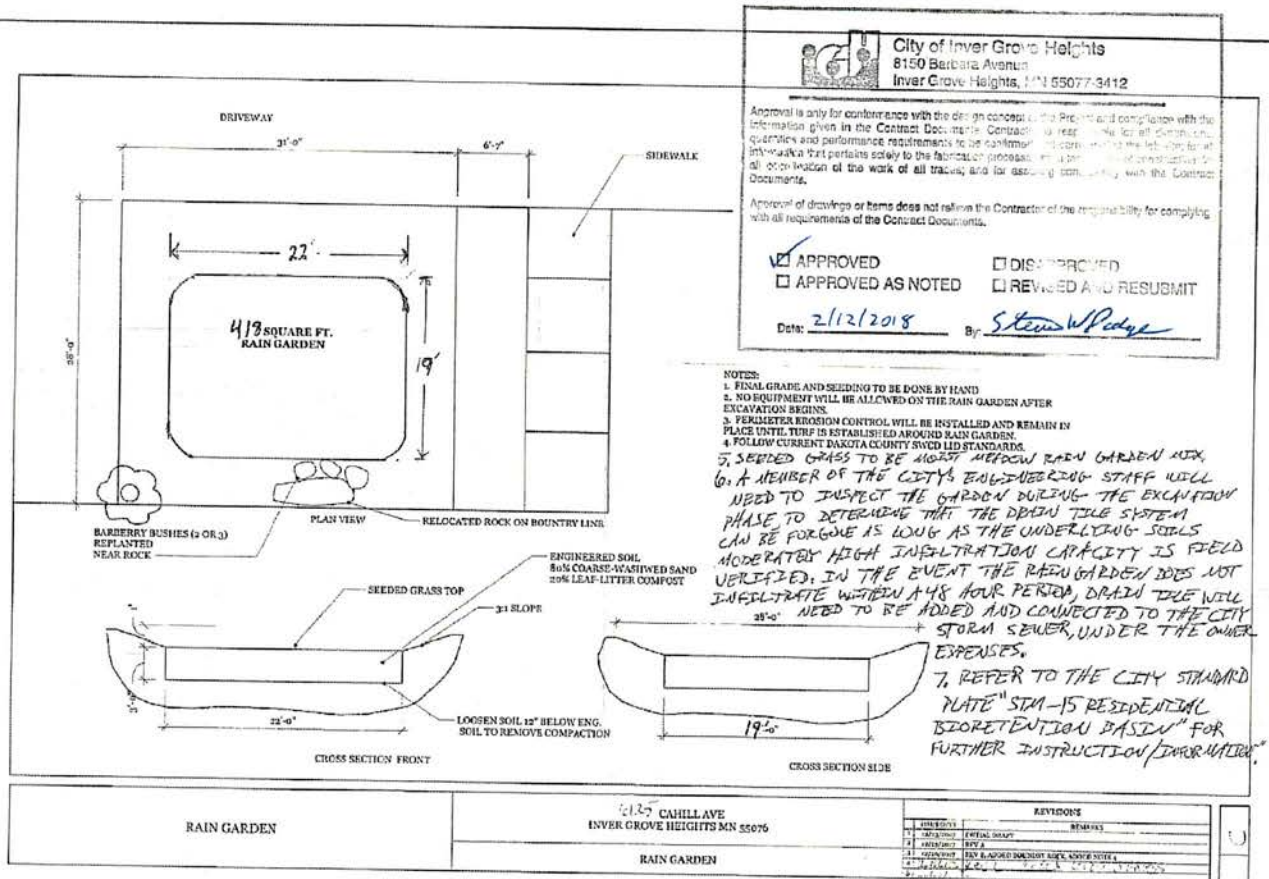
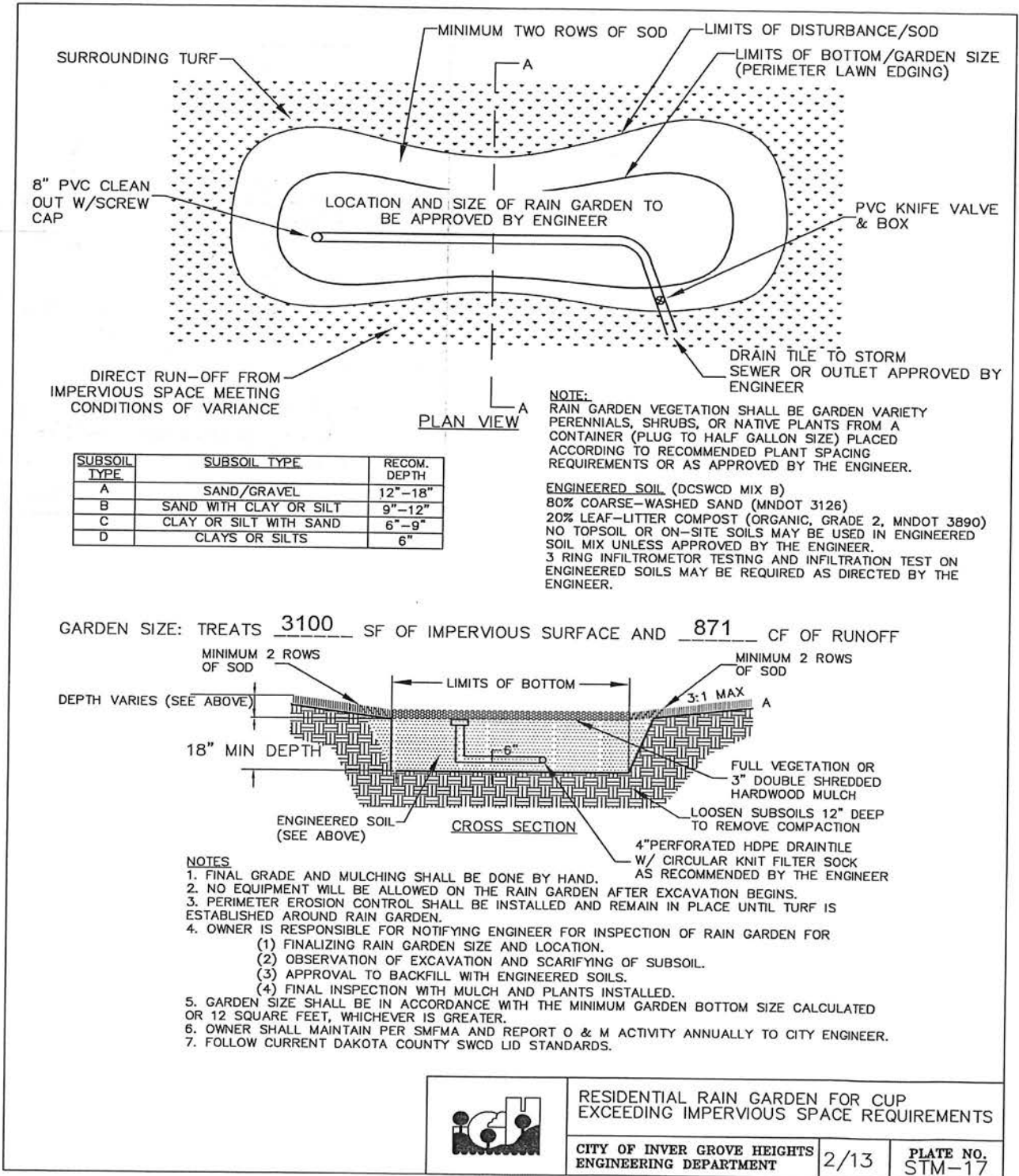


EXHIBIT E **RESIDENTIAL RAIN GARDEN FOR CUP EXCEEDING IMPERVIOUS SPACE** **REQUIREMENTS (STM-17)**



CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Accept Proposal for Professional Services for Design and Construction Administration and Observation for Exterior Reconditioning of the Five Million Gallon Concrete Ground Storage Reservoir

Meeting Date: February 26, 2018
 Item Type: Consent
 Contact: Dan Helling, 651-450-2565
 Prepared by: Scott D. Thureen, Public Works Director
 Reviewed by: 

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

PURPOSE/ACTION REQUESTED

Accept proposal for professional services for design and construction administration and observation for exterior reconditioning of the five-million-gallon concrete ground storage reservoir.

SUMMARY

The City's five-million-gallon concrete ground storage reservoir, located next to the water treatment plant, is in need of cracksealing and painting. This work is part of our long-term maintenance program to protect and maximize the useful life of the structure.

The attached proposal from SEH, Inc. includes professional services for design for an amount not-to-exceed \$10,100. It also includes construction administration and observation services for an amount not-to-exceed \$12,800.

I recommend that the proposal (in the amount of \$22,900) be accepted and that the Mayor and Public Works Director be authorized to sign the proposal on behalf of the City. Funding would come from the approved 2018 Water Fund budget.

SDT/kf

Attachment: Proposal from SEH, Inc.

Supplemental Letter Agreement

In accordance with the Master Agreement for Professional Services between City of Inver Grove Heights, Minnesota ("Client"), and Short Elliott Hendrickson Inc. ("Consultant"), effective January 10, 2011, this Supplemental Letter Agreement dated March 13, 2017 authorizes and describes the scope, schedule, and payment conditions for Consultant's work on the Project described as: 5,000,000 Gallon Capacity Babcock Trail Reservoir.

Client's Authorized Representative: Scott Thureen
Address: 8150 Barbara Avenue
Inver Grove Heights, MN 55077-3412
Telephone: 651.450.2500 **email:** sthureen@ci.inver-grove-heights.mn.us

Project Manager: Christopher Wolfgram
Address: 3535 Vadnais Center Drive
Saint Paul, MN 55110
Telephone: 651.318.0360 **email:** cwolfgram@sehinc.com

Scope: The Basic Services to be provided by SEH as set forth herein is provided subject to the General Conditions and Exhibits attached to this Agreement.

The City of Inver Grove Heights is in need of engineering and inspection services for the reconditioning of their five million gallon concrete ground storage reservoir located off Babcock Trail. SEH appreciates the opportunity to submit a proposal to provide this service. This proposal includes our project understanding and approach, including scope of work, key personnel and project fee.

PROJECT UNDERSTANDING

SEH has visited the project site and reviewed the KLM Engineering, Inc., specifications dated September 2016. Based on the current physical condition and the overall age of the exterior protective coating systems (19 years), SEH concurs with the City's assessment and KLM inspection letter to move forward with exterior reconditioning.

PROJECT TEAM

All proposed services will be completed by SEH. The Project Manager will be Chris Wolfgram, who brings more than 10 years of contractor experience, specializing in protective coatings application and project management. Chris provides a unique knowledge to rehabilitation projects due to past experience working for rehabilitation contractors. This enhances our knowledge with contractor scheduling and logistics, foresight of project complications that can result in potential change orders prior to the bid phase and contract work, and the level of critical inspection required to successfully complete a project while providing value to the owner in reducing inspector fees.

With respect to project inspection, it is our intent to provide the City with a NACE Certified inspector working under the direct supervision of a NACE Level III Certificated inspector. This individual shall also have an American Welding Association (AWS) certification and/or training and be working under the direct supervision of a structural engineer or Certified Welding Inspector (CWI), as applicable to the final project scope.

Additional team members include coatings expert Joe Cesarek with more than 40 years of protective coatings experience.

PROJECT APPROACH

SEH will work directly with City Staff to implement outlined recommendations. Our initial meeting will focus on the following project-specific concerns:

- Final Project Scope
- Project Schedule
- Mobilization Space
- Emissions Control

It is our experience that weather, in the form of lower temperatures, can be an issue with early or late season projects. Lower temperatures (50 degrees and below) can shorten the coating application window and affect the protective coating curing process.

SCOPE OF WORK

I. Design Services

The deliverables and work tasks for this section shall include:

- Pre-design
 - Pre-design meeting to confirm the scope of work, including structural modifications.
 - Meet with previous project Quoters/Bidders to review scope and assumptions made during those quoting/bidding efforts
 - Establish project requirements and objectives related to contractor procurement and schedule
- Specifications and contract documents
 - Prepare revised contract documents, drawings, and specifications, including general conditions, and technical sections based on the KLM Engineering Inc. technical specifications
 - Meet with City staff to review plans and specifications (Maximum two iterations)
 - Submit final contract documents to the City for review and approval (Maximum three copies)
 - Provide permit application and specification to the Minnesota Department of Health (if re-application is required)
- Bidding Administration
 - Prepare advertisement for bid and submit to required publications
 - Provide response to bidder questions
 - Issue addenda as applicable
 - Attend bid opening and prepare a tabulation of the bids
 - Review bids and prepare letter of award recommendation to the City

II. Construction Services

- Construction observation and daily record keeping will be provided by a NACE Coatings Inspector.
- SEH assumes a six-day work week
- SEH proposes to provide critical-time inspections**

** Critical inspection emphasizes surface preparation and prime-coat application.

Operation	Week	Inspection Hours
Mobilization/Structural Modifications	1	9
Surface Preparation	2	9
Spot Prime Coat Application and Finish Coat Application	3	18
Punch List, Final Site Work, Demobilization	4	9
Total (Including Travel)		45

- Project Related Tasks:
 - Attend pre-construction meeting
 - Prepare and file copies of construction activity reports
 - Coordinate and monitor field testing
 - Work directly with residents and property owners, responding to construction related issues
 - Meet weekly (on-site) with City staff to discuss project status and address concerns
 - Prepare "Punch List" at Substantial Completion
 - *Coordinate reinstallation of tenant equipment
- Construction Administration:
 - Provide award notification to facility tenants and coordinate temporary equipment removal(s)/ sector shutdown
 - Prepare Notice of Award
 - Prepare and distribute contract documents
 - Review submittals and other pertinent documentation associated with the plans/specifications
 - Coordinate/facilitate pre-construction meeting
 - Prepare change orders, as required
 - Review monthly pay requests
 - Prepare letter of final review and acceptance in coordination with the on-site inspector

Schedule: It is our understanding that the City wishes to proceed with reconditioning of this facility during the 2018 construction season. Based on the size of the tank and our experience with projects of similar size and scope, SEH proposes a 42 Calendar Day schedule for exterior tank reconditioning.

It is our intent to begin engineering immediately following City authorization, with the project ready for bid advertisement by March 5, 2018 and bid letting by April 5, 2018. This schedule will provide the City with a larger pool of qualified contractors and more competitive costs.

Fees: SEH proposes to complete the tasks identified under Design Services and Construction Services in the amount of \$22,900 billed hourly, plus direct expenses as identified below. Additional services may be provided as authorized by the City of Inver Grove Heights based on current hourly rates (Attached).

Task		Amount
VARIABLE FIXED COST	I. Design	\$10,100
	Pre-Design	\$1,500
	Specification & Contract Documents	\$6,000
	Bidding Administration	\$2,600
	II. Construction Services	\$12,800
	Contract Administration	\$6,600
	Inspection (Critical)	\$5,000
	Warranty	\$1,200
	Total Cost	\$22,900

**Daily inspection fee based on 8-hour day - \$825.00 (Includes mileage)*

Finally, this project will require that the contractor provide the City of Inver Grove Heights with a 2-year warranty for the completed work. SEH will provide notification to the City for completion of a *Warranty Inspection* six (6) months prior.

The payment method, basis, frequency and other special conditions for Inspection are set forth in attached Exhibit A-1. The payment method, basis, frequency and other special conditions for Design services and Construction Administration are set forth in attached Exhibit A-2.

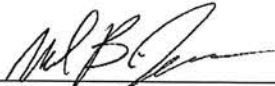
Other Terms and Conditions: Other or additional terms contrary to the Master Agreement for Professional Services that apply solely to this project as specifically agreed to by signature of the Parties and set forth herein: None.

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Short Elliott Hendrickson Inc.

City of Inver Grove Heights, Minnesota

By:



Miles B. Jensen, PE

Title:

Client Service Manager

By: _____

Title: _____

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Accept and Approve Proposal from Stantec Consulting Services for the Northwest Area (NWA) Trunk Water System

Meeting Date: February 26, 2018
 Item Type: Consent
 Contact: Thomas J. Kaldunski, 651-450-2572
 Prepared by: Thomas J. Kaldunski, City Engineer
 Reviewed by: Scott D. Thureen, Public Works Director

SDA

Fiscal/FTE Impact:

- | | |
|-------------------------------------|---|
| ☐ | None |
| ☐ | Amount included in current budget |
| ☐ | Budget amendment requested |
| ☐ | FTE included in current complement |
| ☐ | New FTE requested – N/A |
| ☒ | Other: NWA Water 511 Fund, Water Utility Fund |

PURPOSE/ACTION REQUESTED

Accept and approve proposal from Stantec Consulting Services for the Northwest Area (NWA) Trunk Water System.

SUMMARY

The proposed evaluation will include preparation of a cost estimate for the NWA trunk water system anticipated to be constructed over the next 20 years, in four, five-year phases. This information will assist the City in updating its financial plan for the trunk improvements.

Stantec has previously prepared a computer model (January 2017) of the trunk water system. The proposal will also review the computer model to ensure adequate fire flows will be available for the new fire station and adjacent lot at Courthouse Boulevard.

The work will be funded through the NWA Water Fund 511 for the NWA phasing and cost estimates (\$3,400) and the Water Utility Fund for the fire station site (\$1,500).

It is recommended that the City Council authorize the work outlined in Stantec's February 8, 2018 proposal in the amount of \$4,900 for the NWA Trunk Watermain System cost estimates and sizing the water system expansion for Fire Station No. 2.

TJK/kf

Attachments: Proposed Trunk Water Main Phase Areas
 Proposal

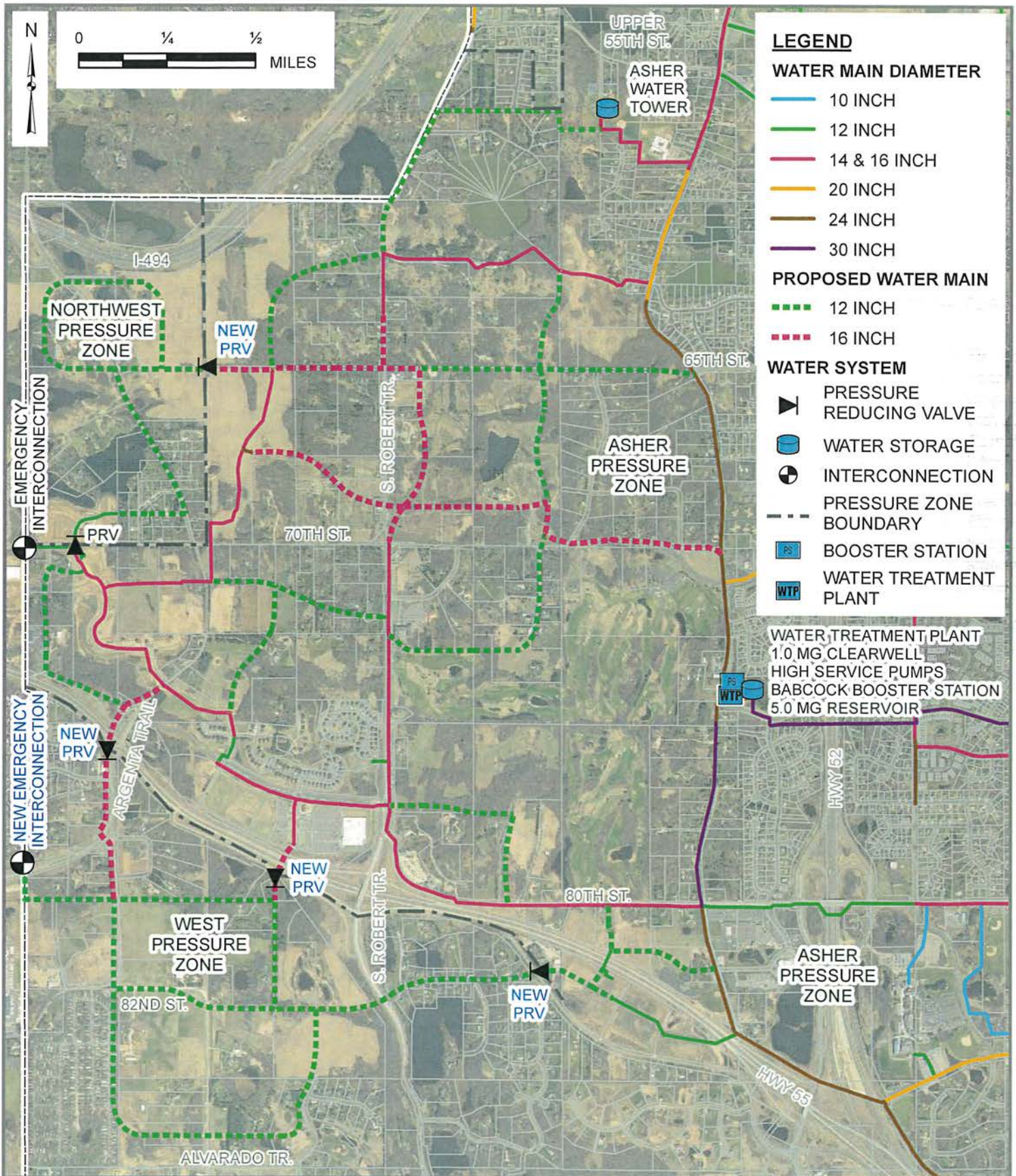


FIGURE 1 - PROPOSED TRUNK WATER SYSTEM

CITY OF INVER GROVE HEIGHTS



Stantec Consulting Services
 2335 Highway 36 West
 Saint Paul, MN 55113
 651.636.4600

FEBRUARY 2018

The information on this map has been compiled by Stantec staff from a variety of sources and is subject to change without notice. Stantec makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information.

V:\1938\active\193803143\GIS\Projects\Figure 1 - 2018 Proposed System.mxd

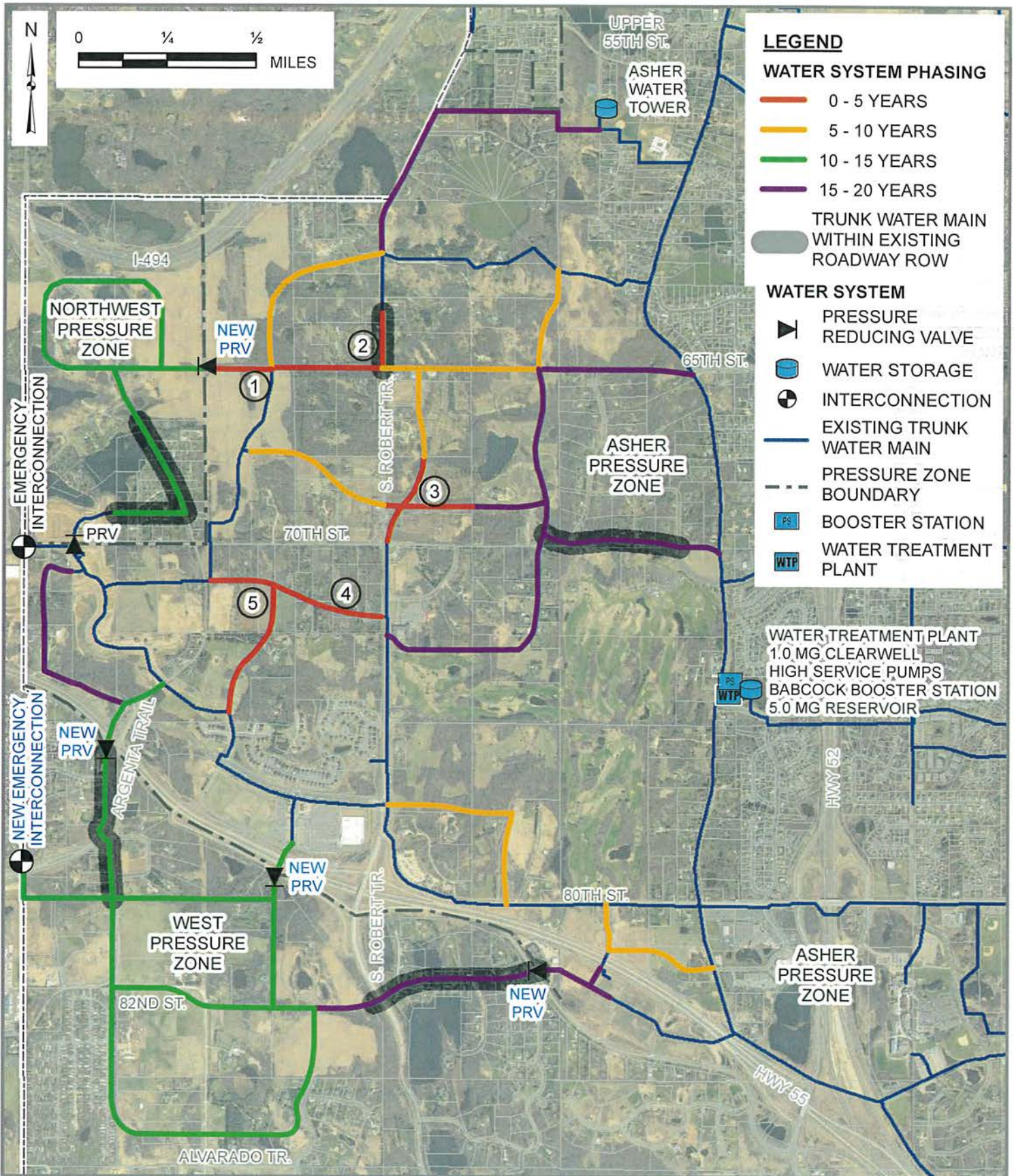


FIGURE 2 - PROPOSED TRUNK WATER SYSTEM PHASING



Stantec Consulting Services
2335 Highway 36 West
Saint Paul, MN 55113
651.636.4600

CITY OF INVER GROVE HEIGHTS

FEBRUARY 2018

The information on this map has been compiled by Stantec staff from a variety of sources and is subject to change without notice. Stantec makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information.

V:\1938\active\193803143\GIS\Projects\Figure 2 - 2018 Proposed System Phasing.mxd



Stantec Consulting Services Inc.

2335 Highway 36 West, St. Paul MN 55113-3819

January 25, 2018

File: 193803143

Reference: Hydraulic Modeling Evaluation and NW
Study Area Trunk Water System Cost Estimates

Attention: Tom Kaldunski

City Engineer

City of Inver Grove Heights

8150 Barbara Ave

Inver Grove Heights

Minnesota 55077

Dear Tom,

Thank you for the opportunity to serve the City of Inver Grove Heights by evaluating the water system expansion to the new City Fire Station and to provide a cost estimate for the NW Study Area trunk water system. This letter presents Stantec's proposal for engineering services based on the task list as detailed below.

Hydraulic Model Project Tasks

1. Evaluate the fire flow for the new fire station on Courthouse Blvd. with new water main under TH52.
2. Provide a detailed summary of the fire flow evaluation including a recommended water main size for crossing under TH52.

Trunk Water System Cost Estimate Tasks

1. Provide cost estimates for the proposed trunk water system from the 2017 report, *NW Water System Study*.
2. Cost estimates will be completed to the level of detail in the examples provided in your email on January 23.
3. Cost estimates will be provided in 5 year increments. Stantec will review the project years provided by the City.
4. Provide a summary memo with trunk water system figure and cost estimates.

Stantec proposes to provide Inver Grove Heights with professional engineering services required to provide the tasks described above. Stantec will provide services on an hourly basis and estimates the level of effort required to not exceed \$4,900. The hydraulic modeling evaluation is estimated at \$1,500 and the cost estimating project at \$3,400.

Page 2 of 2
January 25, 2018
Tom Kladunski

Reference: Hydraulic Modeling Evaluation and NW Study Area Trunk Water System Cost Estimates

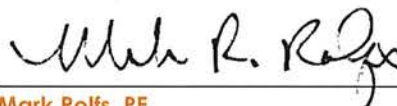
We are truly grateful for this opportunity to be of service to you and the City. Please contact us if you have any specific questions. If this agreement is acceptable, please sign below and return a copy to us.

Regards,



Jason K Bordewyk, PE
Project Manager

Phone: (651) 967-4568
Cell: (651) 775-5164
jason.bordewyk@stantec.com



Mark Rolfs, PE
Principal

Phone: (651) 604-4872
Cell: (651) 775-2298
Mark.Rolfs@stantec.com

By signing this proposal, The City of Inver Grove Heights authorizes Stantec to proceed with the services herein described and the Client acknowledges that it has read and agrees to be bound by the attached Professional Services Terms and Conditions.

This proposal is accepted and agreed on the Day day of January , 2018.

Per: The City of Inver Grove Heights

Tom Kladunski, City Engineer

Print Name & Title



Signature

Attachment: Professional Services Terms and Conditions

jkb z:\proposals\igh - jan 2018\igh proposal_modeling_trunk cost estimates.docx

The following Terms and Conditions are attached to and form part of a proposal for services to be performed by Consultant and together, when the CLIENT authorizes Consultant to proceed with the services, constitute the AGREEMENT. Consultant means the Stantec entity issuing the Proposal.

DESCRIPTION OF WORK: Consultant shall render the services described in the Proposal (hereinafter called the "SERVICES") to the CLIENT.

DESCRIPTION OF CLIENT: The CLIENT confirms and agrees that the CLIENT has authority to enter into this AGREEMENT on its own behalf and on behalf of all parties related to the CLIENT who may have an interest in the PROJECT.

TERMS AND CONDITIONS: No terms, conditions, understandings, or agreements purporting to modify or vary these Terms and Conditions shall be binding unless hereafter made in writing and signed by the CLIENT and Consultant. In the event of any conflict between the Proposal and these Terms and Conditions, these Terms and Conditions shall take precedence. This AGREEMENT supercedes all previous agreements, arrangements or understandings between the parties whether written or oral in connection with or incidental to the PROJECT

COMPENSATION: Payment is due to Consultant upon receipt of invoice. Failure to make any payment when due is a material breach of this AGREEMENT and will entitle Consultant, at its option, to suspend or terminate this AGREEMENT and the provision of the SERVICES. Interest will accrue on accounts overdue by 30 days at the lesser of 1.5 percent per month (18 percent per annum) or the maximum legal rate of interest. Unless otherwise noted, the fees in this agreement do not include any value added, sales, or other taxes that may be applied by Government on fees for services. Such taxes will be added to all invoices as required.

NOTICES: Each party shall designate a representative who is authorized to act on behalf of that party. All notices, consents, and approvals required to be given hereunder shall be in writing and shall be given to the representatives of each party.

TERMINATION: Either party may terminate the AGREEMENT without cause upon thirty (30) days notice in writing. If either party breaches the AGREEMENT and fails to remedy such breach within seven (7) days of notice to do so by the non-defaulting party, the non-defaulting party may immediately terminate the Agreement. Non-payment by the CLIENT of Consultant's invoices within 30 days of Consultant rendering same is agreed to constitute a material breach and, upon written notice as prescribed above, the duties, obligations and responsibilities of Consultant are terminated. On termination by either party, the CLIENT shall forthwith pay Consultant all fees and charges for the SERVICES provided to the effective date of termination.

ENVIRONMENTAL: Except as specifically described in this AGREEMENT, Consultant's field investigation, laboratory testing and engineering recommendations will not address or evaluate pollution of soil or pollution of groundwater.

PROFESSIONAL RESPONSIBILITY: In performing the SERVICES, Consultant will provide and exercise the standard of care, skill and diligence required by customarily accepted professional practices normally provided in the performance of the SERVICES at the time and the location in which the SERVICES were performed.

LIMITATION OF LIABILITY: The CLIENT releases Consultant from any liability and agrees to defend, indemnify and hold Consultant harmless from any and all claims, damages, losses, and/or expenses, direct and indirect, or consequential damages, including but not limited to attorney's fees and charges and court and arbitration costs, arising out of, or claimed to arise out of, the performance of the SERVICES, excepting liability arising from the sole negligence of Consultant. It is further agreed that the total amount of all claims the CLIENT may have against Consultant under this AGREEMENT, including but not limited to claims for negligence, negligent misrepresentation and/or breach of contract, shall be strictly limited to the lesser of professional fees paid to Consultant for the SERVICES or \$50,000.00. No claim may be brought against Consultant more than two (2) years after the cause of action arose. As the CLIENT's sole and exclusive remedy under this AGREEMENT any claim, demand or suit shall be directed and/or asserted only against Consultant and not against any of Consultant's employees, officers or directors.

Consultant's liability with respect to any claims arising out of this AGREEMENT shall be absolutely limited to direct damages arising out of the SERVICES and Consultant shall bear no liability whatsoever for any consequential loss, injury or damage incurred by the CLIENT, including but not limited to claims for loss of use, loss of profits and/or loss of markets.

INDEMNITY FOR MOLD CLAIMS: It is understood by the parties that existing or constructed buildings may contain mold substances that can present health hazards and result in bodily injury, property damage and/or necessary remedial measures. If, during performance of the SERVICES, Consultant knowingly encounters any such substances, Consultant shall notify the CLIENT and, without liability for consequential or any other damages, suspend performance of services until the CLIENT retains a qualified specialist to abate and/or remove the mold substances. The CLIENT agrees to release and waive all claims, including consequential damages, against Consultant, its subconsultants and their officers, directors and employees arising from or in any way connected with the existence of mold on or about the project site whether during or after completion of the SERVICES. The CLIENT further agrees to indemnify and hold Consultant harmless from and against all claims, costs, liabilities and damages, including reasonable attorneys' fees and costs, arising in any way from the existence of mold on the project site whether during or after completion of the SERVICES, except for those claims, liabilities, costs or damages caused by the sole gross negligence and/or knowing or willful misconduct of Consultant. Consultant and the CLIENT waive all rights against each other for mold damages to the extent that such damages sustained by either party are covered by insurance.

DOCUMENTS: All of the documents prepared by or on behalf of Consultant in connection with the PROJECT are instruments of service for the execution of the PROJECT. Consultant retains the property and copyright in these documents, whether the PROJECT is executed or not. These documents may not be used for any other purpose without the prior written consent of Consultant. In the event Consultant's documents are subsequently reused or modified in any material respect without the prior consent of Consultant, the CLIENT agrees to defend, hold harmless and indemnify Consultant from any claims advanced on account of said reuse or modification.

Any document produced by Consultant in relation to the Services is intended for the sole use of Client. The documents may not be relied upon by any other party without the express written consent of Consultant, which may be withheld at Consultant's discretion. Any such consent will provide no greater rights to the third party than those held by the Client under the contract, and will only be authorized pursuant to the conditions of Consultant's standard form reliance letter.

Consultant cannot guarantee the authenticity, integrity or completeness of data files supplied in electronic format ("Electronic Files"). CLIENT shall release, indemnify and hold Consultant, its officers, employees, Consultant's and agents harmless from any claims or damages arising from the use of Electronic Files. Electronic files will not contain stamps or seals, remain the property of Consultant, are not to be used for any purpose other than that for which they were transmitted, and are not to be retransmitted to a third party without Consultant's written consent.

FIELD SERVICES: Consultant shall not be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with work on the PROJECT, and shall not be responsible for any contractor's failure to carry out the work in accordance with the contract documents. Consultant shall not be responsible for the acts or omissions of any contractor, subcontractor, any of their agents or employees, or any other persons performing any of the work in connection with the PROJECT. Consultant shall not be the prime contractor or similar under any occupational health and safety legislation.

GOVERNING LAW/COMPLIANCE WITH LAWS: The AGREEMENT shall be governed, construed and enforced in accordance with the laws of the jurisdiction in which the majority of the SERVICES are performed. Consultant shall observe and comply with all applicable laws, continue to provide equal employment opportunity to all qualified persons, and to recruit, hire, train, promote and compensate persons in all jobs without regard to race, color, religion, sex, age, disability or national origin or any other basis prohibited by applicable laws.

DISPUTE RESOLUTION: If requested in writing by either the CLIENT or Consultant, the CLIENT and Consultant shall attempt to resolve any dispute between them arising out of or in connection with this AGREEMENT by entering into structured non-binding negotiations with the assistance of a mediator on a without prejudice basis. The mediator shall be appointed by agreement of the parties. If a dispute cannot be settled within a period of thirty (30) calendar days with the mediator, if mutually agreed, the dispute shall be referred to arbitration pursuant to laws of the jurisdiction in which the majority of the SERVICES are performed or elsewhere by mutual agreement.

ASSIGNMENT: The CLIENT and Consultant shall not, without the prior written consent of the other party, assign the benefit or in any way transfer the obligations under these Terms and Conditions or any part hereof.

SEVERABILITY: If any term, condition or covenant of the AGREEMENT is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of the AGREEMENT shall be binding on the CLIENT and Consultant.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider a Resolution Authorizing Engineering Services and Authorizing Preparation of an Operation and Maintenance (O&M) Manual and One-Year Evaluation Report for City Project No. 2016-01 – Stormwater Treatment for Mississippi River Discharge from Barr Engineering Company

Meeting Date: February 26, 2018
 Item Type: Consent
 Contact: Thomas J. Kaldunski, 651-450-2572
 Prepared by: Thomas J. Kaldunski, City Engineer
 Reviewed by: 

Fiscal/FTE Impact:

- | | |
|-------------------------------------|------------------------------------|
| ☐ | None |
| ☐ | Amount included in current budget |
| ☐ | Budget amendment requested |
| ☐ | FTE included in current complement |
| ☐ | New FTE requested – N/A |
| ☒ | Other: Stormwater Utility |

PURPOSE/ACTION REQUESTED

Consider a resolution authorizing engineering services and authorizing preparation of an Operation and Maintenance (O&M) Manual and one-year evaluation report for City Project No. 2016-01 – Stormwater Treatment for Mississippi River Discharge from Barr Engineering Company.

SUMMARY

Council adopted Resolution No. 16-28 on February 8, 2016 approving a stormwater project plan with reference to City Project 2016-01 – Stormwater Treatment for Mississippi River Discharge. The resolution directed the City Engineer to seek funding for stormwater projects through Clean Water Revolving Funds and Point Source Implementation Grants (PSiG) and authorized the City Engineer to negotiate professional services contracts for said project.

The MPCA's PSiG Program made Inver Grove Heights eligible for the grant in an amount up to \$296,000 for the subject project. The City completed the project in 2017 and the project is in the warranty period.

The MPCA has requested the City prepare an O&M Manual for the facilities per Minnesota Rules 7077.0288. The MPCA is also requiring the City to do a one-year evaluation report to ensure the facilities are working as designed. The City has requested a proposal from Barr Engineering to provide these services. Barr is the engineer of record on this project.

Attached is a cost proposal from Barr Engineering Company for the following:

- | | | |
|----|---|----------------|
| A) | Prepare an O&M Manual..... | \$1,400 |
| B) | Conduct performance and monitoring on the basin. | 2,400 |
| | (It is estimated that this cost may be reduced to \$800 if the timing of monitoring matches a wet period this spring) | |
| C) | Prepare the Evaluation Report..... | 1,400 |
| D) | Conduct a site visit with MPCA to ensure the project is..... | 300 |
| | operating as intended. | |
| | Subtotal | \$5,500 |
| E) | Prepare a corrective action report if the system does not..... | 2,500 |
| | meet performance requirements (may not be needed if no issues found) | |
| | Total | \$8,000 |

This engineering services will be funded by using the Stormwater Utility.

Staff is recommending that the City Council approve the attached resolution authorizing the approval of the work order submitted by Barr Engineering on City Project No. 2016-01 – Stormwater Treatment for Mississippi River Discharge.

TJK/kf

Attachment: Barr Proposal

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

**RESOLUTION AUTHORIZING ENGINEERING SERVICES AND AUTHORIZING PREPARATION OF
AN OPERATION AND MAINTENANCE MANUAL AND ONE-YEAR EVALUATION REPORT FOR CITY
PROJECT NO. 2016-01 – STORMWATER TREATMENT FOR MISSISSIPPI RIVER DISCHARGE
FROM BARR ENGINEERING COMPANY**

RESOLUTION NO. _____

WHEREAS, City Council adopted Resolution No. 16-28 on February 8, 2016 approving a stormwater project plan with reference to City Project No. 2016-01 – Stormwater Treatment for Mississippi River Discharge; and

WHEREAS, Resolution No. 16-28 directed the City Engineer to submit the approved stormwater project plan to the Minnesota Pollution Control Agency (MPCA) to seek funding; and

WHEREAS, the City Engineer received a grant from the MPCA for funding for the construction of 78th and Concord Stormwater Pond in 2017; and

WHEREAS, the MPCA has requested preparation of an Operation and Maintenance Manual for the stormwater facilities and required a one-year evaluation to ensure the project is functioning as intended; and

WHEREAS, City staff requested, and received, a proposal from Barr Engineering for engineering services and preparation of an Operations and Maintenance Manual and on-year evaluation report; and

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

1. The proposal from Barr Engineering Co. is accepted and staff is authorized to enter into a contract in the amount not to exceed \$5,500 for engineering services to include preparation of an Operation and Maintenance Manual and a one-year evaluation report for City Project No. 2016-01 – Stormwater Treatment for Mississippi River Discharge.
2. The City Engineer is authorized to have Barr Engineering prepare a corrective action report if the facilities are not functioning as intended, at a cost not to exceed \$2,500.
3. Project funding is provided from the Stormwater Utility Fund.

Adopted by the City Council of Inver Grove Heights, Minnesota this 26th day of February 2018

AYES:

NAYS:

George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk



February 9, 2018

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

Re: 2018 engineering services for 78th and Concord Stormwater Pond

Dear Mr. Kaldunski:

Thank you for your request for a proposal to prepare an O&M manual and one-year evaluation report for the 78th and Concord stormwater pond! Attached for your review is our proposed scope of services and Work Order for the referenced project. Please contact Greg Fransen (gfransen@barr.com, 952-832-2626), or me (kchandler@barr.com, 952-832-2813), regarding any question on this scope of services. If the Work Order is acceptable please sign and return to us.

Sincerely,

A handwritten signature in black ink that reads "Karen L. Chandler".

Karen Chandler, P.E.
Vice President

A handwritten signature in black ink that reads "Greg Fransen".

Greg Fransen
Water Resource Scientist

Work Order For:
Engineering Services to support Performance Certification for 78th and Concord Stormwater Pond

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

between

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

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

Designated Representative:

Karen Chandler

Designated Representative:

Tom Kaldunski

I. Scope Language

Our understanding is that the City requires engineering support to complete a performance certification for the 78th and Concord Stormwater Pond (Project). The State of Minnesota requires performance certification for the Project because it was constructed using point source implementation grant (PSIG) funding provided by the state. A full description of the performance certification requirements is contained within Minnesota Rule 7077.0288 subpart 2a, A. – B.

The Project was designed and constructed as a semi-offline system that would provide water quality treatment for a portion of the storm water volume conveyed by the 66-inch trunk storm sewer adjacent to the Project. The target pollutant for the Project is total suspended solids (TSS) to address the TSS loading goals of the *South Metro Mississippi River Total Suspended Solids Total Maximum Daily Load* report (2015).

The scope of work is divided into the following tasks:

1. Operation and maintenance (O&M) manual: Barr will prepare an O&M manual for the Project. Barr will incorporate the City's standard procedures for operating and maintaining similar facilities into the manual, while ensuring that the manual also meets MPCA standards.
2. Performance monitoring: Barr will install Level Troll water level monitoring equipment at the Project during spring of 2018. Barr will visit the site monthly to download the collected data and to verify that the equipment is functioning properly. We assume that field conditions will be suitable for Barr to install the monitoring equipment during April 2018, and that Barr will make four (4) monthly visits thereafter. Following each visit, Barr will review the water elevation data to ensure that the pond hydraulic structures and the monitoring equipment are functioning properly.
3. Evaluation report: Barr will prepare an evaluation report that describes the Project performance during the 2018 monitoring season. Barr will base the report primarily on the hydraulic functioning of the pond as measured by the monitoring equipment. Barr will infer TSS removal from storm water routed through the Project using accepted particle sizes and concentrations as

documented in the MPCA *Stormwater Manual*. Barr assumes that the MPCA will not require water samples to be collected for TSS concentration testing or particle size determination.

4. Site visit: Barr staff will attend a Project site visit with Minnesota Pollution Control Agency (MPCA) staff where MPCA staff will ensure that the Project is operating as it was intended.
5. Corrective action report (if required by MPCA): If after visiting the Project site and reviewing the evaluation report the MPCA determines that the Project does not meet the performance standards under 7077.0288 subpart 2a, B., Barr will prepare a corrective action report that includes:
 - a. an analysis of the project's failure to meet the performance standards;
 - b. an estimate of the nature, scope, and cost of the corrective action necessary to bring the project into compliance with its performance standard; and
 - c. a schedule for initiating, in a timely manner, the necessary corrective action work and for meeting the performance certification requirements following a start-up period that is reasonable for the type of corrective action work to be performed.

II. Deliverables

Barr will provide the City with the following deliverables:

1. O&M manual (final)
2. Evaluation report
3. Corrective action report (if required by MPCA)

III. Maximum Compensation and Assumptions ("Service Assumptions") Upon Which Maximum is Based

For the required tasks one through four referenced above, you will pay us for time and expense not to exceed \$5,500 without prior approval, in accordance to the referenced Master Service Agreement.

If the MPCA determines that the Project does not meet performance standards, we will complete task number five and you will pay us for time and expense not to exceed \$2,500 without prior approval, in accordance to the referenced Master Service Agreement.

IV. Schedule and Assumptions Upon Which Schedule is Based

Barr will provide a draft O&M manual for City review within 30 business days of receiving your notice to proceed. Barr will provide a draft evaluation report for City review 10 business days prior to the MPCA site visit. Barr understands that the City has tentatively scheduled the MPCA site visit for Friday, September 21, 2018. Barr will provide a draft corrective action report to the City (if required by the MPCA) within 21 days of the MPCA's determination that the Project does not meet the performance standards.

ACCEPTED AND AGREED TO:

BARR ENGINEERING CO.

City of Inver Grove Heights

By: Karen L. Chandler

By: _____

Title: Vice President

Title: _____

Date: February 9, 2018

Date: _____

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

2018 DRAFT LEGISLATIVE INITIATIVES

Meeting Date: February 26, 2018
 Item Type: Consent
 Contact: Carrie Isaacson, Admin Services Coordinator
 Prepared by:
 Reviewed by: Joe Lynch, City Administrator

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

PURPOSE/ACTION REQUESTED: Establish the City of Inver Grove Heights Legislative Initiatives and Positions for the 2018 Legislative Session.

SUMMARY: The City has established a practice of identifying priorities relating to potential state legislative action prior to the start of the legislative session. These initiatives closely resemble or mirror positions already taken by the Municipal Legislative Commission (MLC), the League of Minnesota Cities (LMC) and the Association of Metropolitan Municipalities (AMM). Representatives of these organizations will be in attendance at the special meeting on Monday, March 12th to provide Council with insight and detail into the upcoming legislative session.

The attached document lists priority items the City supports and opposes for both initiatives and positions.

Please establish Monday, March 12th at 5:30 PM in the EOC Training Room (Public Safety-PD) as the special meeting of the City Council for the purpose of meeting with the representatives from these organizations.



CITY OF INVER GROVE HEIGHTS

2018 LEGISLATIVE BONDING REQUEST

ARGENTA TRAIL REALIGNMENT AND 70TH STREET RECONSTRUCTION AND EXPANSION

The City of Inver Grove Heights is requesting a bonding amount of \$6,100,000 towards the realignment of Argenta Trail in Inver Grove Heights (County State-Aid Highway (CSAH) 63, from a point north of its intersection with Amana Trail (CSAH 28) to the alignment for future 65th Street, then west to connect to the existing Argenta Trail alignment) in anticipation of the development of an interchange of Argenta Trail and Interstate 494 in the future; and for the reconstruction and expansion of 70th Street (CSAH 26) from two lanes to four lanes with turn lanes between the corporate boundary with the City of Eagan and realigned CSAH 63. Successful bond proceeds would be used to fund all pre-design, design, engineering, acquisition of right-of-way property, temporary and permanent easements, private utility location, inspection and construction services. Any improvement monies that were once available to the City for assistance with changes to intersections have been depleted. The attached map illustrates the area of future development.

A bill for an act
relating to capital investment; appropriating money for realignment of Argenta Trail and the reconstruction and expansion of 70th Street in Inver Grove Heights; authorizing the sale and issuance of state bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **ARGENTA TRAIL REALIGNMENT AND 70TH STREET RECONSTRUCTION AND EXPANSION.**

Subdivision 1. Appropriation. \$6,100,000 is appropriated from the bond proceeds to the commissioner of transportation for a grant to the city of Inver Grove Heights to predesign, design, engineer, acquire right-of-way property and temporary and permanent easements, relocate private utilities, inspect and construct the realignment of Argenta Trail in Inver Grove Heights (County State-Aid Highway 63 from a point north of its intersection with Amana Trail (CSAH 28) to the alignment of future 65th Street, then west to connect to the existing Argenta Trail alignment) in anticipation of the development of an interchange of Argenta Trail and Interstate 494; and for the reconstruction and expansion of 70th Street (CSAH 26) from two lanes to four lanes with turn lanes between the corporate boundary with the City of Eagan and realigned CSAH 63.

Subd. 2. Bond sale. To provide the money appropriated in this section from the bond proceeds fund, the commissioner of management and budget shall sell and issue bonds of the state in an amount up to \$6,100,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

EFFECTIVE DATE. This section is effective the date following final enactment.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

PERSONNEL ACTIONS

Meeting Date: February 26, 2018
 Item Type: Consent Agenda
 Contact: Janet Shefchik, HR Manager
 Prepared by: Carrie Isaacson, Admin Svc Cord
 Reviewed by: Janet Shefchik, HR Manager

Fiscal/FTE Impact:

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

PURPOSE/ACTION REQUESTED

Staff requests that Council confirm and approve the personnel actions listed below:

Part-Time/Temporary/Seasonal Employment:

Parks & Recreation/VMCC

Giloman, Rachael, Child Care Worker
 Lucas, Dwan, Swim Lesson Manager
 Martinez Alquicira, Samantha, Swim Lesson Manager
 Smith, Erin, Non-Certified Swim Instructor

Voluntary Termination/Resignation/Retirement of Employment:

The following staff have been terminated for purposes of seasonal positions and/or or hours currently not available:

Parks & Recreation/VMCC

Akemann, Alexa
 Akemann, Emma
 Berg, Makena
 Boeckman, Gretchen
 Boswell, Allison
 Brewer, Randell
 Chartier, Tracy
 Crary, Nicholas
 Deusterman, Robyn
 Difronzo, Casey
 Ferry, Eric
 George, Maya
 Johnson, Tiarra

Kane, Lily
 Kaeder, Camryn
 Krech, Kristen
 Mansur, Sabrina
 Marion, Kayla
 Mears, Gretel
 Myran, Jacob
 Salchert, April
 Schoen, Louis
 Slack, Erica
 Smith, Ashley
 Smith, Evan

Stokke, Rachel
 Stickney, Laura
 Daulton, Cassandra
 Melling, Elyse

Public Works/Utilities

Edwards, Claire

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Assessment Hearing for the 2018 Pavement Management Program, City Project No. 2015-09D – Broderick Boulevard Area Reconstruction

Meeting Date: February 26, 2018
 Item Type: Assessment Hearing
 Contact: Thomas J. Kaldunski, 651.450.2572
 Prepared by: Steve W. Dodge, Asst. City Engineer
 Reviewed by: Scott D. Thureen, Public Works Director

Fiscal/FTE Impact:

- | | |
|-------------------------------------|--|
| ☐ | None |
| ☐ | Amount included in current budget |
| ☐ | Budget amendment requested |
| ☐ | FTE included in current complement |
| ☐ | New FTE requested – N/A |
| ☒ | Other: Pavement Management Fund, Special Assessments, Utility Funds, DEED Grant, MN State Reconstruction Bonds, State Aid Funds, Street Reconstruction Bonds |

PURPOSE/ACTION REQUESTED

Assessment Hearing for the 2018 Pavement Management Program, City Project No. 2015-09D – Broderick Boulevard Area Reconstruction.

SUMMARY

The project includes street reconstruction, sidewalk, trail, storm water facility improvements, and appurtenances. The streets to be improved are as follows: Broderick Boulevard from 80th Street to Concord Boulevard.

The project was ordered by the City Council on September 25, 2017, as part of the City's 2018 Pavement Management Program (PMP). Bids were received on December 21, 2017 and the contract award is scheduled to be considered at a future Council meeting. The project is scheduled to start in the spring for 2018 construction. A benefit analysis report was prepared by the appraiser (McKenzi Metro Appraisal).

Based on the lowest responsible bid, the estimated total project cost for City Project No. 2015-09D is \$4,645,260 and proposed final assessments are \$655,624. This correlates to a total assessment of \$975 per single-family residential parcel; \$450 to \$875 for apartments and townhomes; and \$0.12 to \$0.46 per square foot for commercial parcels. The assessment amount meets the requirements to assess under Chapter 429. Due to the competitive bid, the estimated total project cost is below the feasibility estimate of \$5,945,000. This, coupled with the \$1,000,000 state bond construction grant and the \$852,500 DEED grant the City received have allowed us to reduce the assessments below the appraiser's recommended benefit amounts per class and type of parcel.

Written notices were mailed to the affected property owners regarding the assessment amounts, information meeting date and notice of public hearing. No one attended the information meeting. The City has not received any written objections to the assessments. A resident of the Rose Hill Villas townhomes questioned why his assessment was higher than the neighboring townhomes (Gables at Arbor Pointe). The proposed interest rate is 4.2 percent with a ten-year assessment term. The resolution has a recommendation to begin interest accrual on January 1, 2019, after the project is substantially complete.

The managers of Monument Ridge apartments contacted City staff on additional questions related to maintenance and liability of the proposed sidewalk. City staff has scheduled a meeting with Monument Ridge apartment managers and the City Attorney's office to explain the sidewalk policy and ordinance.

"No Parking" restrictions were passed by Council on October 23, 2017 for no parking on both sides of Broderick Boulevard from 80th Street to Concord Boulevard. Street lighting along Broderick Boulevard may be replaced by City Project No. 2018-04 – Arbor Pointe PUD Shared Street Light System Improvements project which will be coordinated between the Public Works Department, Xcel Energy and the Arbor Pointe Association, Inc. A public hearing on City Project No. 2018-04 has been scheduled for March 12, 2018.

Staff and the City Attorney have received executed permanent and temporary easement agreements from Monument Ridge Apartments and Wallmark Properties (Holiday Gas Station). Staff is in final easement negotiations with Inver Hills Community College.

I recommend approval of the resolution adopting the final assessment roll for the 2018 Pavement Management Program, City Project No. 2015-09D – Broderick Boulevard Area Reconstruction.

SWD/kf

Attachments: Resolution
Final Assessment Map
Final Assessment Roll

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

**RESOLUTION ADOPTING FINAL ASSESSMENT ROLL
2018 PAVEMENT MANAGEMENT PROGRAM
CITY PROJECT NO. 2015-09D – BRODERICK BOULEVARD AREA RECONSTRUCTION**

RESOLUTION NO. _____

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met, heard and passed upon all objections to the proposed assessment for the improvements on City Project No. 2015-09D – Broderick Boulevard Area Reconstruction. The streets to be improved are as follows:

The streets to be reconstructed include: Broderick Boulevard from 80th Street to Concord Boulevard

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

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment levied against the lands herein, and each tract of land therein included is hereby found to be benefited by the proposed assessment levied against it.
2. Such assessment shall be payable in equal installments extending over a period of ten (10) years beginning in 2019 and shall bear interest at the rate of 4.2 percent per annum from the date of adoption of this assessment resolution (or at such later date determined by the City Council). Interest will begin to accrue on January 1, 2019.
3. The owner of any property, so assessed, may at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property with interest accrued to the date of payment, to the City Treasurer, except that no interest shall be charged if the entire assessment is paid within thirty days from the adoption of this resolution; and the owner may, at any time thereafter, pay to the County Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15, or interest will be charged through December 31 of the next succeeding year (or such later date determined by the Council). No interest accrual will occur in 2018.
4. The Clerk, shall, forthwith, transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County, and such assessments shall be collected and paid over the same manner as other municipal taxes.

Adopted by the City Council of Inver Grove Heights, Minnesota this 26th day of February 2018

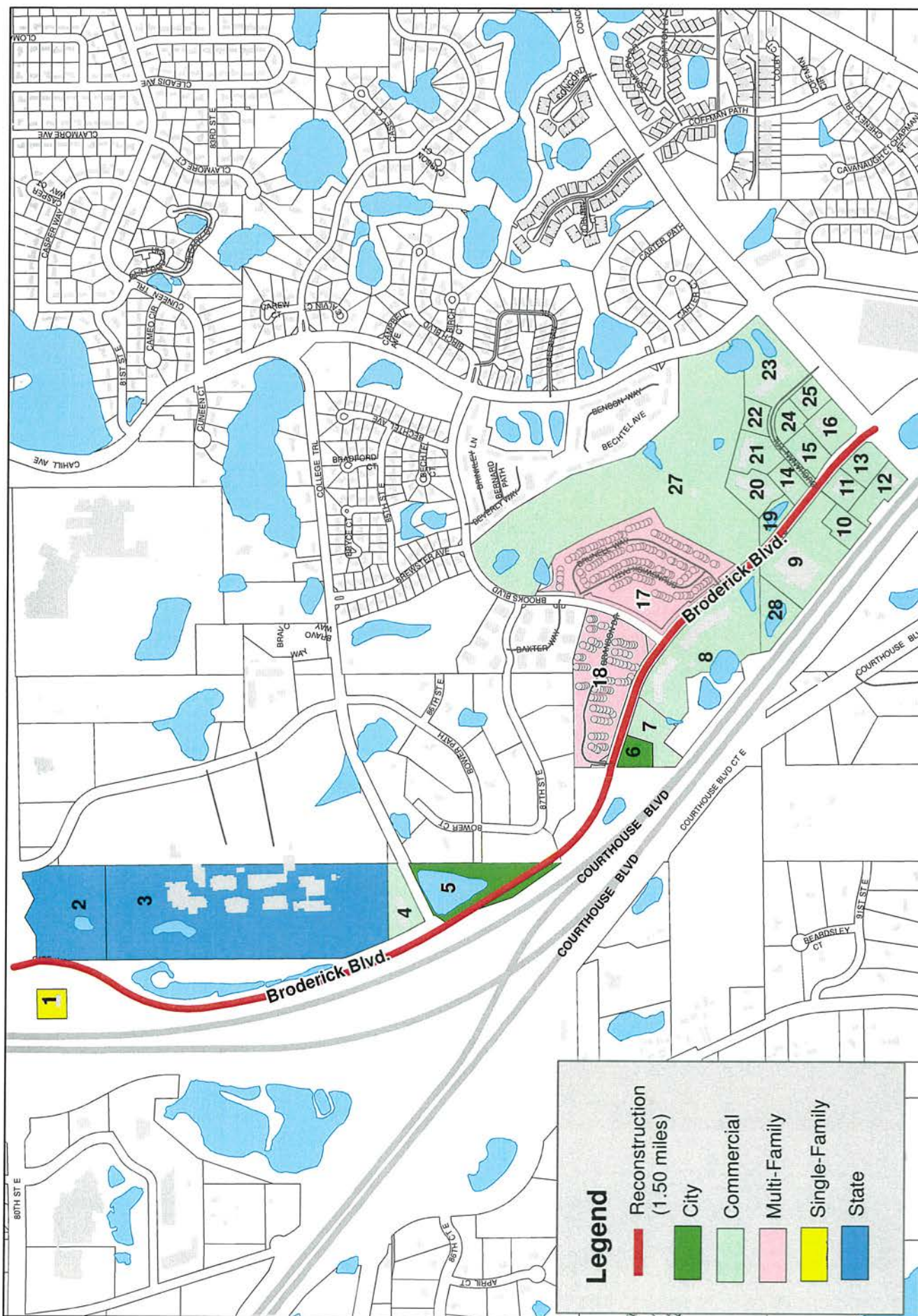
AYES:

NAYS:

George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk



CITY PROJECT NO. 2015-09D - BRODERICK BLVD RECONSTRUCTION

FINAL ASSESSMENT ROLL

Terms: 10 Years at 4.2% Interest

MAP NO.	PID NO.	PROPERTY TYPE	OWNER NAME	HOUSE NO.	STREET NAME	2018 PROPOSED FINAL ASSESSMENT
1	200160027012	SFR	HARLAN F & RITA M KOPP	2304	80TH ST E	\$975.00
2	200160025011	STATE	STATE OF MN	2452	80TH ST E	\$42,334.40
3	200160026010	STATE	STATE OF MN	2500	80TH ST E	\$29,822.60
4	203651501010	COMM	INVER GROVE HEIGHTS GOOD SAMARITAN	8121	COLLEGE TRL	\$24,680.78
5	200160051015	CITY	CITY OF INVER GROVE HTS			\$69,894.60
6	201185700040	CITY	CITY OF INVER GROVE HEIGHTS	8815	BRODERICK BLVD	\$20,138.82
7	201185700032	CITY	CITY OF INVER GROVE HEIGHTS			\$23,566.72
8	201186201021	COMM	MONUMENT RIDGE LLC	8851	BRODERICK BLVD	\$109,778.06
9	201186101010	COMM	ARBOR POINTE COMMONS LLC	9015	BRODERICK BLVD	\$42,581.66
10	201186101020	COMM	BAYDA LLC	9041-61	BRODERICK	\$8,782.00
11	201186101030	COMM	WALLMARK PROPERTIES LLC	9087	BRODERICK BLVD	\$8,339.22
12	201186101050	COMM	HALLE PROPERTIES LLC	9101	BRODERICK BLVD	\$12,545.72
13	201186101040	COMM	TCF NATIONAL BANK			\$9,962.78
14	201186502030	COMM	WAKOTA FEDERAL CREDIT UNION	9050	BUCHANAN TRL	\$5,402.08
15	201186501030	COMM	RT MINNEAPOLIS FRANCHISE LLC	9051	BUCHANAN TRL	\$7,342.64
16	201186402010	COMM	LABELLE INVER GROVE HEIGHTS LLC	9124	BRODERICK BLVD	\$9,283.20
17	201177702101	MFR	MARK K & LOUANN SHIELDS	8732	BRUNELL WAY	\$447.74
17	201177703504	MFR	BARTON THOMPSON	8733	BRUNELL WAY	\$447.74
17	201177702102	MFR	SUSAN M KREIDLER	8736	BRUNELL WAY	\$447.74
17	201177703503	MFR	NITA SAYSAMOUT PHABMISAY	8737	BRUNELL WAY	\$447.74
17	201177702103	MFR	MARY E REKUSKI	8740	BRUNELL WAY	\$447.74
17	201177703502	MFR	LARS WACH	8741	BRUNELL WAY	\$447.74
17	201177702104	MFR	MARLYN R & EDNA M HENNEN	8744	BRUNELL WAY	\$447.74
17	201177703501	MFR	SHAWN MAYER	8745	BRUNELL WAY	\$447.74
17	201177702105	MFR	BONNIE PENN	8748	BRUNELL WAY	\$447.74
17	201177702106	MFR	RICHARD S VASQUEZ & DEBORAH WEXLER	8752	BRUNELL WAY	\$447.74
17	201177702201	MFR	DAVID & SARA WETZEL	8756	BRUNELL WAY	\$447.74
17	201177702202	MFR	ROBERT J & PHYLLIS E BENZ	8760	BRUNELL WAY	\$447.74
17	201177702203	MFR	ROBERT J & PHYLLIS E BENZ	8764	BRUNELL WAY	\$447.74
17	201177702204	MFR	KATHRINE M & BRIAN A OXFORD	8768	BRUNELL WAY	\$447.74
17	201177702205	MFR	LISA ROTH	8772	BRUNELL WAY	\$447.74
17	201177702206	MFR	DONNA L JOHANNIS	8776	BRUNELL WAY	\$447.74
17	201177703605	MFR	FUTURE ASSURANCE LLC	8779	BRUNELL WAY	\$447.74
17	201177702301	MFR	KIMBERLY JARY	8780	BRUNELL WAY	\$447.74
17	201177703604	MFR	JULIE A LOSLEBEN	8783	BRUNELL WAY	\$447.74

CITY PROJECT NO. 2015-09D - BRODERICK BLVD RECONSTRUCTION

FINAL ASSESSMENT ROLL

Terms: 10 Years at 4.2% Interest

MAP NO.	PID NO.	PROPERTY TYPE	OWNER NAME	HOUSE NO.	STREET NAME	2018 PROPOSED FINAL ASSESSMENT
17	201177702302	MFR	VINH TRAC & TRANG LAM	8784	BRUNELL WAY	\$447.74
17	201177703603	MFR	SHERRY M HILSGEN	8787	BRUNELL WAY	\$447.74
17	201177702303	MFR	COATINGS ASSOCIATES LLC	8788	BRUNELL WAY	\$447.74
17	201177703602	MFR	SHIRLEY R JONES	8791	BRUNELL WAY	\$447.74
17	201177702304	MFR	PIERRE PIPER	8792	BRUNELL WAY	\$447.74
17	201177703601	MFR	MITCHELL J & MELISSA WALTMAN	8795	BRUNELL WAY	\$447.74
17	201177702305	MFR	MARSHA E PITTELKOW	8796	BRUNELL WAY	\$447.74
17	201177702306	MFR	DUY VU & NHU LAM	8800	BRUNELL WAY	\$447.74
17	201177703706	MFR	MAINUL ISLAM & AJANTA SARCAR	8801	BRUNELL WAY	\$447.74
17	201177702401	MFR	JAMES HOVEY	8804	BRUNELL WAY	\$447.74
17	201177703705	MFR	TREVOR WILHELMSON	8805	BRUNELL WAY	\$447.74
17	201177702402	MFR	KIM D BARANKO	8808	BRUNELL WAY	\$447.74
17	201177703704	MFR	LORALEE A BAILEY	8809	BRUNELL WAY	\$447.74
17	201177702403	MFR	KEVIN A OLSON	8812	BRUNELL WAY	\$447.74
17	201177703703	MFR	BOBBI PATTON	8813	BRUNELL WAY	\$447.74
17	201177702404	MFR	MARLIN R WORKMAN	8816	BRUNELL WAY	\$447.74
17	201177703702	MFR	DAWN R BERG	8817	BRUNELL WAY	\$447.74
17	201177702405	MFR	JOSE LUIS CASTANEDA & MARIA WIEDEMANN	8820	BRUNELL WAY	\$447.74
17	201177703701	MFR	RICHARD A & HEATHER LARSON	8821	BRUNELL WAY	\$447.74
17	201177702406	MFR	TERRY ANN PFLANZ	8824	BRUNELL WAY	\$447.74
17	201177703805	MFR	ILIYA BERDICHEVSKI	8827	BRUNELL WAY	\$447.74
17	201177702501	MFR	BRIAN A & KATHRINE M OXFORD	8828	BRUNELL WAY	\$447.74
17	201177703804	MFR	CAREY B FAGAN	8831	BRUNELL WAY	\$447.74
17	201177702502	MFR	CHERYL L REID	8832	BRUNELL WAY	\$447.74
17	201177703803	MFR	NANCY A KLAERS	8835	BRUNELL WAY	\$447.74
17	201177702503	MFR	TRACY FOLLMAN	8836	BRUNELL WAY	\$447.74
17	201177703802	MFR	BENJAMIN D SCHARNBERG	8839	BRUNELL WAY	\$447.74
17	201177702504	MFR	KEENAN S & AMY R JONES	8840	BRUNELL WAY	\$447.74
17	201177703801	MFR	TAMI GUBASH	8843	BRUNELL WAY	\$447.74
17	201177702505	MFR	JOHN T & LORI A STICHA	8844	BRUNELL WAY	\$447.74
17	201177702506	MFR	HANI & SHIRIN ISHAK	8848	BRUNELL WAY	\$447.74
17	201177702601	MFR	ELLIOT E LIBMAN & MONA AUSTRIAN	8852	BRUNELL WAY	\$447.74
17	201177703906	MFR	ERIC A PETERSON	8853	BRUNELL WAY	\$447.74
17	201177702602	MFR	ELIZABETH C NORUM	8856	BRUNELL WAY	\$447.74
17	201177703905	MFR	ESTATE PROPERTIES LLC	8857	BRUNELL WAY	\$447.74

CITY PROJECT NO. 2015-09D - BRODERICK BLVD RECONSTRUCTION

FINAL ASSESSMENT ROLL

Terms: 10 Years at 4.2% Interest

MAP NO.	PID NO.	PROPERTY TYPE	OWNER NAME	HOUSE NO.	STREET NAME	2018 PROPOSED FINAL ASSESSMENT
17	201177702603	MFR	JOY HARGONS	8860	BRUNELL WAY	\$447.74
17	201177703904	MFR	STEPHANIE KVAMMEN	8861	BRUNELL WAY	\$447.74
17	201177702604	MFR	MARK R MUELLER	8864	BRUNELL WAY	\$447.74
17	201177703903	MFR	ILYA & SVETLANA SALNIKOV	8865	BRUNELL WAY	\$447.74
17	201177702605	MFR	SHAWN W VELLEK & CINDY CARLSON	8868	BRUNELL WAY	\$447.74
17	201177703902	MFR	ALLAN KING	8869	BRUNELL WAY	\$447.74
17	201177702606	MFR	NIRZA SHRESTHA	8872	BRUNELL WAY	\$447.74
17	201177703901	MFR	LISA R & JAMIE P LINDQUIST	8873	BRUNELL WAY	\$447.74
17	201177702701	MFR	AARON RAEBEL & HALEY DYER	8876	BRUNELL WAY	\$447.74
17	201177704006	MFR	LYLE W ROCK	8877	BRUNELL WAY	\$447.74
17	201177702702	MFR	KEVIN J SPROATT	8880	BRUNELL WAY	\$447.74
17	201177704005	MFR	TERI L CLAYTON	8881	BRUNELL WAY	\$447.74
17	201177702703	MFR	DANIEL R GRUWELL	8884	BRUNELL WAY	\$447.74
17	201177704004	MFR	LEETTA DOUGLAS	8885	BRUNELL WAY	\$447.74
17	201177702704	MFR	DECLAN C & MICHELLE BRADY	8888	BRUNELL WAY	\$447.74
17	201177704003	MFR	PAUL A RAFFERTY & MELISSA JENSEN	8889	BRUNELL WAY	\$447.74
17	201177702705	MFR	MICHAEL W & MARGARET YOCUM	8892	BRUNELL WAY	\$447.74
17	201177704002	MFR	APPLE HOLDINGS LLC	8893	BRUNELL WAY	\$447.74
17	201177702706	MFR	MICHAEL S RISCHMILLER	8896	BRUNELL WAY	\$447.74
17	201177704001	MFR	LEZLEE FLATEGRAFF	8897	BRUNELL WAY	\$447.74
17	201177702801	MFR	TODD & DEANNE MEYER	8900	BRUNELL WAY	\$447.74
17	201177702802	MFR	NICOLE OSTROM	8904	BRUNELL WAY	\$447.74
17	201177702803	MFR	MICHAEL P MURRAY & AARON WILL	8908	BRUNELL WAY	\$447.74
17	201177702804	MFR	PATRICIA A JENSEN & WILLIAM COLEMAN	8912	BRUNELL WAY	\$447.74
17	201177702805	MFR	ALICIA GALLAWAY	8916	BRUNELL WAY	\$447.74
17	201177702806	MFR	LINDA K BETHKE	8920	BRUNELL WAY	\$447.74
17	201177703401	MFR	GARY & GERALDINE COOK	8770	BRUNSWICK PATH	\$447.74
17	201177703402	MFR	JONATHAN C & LEANN M STEE & HILDE STEE	8774	BRUNSWICK PATH	\$447.74
17	201177703403	MFR	MINLONG HE	8778	BRUNSWICK PATH	\$447.74
17	201177703404	MFR	RODNEY JOHNSON	8782	BRUNSWICK PATH	\$447.74
17	201177703405	MFR	LOURN R FINANDER	8786	BRUNSWICK PATH	\$447.74
17	201177703406	MFR	MARK S & TRINA L HATCHER	8790	BRUNSWICK PATH	\$447.74
17	201177703306	MFR	RANDALL ATKINS	8793	BRUNSWICK PATH	\$447.74
17	201177704401	MFR	NICHOLAS L HIPPE & SHEILA VOZA	8796	BRUNSWICK PATH	\$447.74
17	201177703305	MFR	JOEL K SCHETTLER & SARAH MATTSON	8797	BRUNSWICK PATH	\$447.74

CITY PROJECT NO. 2015-09D - BRODERICK BLVD RECONSTRUCTION

FINAL ASSESSMENT ROLL

Terms: 10 Years at 4.2% Interest

MAP NO.	PID NO.	PROPERTY TYPE	OWNER NAME	HOUSE NO.	STREET NAME	2018 PROPOSED FINAL ASSESSMENT
17	201177704402	MFR	ANDREW & MARIA ZORAWSKI	8800	BRUNSWICK PATH	\$447.74
17	201177703304	MFR	DENISE WRIGHT	8801	BRUNSWICK PATH	\$447.74
17	201177704403	MFR	DANIEL C & TAMARA H CALLSTROM	8804	BRUNSWICK PATH	\$447.74
17	201177703303	MFR	NICOLE CHEREESE SILVERTHORNE	8805	BRUNSWICK PATH	\$447.74
17	201177704404	MFR	LINDA B PRINCE	8808	BRUNSWICK PATH	\$447.74
17	201177703302	MFR	LEAH ABBOTT	8809	BRUNSWICK PATH	\$447.74
17	201177704405	MFR	8812 BRUNSWICK PATH LLC	8812	BRUNSWICK PATH	\$447.74
17	201177703301	MFR	RACHELLE MCCORD	8813	BRUNSWICK PATH	\$447.74
17	201177704406	MFR	JAMES SANTHOSH	8816	BRUNSWICK PATH	\$447.74
17	201177704301	MFR	NICHOLAS G & HOLLY M AWADA	8820	BRUNSWICK PATH	\$447.74
17	201177703206	MFR	RON T JR SMITH & JANET KELLEHER	8821	BRUNSWICK PATH	\$447.74
17	201177704302	MFR	ISAIAH & JAMIE LANGENFELD	8824	BRUNSWICK PATH	\$447.74
17	201177703205	MFR	LINDA J RUD	8825	BRUNSWICK PATH	\$447.74
17	201177704303	MFR	MARNA C SCHIELD	8828	BRUNSWICK PATH	\$447.74
17	201177703204	MFR	RYAN J PAASCH	8829	BRUNSWICK PATH	\$447.74
17	201177704304	MFR	MICHAEL D REED	8832	BRUNSWICK PATH	\$447.74
17	201177703203	MFR	DANIELLE WITTE	8833	BRUNSWICK PATH	\$447.74
17	201177704305	MFR	KASONDRA ROGERS	8836	BRUNSWICK PATH	\$447.74
17	201177703202	MFR	KAREN M KIRK	8837	BRUNSWICK PATH	\$447.74
17	201177704306	MFR	MURAT OGUZ	8840	BRUNSWICK PATH	\$447.74
17	201177703201	MFR	BRIAN MACKENZIE	8841	BRUNSWICK PATH	\$447.74
17	201177704201	MFR	CATHERINE W MATHENGE	8844	BRUNSWICK PATH	\$447.74
17	201177704202	MFR	KATHLEEN E MCKENNA LARSON	8848	BRUNSWICK PATH	\$447.74
17	201177703106	MFR	MICHELLE S ANDERSON	8849	BRUNSWICK PATH	\$447.74
17	201177704203	MFR	DAVID C RUST & ANGELA KERMES	8852	BRUNSWICK PATH	\$447.74
17	201177703105	MFR	CORY J BARON	8853	BRUNSWICK PATH	\$447.74
17	201177704204	MFR	MATTHEW E LAWSON	8856	BRUNSWICK PATH	\$447.74
17	201177703104	MFR	LUCIA M HAGLIND	8857	BRUNSWICK PATH	\$447.74
17	201177704205	MFR	BRIGITTE ANNE PODSIADLY	8860	BRUNSWICK PATH	\$447.74
17	201177703103	MFR	CRYSTAL KING	8861	BRUNSWICK PATH	\$447.74
17	201177704206	MFR	LISA GAIL BRAMLET	8864	BRUNSWICK PATH	\$447.74
17	201177703102	MFR	TARA M OLSON	8865	BRUNSWICK PATH	\$447.74
17	201177703101	MFR	TIMOTHY J & KATHLEEN MANSUR	8869	BRUNSWICK PATH	\$447.74
17	201177703005	MFR	MARY B ZAHASKY	8877	BRUNSWICK PATH	\$447.74
17	201177703004	MFR	ROXANNE SONNEK	8881	BRUNSWICK PATH	\$447.74

CITY PROJECT NO. 2015-09D - BRODERICK BLVD RECONSTRUCTION
FINAL ASSESSMENT ROLL
Terms: 10 Years at 4.2% Interest

MAP NO.	PID NO.	PROPERTY TYPE	OWNER NAME	HOUSE NO.	STREET NAME	2018 PROPOSED FINAL ASSESSMENT
17	201177703003	MFR	DUKE P SOBY	8885	BRUNSWICK PATH	\$447.74
17	201177704101	MFR	SUSAN M MORLEY	8888	BRUNSWICK PATH	\$447.74
17	201177703002	MFR	SANDRA L HAYNE	8889	BRUNSWICK PATH	\$447.74
17	201177704102	MFR	JOHN S PETERSEN	8892	BRUNSWICK PATH	\$447.74
17	201177703001	MFR	LAUREN M DEGIDIO	8893	BRUNSWICK PATH	\$447.74
17	201177704103	MFR	DEIDRE REYES-MARTINEZ & SETH SKOYEN	8900	BRUNSWICK PATH	\$447.74
17	201177702906	MFR	BRENT F & KELLY SUE MALMQUIST	8901	BRUNSWICK PATH	\$447.74
17	201177704104	MFR	JAMES D LESLIE	8904	BRUNSWICK PATH	\$447.74
17	201177702905	MFR	DUY VU & NHU LAM	8905	BRUNSWICK PATH	\$447.74
17	201177704105	MFR	DUY VU & NANCY LAM	8908	BRUNSWICK PATH	\$447.74
17	201177702904	MFR	BRIAN P KELLY	8909	BRUNSWICK PATH	\$447.74
17	201177702903	MFR	JACOB POMPLUN	8913	BRUNSWICK PATH	\$447.74
17	201177702902	MFR	AMS BRUNSWICK LLC	8917	BRUNSWICK PATH	\$447.74
17	201177702901	MFR	GERALD W & BARBARA GLEWWE	8921	BRUNSWICK PATH	\$447.74
18	201185702081	MFR	BRIAN THRAEN	8747	BRANSON DR	\$876.52
18	201185702082	MFR	KARISSA M BROWN	8749	BRANSON DR	\$876.52
18	201185702083	MFR	SHANE EWY	8751	BRANSON DR	\$876.52
18	201185702084	MFR	PATRICK E OREGAN	8753	BRANSON DR	\$876.52
18	201185702085	MFR	SHANNON JENSEN	8755	BRANSON DR	\$876.52
18	201185702086	MFR	LLOYD L & GERALDINE LAFOUNTAINE	8757	BRANSON DR	\$876.52
18	201185702092	MFR	JEFFREY J KUEHN	8759	BRANSON DR	\$876.52
18	201185702091	MFR	TERRENCE P COFFEY & SHEILA COFFEY	8761	BRANSON DR	\$876.52
18	201185702090	MFR	AMY L MOE & CYNTHIA MOE	8763	BRANSON DR	\$876.52
18	201185702089	MFR	KELLY MARIE CONWAY	8765	BRANSON DR	\$876.52
18	201185702088	MFR	NICOLE MARIE CARTER	8767	BRANSON DR	\$876.52
18	201185702087	MFR	PATRICIA M SIKORSKI	8769	BRANSON DR	\$876.52
18	201185702080	MFR	ROBERT H COSGROVE	8771	BRANSON DR	\$876.52
18	201185702079	MFR	DEANNA L SANCHEZ	8773	BRANSON DR	\$876.52
18	201185702078	MFR	RENY E STORO	8775	BRANSON DR	\$876.52
18	201185702077	MFR	REBECCA WALTERS	8777	BRANSON DR	\$876.52
18	201185702076	MFR	AMY J VANN	8779	BRANSON DR	\$876.52
18	201185702075	MFR	CAROLINE WITSCHORIK	8781	BRANSON DR	\$876.52
18	201185702069	MFR	CLAUDE D & PATRICIA CAMPBELL	8783	BRANSON DR	\$876.52
18	201185702070	MFR	NICHOLE FROST	8785	BRANSON DR	\$876.52
18	201185702071	MFR	TRACY A & ROBERT A RAMIREZ	8787	BRANSON DR	\$876.52

CITY PROJECT NO. 2015-09D - BRODERICK BLVD RECONSTRUCTION

FINAL ASSESSMENT ROLL

Terms: 10 Years at 4.2% Interest

MAP NO.	PID NO.	PROPERTY TYPE	OWNER NAME	HOUSE NO.	STREET NAME	2018 PROPOSED FINAL ASSESSMENT
18	201185702072	MFR	BAYLISS LLC	8789	BRANSON DR	\$876.52
18	201185702073	MFR	JANESSA STROMMER	8791	BRANSON DR	\$876.52
18	201185702074	MFR	SANDRA L COLE	8793	BRANSON DR	\$876.52
18	201185702068	MFR	CLARK H DAHL	8795	BRANSON DR	\$876.52
18	201185702067	MFR	WILLIAM WALLACE	8797	BRANSON DR	\$876.52
18	201185702066	MFR	CARL S BRUST	8799	BRANSON DR	\$876.52
18	201185702065	MFR	TRACY & BIANKA KAY	8801	BRANSON DR	\$876.52
18	201185702064	MFR	INDELISA LEON	8803	BRANSON DR	\$876.52
18	201185702063	MFR	ADAM J COUILLARD	8805	BRANSON DR	\$876.52
18	201185702057	MFR	ELIZABETH M KLYM	8807	BRANSON DR	\$876.52
18	201185702058	MFR	MARGUERITE WALZ	8809	BRANSON DR	\$876.52
18	201185702059	MFR	DEBRA A & STEVEN A VAGSTAD	8811	BRANSON DR	\$876.52
18	201185702060	MFR	CASSANDRA HARTMAN	8813	BRANSON DR	\$876.52
18	201185702061	MFR	BLAINE C GRADY	8815	BRANSON DR	\$876.52
18	201185702062	MFR	DANIEL P FELTEN & ESTELITA FELTEN	8817	BRANSON DR	\$876.52
18	201185702052	MFR	PAUL & KAREN TIEMANN	8819	BRANSON DR	\$876.52
18	201185702054	MFR	DAWN A BIERMEIER	8820	BRANSON DR	\$876.52
18	201185702051	MFR	MARY C LETHERT	8821	BRANSON DR	\$876.52
18	201185702053	MFR	PATRICK R & SHARON L MARION	8822	BRANSON DR	\$876.52
18	201185702050	MFR	MELINDA ANN MAY	8823	BRANSON DR	\$876.52
18	201185702055	MFR	ALANA MICHALSKI	8824	BRANSON DR	\$876.52
18	201185702049	MFR	LAURA A DEVNEY	8825	BRANSON DR	\$876.52
18	201185702056	MFR	THOMAS A REIS	8826	BRANSON DR	\$876.52
18	201185702045	MFR	JAMES P & AMY P LAURIA	8827	BRANSON DR	\$876.52
18	201185602040	MFR	ERIC T DELACRUZ	8828	BRANSON DR	\$876.52
18	201185702046	MFR	JEROME T & ROSALIA SPELDRIK	8829	BRANSON DR	\$876.52
18	201185602039	MFR	BAORONG LI	8830	BRANSON DR	\$876.52
18	201185702047	MFR	BRIAN J WILLIAMS	8831	BRANSON DR	\$876.52
18	201185602038	MFR	MICHELLE D GERARDY	8832	BRANSON DR	\$876.52
18	201185702048	MFR	RENTALS LLC	8833	BRANSON DR	\$876.52
18	201185602037	MFR	JOHN HOWARD & NANCY PETSCHL	8834	BRANSON DR	\$876.52
18	201185602036	MFR	JAMES J RYAN	8835	BRANSON DR	\$876.52
18	201185602041	MFR	DAVID MITCHELL	8836	BRANSON DR	\$876.52
18	201185602035	MFR	CLEONE ELIZABETH PODGORSKI	8837	BRANSON DR	\$876.52
18	201185602042	MFR	ERIN K ARNOLDI	8838	BRANSON DR	\$876.52

CITY PROJECT NO. 2015-09D - BRODERICK BLVD RECONSTRUCTION
FINAL ASSESSMENT ROLL
Terms: 10 Years at 4.2% Interest

MAP NO.	PID NO.	PROPERTY TYPE	OWNER NAME	HOUSE NO.	STREET NAME	2018 PROPOSED FINAL ASSESSMENT
18	201185602034	MFR	JENNIFER HELEN CHEESEMAN	8839	BRANSON DR	\$876.52
18	201185602043	MFR	KIMBERLY A JULIEN	8840	BRANSON DR	\$876.52
18	201185602033	MFR	JULIE A GERDTS	8841	BRANSON DR	\$876.52
18	201185602044	MFR	JOSEPH T ANDERT	8842	BRANSON DR	\$876.52
18	201185602032	MFR	JODI D WITTMAN	8843	BRANSON DR	\$876.52
18	201185602020	MFR	DAVID KOECHELER	8844	BRANSON DR	\$876.52
18	201185602031	MFR	SABRINA M ANDERSON	8845	BRANSON DR	\$876.52
18	201185602019	MFR	WILLIAM WALLACE	8846	BRANSON DR	\$876.52
18	201185602025	MFR	MATTHEW J & MARY M HITZEMAN	8847	BRANSON DR	\$876.52
18	201185602018	MFR	THOMAS & CASSANDRA EIDEN	8848	BRANSON DR	\$876.52
18	201185602026	MFR	NICOLE NORSTAD	8849	BRANSON DR	\$876.52
18	201185602017	MFR	WILLIAM C TRONSEN	8850	BRANSON DR	\$876.52
18	201185602027	MFR	LYNN THILMANY	8851	BRANSON DR	\$876.52
18	201185602021	MFR	SIANNA WEBER	8852	BRANSON DR	\$876.52
18	201185602028	MFR	BARBARA A STROH	8853	BRANSON DR	\$876.52
18	201185602022	MFR	VIRGIL & JOAN PRZYBILLA	8854	BRANSON DR	\$876.52
18	201185602029	MFR	SHARON STANGL	8855	BRANSON DR	\$876.52
18	201185602023	MFR	JACKELYN DOYLE	8856	BRANSON DR	\$876.52
18	201185602030	MFR	SCOTT R SEATON & KAYA STEVENSON	8857	BRANSON DR	\$876.52
18	201185602024	MFR	SARAH V MCCARTY	8858	BRANSON DR	\$876.52
18	201185602008	MFR	MICHAEL A GURTIN	8859	BRANSON DR	\$876.52
18	201185602012	MFR	MARGIE J NICHOLS	8860	BRANSON DR	\$876.52
18	201185602007	MFR	BRENDA K MULES	8861	BRANSON DR	\$876.52
18	201185602011	MFR	JODY T MATTILA	8862	BRANSON DR	\$876.52
18	201185602006	MFR	SIMONE M PEPPER	8863	BRANSON DR	\$876.52
18	201185602010	MFR	DAVID J EVERSON	8864	BRANSON DR	\$876.52
18	201185602005	MFR	DUSTIN T BOWER	8865	BRANSON DR	\$876.52
18	201185602009	MFR	BENJAMIN M KIVEL	8866	BRANSON DR	\$876.52
18	201185602001	MFR	FRANCIS J PANULA	8867	BRANSON DR	\$876.52
18	201185602013	MFR	BRENDA PETTYJOHN	8868	BRANSON DR	\$876.52
18	201185602002	MFR	KELLY UBBEN	8869	BRANSON DR	\$876.52
18	201185602014	MFR	COLLEEN M COLLETTE	8870	BRANSON DR	\$876.52
18	201185602003	MFR	DUBLIN INVESTMENTS LLC	8871	BRANSON DR	\$876.52
18	201185602015	MFR	LOIS J WOLSKE	8872	BRANSON DR	\$876.52
18	201185602004	MFR	JACOB C BERTRAM	8873	BRANSON DR	\$876.52

CITY PROJECT NO. 2015-09D - BRODERICK BLVD RECONSTRUCTION**FINAL ASSESSMENT ROLL****Terms: 10 Years at 4.2% Interest**

MAP NO.	PID NO.	PROPERTY TYPE	OWNER NAME	HOUSE NO.	STREET NAME	2018 PROPOSED FINAL ASSESSMENT
18	201185602016	MFR	ROBERT J JR & SHERI SATTERSTROM	8874	BRANSON DR	\$876.52
19	201186500010	COMM	BRODE-90 LLC			\$5,192.30
20	201186601010	COMM	INVER GROVE HEIGHTS WP LLC	9056	BUCHANAN TRL	\$9,755.22
21	201186601020	COMM	INVER GROVE HEIGHTS WP II LLC	9058	BUCHANAN TRL	\$9,650.32
22	201186502010	COMM	WELLS FARGO BANK NA	9062	BUCHANAN TRL	\$4,772.72
23	201186401011	COMM	CON 55 LLC	9070	BUCHANAN TRL	\$28,741.20
24	201186501020	COMM	ROOTYS DEN LLC	9061	BUCHANAN TRL	\$5,297.18
25	201186501010	COMM	A DAVID FLOR	9079	BUCHANAN TRL	\$5,402.08
27	201187502010	COMM	ARBOR POINTE GOLF CLUB INC	8919	CAHILL AVE	\$3,900.00
28	201186100010	COMM	ARBOR POINTE COMMONS LLC			\$15,054.86
						\$655,624.12

Note: There is 6,966 feet of Mn/DOT right-of-way on this project. Mn/DOT right-of-way is non-assessable.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

JAYME QUINELL – CASE NO. 18-05V

Meeting Date: February 26, 2018

Item Type: Regular

Contact: Heather Botten 651.450.2569

Prepared by: Heather Botten, Associate Planner

Reviewed by:

Fiscal/FTE Impact:

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

PURPOSE/ACTION REQUESTED

Consider a Resolution relating to a Variance to allow a porch addition six feet from the side property line whereas 10 feet is required for property located at 9304 Avalon Court.

- Requires a 3/5th's vote.
- 60-day deadline: March 12, 2018 (first 60-days)

SUMMARY

The applicant is requesting a variance from the side yard setback to allow for the construction of a porch to be located six feet from the side property line whereas 10 feet is required. The applicants are proposing to remove an existing deck and replace it with a three-season porch. A deck is considered an accessory structure and only requires a 5-foot setback. A three-season porch is considered a principle structure and therefore must meet the principle structure 10-foot setback.

Staff believes a porch addition to be a reasonable use of the property. The request is in harmony with the general purpose of the City Code and intent of the Comprehensive Plan. The lot is an irregular shape and the position of the house creates a unique situation in that only a portion of the porch would be encroaching into the required setback. Additionally, the structure would not have an adverse effect on the neighborhood and the exterior would be compatible with the existing home.

Planning Staff: Based on the information provided staff recommends approval of the variance request with the condition listed in the attached resolution.

Planning Commission: At the February 20, 2018 public hearing, the Planning Commission recommended **approval** of the request with the one condition listed in the attached resolution (8-0).

Attachments: Resolution
PC recommendation
Planning staff report

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

RESOLUTION NO. 18-_____

**RESOLUTION APPROVING A VARIANCE TO ALLOW A PORCH TO BE LOCATED SIX
FEET FROM THE SIDE PROPERTY LINE WHEREAS 10 FEET IS REQUIRED**

CASE NO. 18-05V
Jayme Quinnell

Property located at 9304 Avalon Court and legally described as follows:

**Lot 11, Block 5, Coventry Pass 5th Addition, according to the recorded plat, Dakota County,
Minnesota**

WHEREAS, an application has been received for a variance to allow a portion of a porch to be located within the side yard 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 February 20, 2018 in accordance with City Code Section City Code 10-3-3 C;

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

- a. The request is in harmony with the general purpose and intent of the City Ordinance and is consistent with the Comprehensive Plan.
- b. The location of the porch does not appear to have any adverse impacts on the neighboring properties.
- c. The property is unique in that the shape of the lot is irregular, and the placement of the house is not perpendicular to the side lot line creating a unique situation that only a portion of the porch would be encroaching into the required setback.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the variance to allow a porch to be located six feet from the side property line is hereby approved with the following condition:

1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.

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 26th day of February, 2018.

George Tourville, Mayor

Ayes:

Nays:

ATTEST:

Michelle Tesser, City Clerk

**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights
FROM: Planning Commission
DATE: February 20, 2018
SUBJECT: **JAYME QUINNELL – CASE NO. 18-05V**

Reading of Notice

Commissioner Simon read the public hearing notice to consider a request for a variance from the side yard setback to locate a porch addition six feet from the property, whereas 10 feet is required, for the property located at 9304 Avalon Court. 5 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is requesting a variance from the side yard setback to allow for the construction of a porch to be six feet from the side property line whereas 10 feet is required. The applicants are proposing to remove an existing deck and replace it with a three-season porch. A deck is considered an accessory structure and only requires a 5-foot setback. A three-season porch is considered a principle structure and therefore must meet the principle structure 10-foot setback. A practical difficulty can be found due to the irregular shape of the lot and the placement of the house. The house position creates a unique situation in that only a portion of the porch would be encroaching into the required setback. Staff recommends approval of the request with the condition listed in the report. Staff did not hear from any of the surrounding property owners.

Opening of Public Hearing

Jayme Quinnell, Outdoor Spaces, 5378 – 193rd Street W, Farmington, advised he was available to answer any questions.

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

Mr. Quinnell replied in the affirmative.

Chair Maggi closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Wippermann, to approve the request for a variance from the side yard setback to locate a porch addition six feet from the property, whereas 10 feet is required, for the property located at 9304 Avalon Court, with the practical difficulty as defined in the staff report and the listed condition.

Motion carried (8/0). This item goes to the City Council on February 26, 2018.

P L A N N I N G R E P O R T
C I T Y O F I N V E R G R O V E H E I G H T S

HEARING DATE: February 20, 2018

CASE NO: 18-05V

APPLICANT: Jayme Quinnell

PROPERTY OWNER: Scott Ganje

REQUEST: Variance from the side yard setback

LOCATION: 9304 Avalon Court

COMPREHENSIVE PLAN: Low Density Residential

ZONING: R-1C, Single-family Residential

REVIEWING DIVISIONS: Planning

PREPARED BY: Heather Botten
Associate Planner



BACKGROUND

The applicant is requesting a Variance from the side yard setback to allow the construction of a porch six feet from the side property line whereas 10 feet is required. The property is located in a cul-de-sac on an irregular shaped lot. The house has an existing deck in this location which meets the required five (5) foot setback for an accessory structure. The applicant is proposing to construct a three-season porch in place of the existing deck. A porch is considered a principle structure and therefore must meet a minimum 10-foot setback from the side property line.

EVALUATION OF THE REQUEST

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

North - Residential; zoned R-1C, single-family; guided LDR, Low Density Residential
East - Residential; zoned R-1C, single-family; guided LDR, Low Density Residential
West - Residential; zoned R-1C, single-family; guided LDR, Low Density Residential
South - Residential; zoned R-1C, single-family; guided LDR, Low Density Residential

The proposed three-season porch would be in compliance with all other setbacks, exterior building materials and impervious surface standards. Engineering has reviewed the request and takes no exception to the proposed addition.

VARIANCE REVIEW

City Code Title 11, Chapter 3. **Variances**, states that the City Council may grant variances when they are in harmony with the general purposes and intent of the zoning ordinance and consistent with the comprehensive plan and establishes that there are practical difficulties in

complying with the official control. In order to grant the requested variances, City Code identifies criteria which are to be considered practical difficulties. The applicant's request is reviewed below against those criteria.

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

The general intent of this standard is to limit the precedent that could be set if the variance was granted. The area is developed with single-family homes. The porch addition would be consistent with residential use of the neighborhood and would be consistent with the Comprehensive Plan. There does not appear, however, to be any other properties with principle structure setback encroachments in the area. The use would still be in harmony with the purpose of the code and comp plan.

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

The porch would be constructed in place of an existing deck. New footings would be required for the increased loads, but the distance from the side property line would be slightly greater than what exists today. Converting a deck into a porch is a typical improvement seen on residential properties and thus the property seems to be used in a reasonable manner. Only a portion of the porch would not meet setbacks; the addition would be about 6 feet from the property line at the north corner and about 12 feet from the south corner. If the existing deck were at the 5-foot setback and a porch was to be constructed with the same five foot setback in its entirety, that may not be consistent with the intent of the code and may fall out of the boundaries of property being used in a reasonable manner.

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

The applicant is proposing a porch that is slightly smaller than the footprint of the existing deck. The porch would have a four-foot encroachment on the northern corner of the addition and would meet setbacks on the southern corner. Due to the irregular shape of the lot and position of the house, the house is not perpendicular to the side lot line creating a unique situation that only a portion of the porch would be encroaching into the required setback.

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

Staff does not believe this variance would alter the essential character of the locality. The three-season porch would still be approximately 57 feet from the house on the adjoining lot and would be in compliance with other zoning code requirements such as

impervious surface and exterior building materials. A three-season porch is a typical addition to a home.

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

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

ALTERNATIVES

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

Approval: If the Planning Commission finds the Variance to be acceptable, the Commission has the following options:

A. Approval of the Variance to allow the construction of a porch addition six feet from the side property line whereas 10 feet is required subject to the following conditions:

1. The construction of the addition shall be in substantial conformance with the site plan on file with the Planning Department.

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

RECOMMENDATION

Staff believes the proposed porch addition would not be out of character of the neighborhood and is consistent with the comprehensive plan. The request to replace a deck with a three-season porch is a reasonable use of the property. A practical difficulty can be found for the side yard setback due to the irregular shape of the property and placement of the house; the house is not perpendicular to the side lot line creating a unique situation that only a portion of the porch would be encroaching into the required setback.

Based on the information in the preceding report and the condition listed in Alternative A, staff is recommending approval of the side yard setback variance.

Attachments: Zoning & Location Map
 Applicant Narrative
 Site Plan
 Aerial Photo



Quinnell - Case No. 18-05V 9304 Avalon Court



Exhibit A

Zoning and Location Map

Map not to scale



January 18, 2018

Ganje Variance Narrative

City of Inver Grove Heights Planning Commission

To Whom It May Concern:

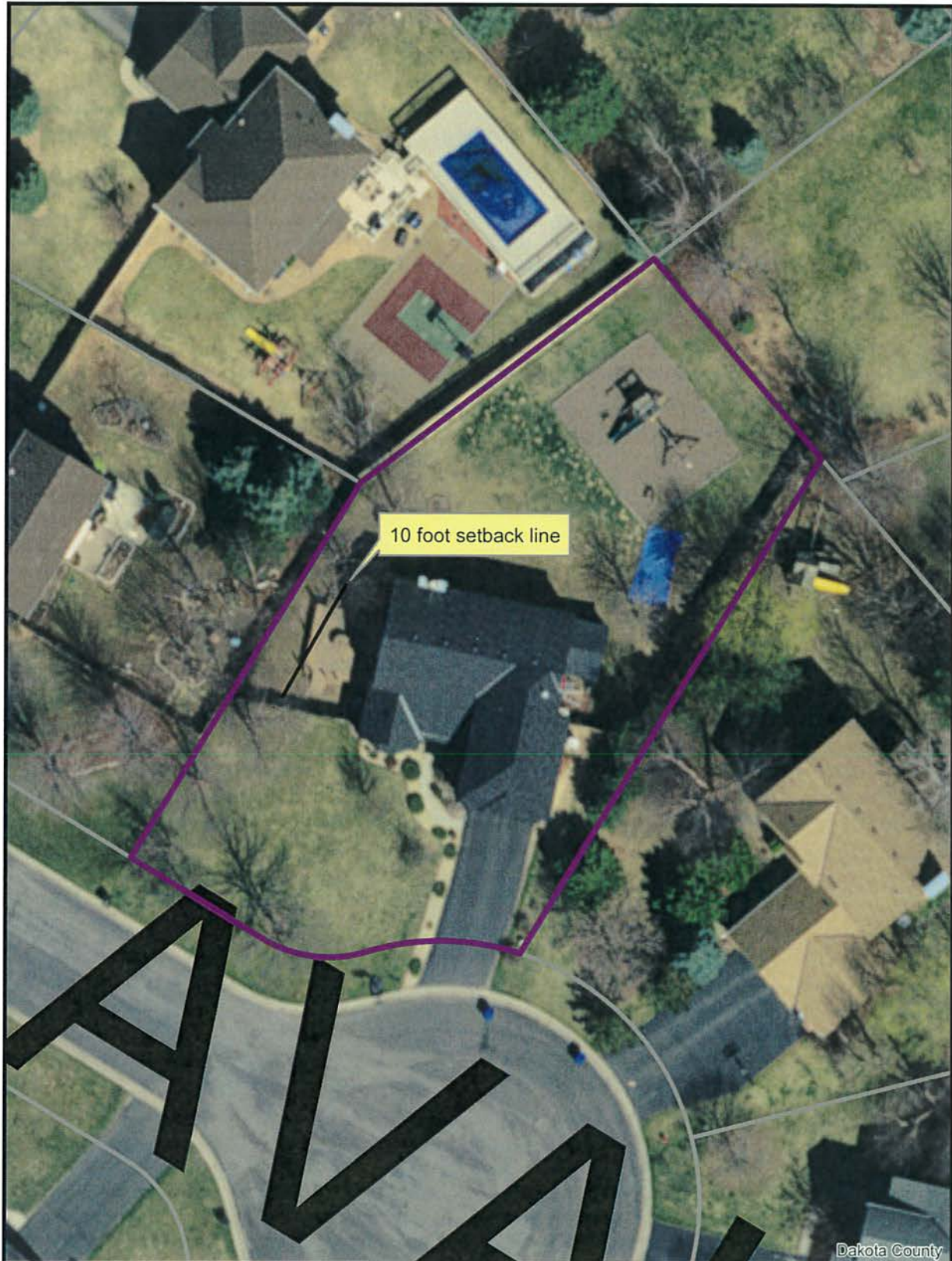
A variance for the Ganje Residence located at 9304 Avalon Ct in Inver Grove Heights is requested for a 3 season porch (screen room). The proposed porch is to be 16x16 which is a slightly smaller deck floor than existing and is located where the current deck is located. With roof lines, this porch would be approximately 6' from the property line at the tightest corner and would meet setback requirements at the other end by 2 feet. The request for variance is due to the irregular shape of the lot that creates a practical difficulty not created by the homeowner. The homeowner would like to upgrade their current outdoor experience, but due to Minnesota and its mosquito issues, the homeowner is not able to use their outdoor space with the frequency that they would like.

Jayme Quinnell
Outdoor Spaces Design & Build Co.
5378 193rd St W
Farmington, MN 55024
(651) 235-1100
jayme@osdab.com

A handwritten signature in blue ink, appearing to be the letter 'B' with a stylized flourish.



Quinnell - Case No. 18-05V
9304 Avalon Court



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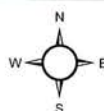


Exhibit D
Aerial Photo
Map not to scale

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

INDUSTRIAL EQUITIES, LLP - Case No. 18-02ZPA

Meeting Date: February 26, 2018
 Item Type: Regular Agenda
 Contact: Allan Hunting 651.450.2554
 Prepared by: Allan Hunting, City Planner
 Reviewed by:

Fiscal/FTE Impact:

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

PURPOSE/ACTION REQUESTED

Consider the following for property located at Auburn Path and Argenta Trail:

- b) A Resolution relating to a Comprehensive Plan Amendment to change the land use from P, Public/Institutional to GI, General Industrial.
 - Requires a 4/5th's vote.
- b) An Ordinance Rezoning the property from P, Institutional District to I-2, General Industry District.
 - Requires a 3/5th's vote.
 - 60-day deadline: March 9, 2018 (first 60 days)

SUMMARY

The applicant is requesting to change the land use designation and rezone an approximate 8.3 acre parcel to provide for industrial development of the parcel. The applicant is proposing a 95,250 square foot office/warehouse building for the site. The applicant is requesting an I-2 zoning to allow for more flexibility in uses allowed.

ANALYSIS

The property was subdivided as part of a three lot plat, re-guided to Public/Institutional and rezoned to P, Institutional in the early 2000's. No development has occurred on the lots other than expansion of the existing cemetery.

In 2016, an application was received for the same parcels requesting I-1 zoning. The applicant was proposing an outdoor mini-storage use until sewer became available. The City Council denied the request on concerns with land use compatibility and road extension impacts. They did however, state that the request did not provide enough benefit to the city to justify the land use change.

Staff offers the following pros and cons comments on the request.

RATIONAL FOR THE LAND USE CHANGE

- The site is abutting industrial uses to the west and south. Expanding industrial uses would be consistent with the existing pattern.
- Industrial land use guiding would allow for future tax revenue based on industrial uses. The current guiding would most likely be a tax exempt use.
- A change of land use to industrial has the potential to generate employment, tax base, variety of goods and services.

- The Institutional category is very restrictive in the uses allowed. The property has remained vacant even after platting and rezoning some 10+ years ago. A change of use could allow a more productive use of land as industrial allows a broader range of uses.

RATIONALE AGAINST THE LAND USE CHANGE

- The change would expand industrial uses which could have a negative impact on the development potential for the vacant lot in the subdivision and to the existing and future residential uses in the area.
- Traffic could be a concern if the use was a heavy trucking type operation including noise of the trucks or semi's.
- The extension of Auburn Path could create a land use conflict with future residential development depending upon the routing to connect to either Yankee Doodle or Argenta Trail.

There are two lingering issues that would need to be addressed with the site plan approval, provided the rezoning request is approved.

One is the existing road easement for an extension of Auburn Path and the other is sewer and water availability. The road easement was dedicated with the original plat assuming a connection to Yankee Doodle Road. After Yankee Doodle was improved, this connection is no longer viable. An alternative route would be to extend Auburn Path north and then east intersecting across from Alberta Way at Argenta Trail. This option impacts the existing home to the north and would route industrial development through an industrial neighborhood. The easement could be vacated and not require a public street extension, leaving access to the site via private drive.

The other issue is sewer and water availability. The property is located within the Eagan/Inver Grove Heights joint powers agreement that would allow this property to access Eagan utilities. The property is located within the Northwest Area and so sewer could be available through the Inver Grove Heights system when it is constructed. Based on development demand, it is not expected to extend the Inver Grove Heights system for some time.

The Council will need to take formal action on these issues as part of a site plan review process.

RECOMMENDATION

Planning Division. Raises concerns with the request to I-2 zoning. I-2 is the most intense of the industrial categories and there are no other I-2 properties in the area. The industrial site to the south is zoned I-1. Staff believes the appropriate use of the property is for industrial but notes possible issues with the requested I-2 zoning.

Planning Commission. The Planning Commission supported the request as presented and recommended approval of the comp plan amendment to GI, General Industrial and rezoning to I-2, General Industry (7-0).

Attachments: Ordinance Amendment
Resolution approving the Comp Plan Amendment
Planning Commission Recommendation
Planning Staff Report

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

ORDINANCE NO. ____

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

**CASE NO. 18-02ZPA
(Industrial Equities, LLP)**

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 P, Institutional District to I-2, General Industry District to wit:

**Outlots A and D, Gene Worrells Church Acres, according to the
recorded plat, Dakota County, Minnesota**

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

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

Ordinance No. _____
Page 2

Enacted and ordained into an Ordinance this 26th day of February, 2018.

Ayes:

Nays:

George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk

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

RESOLUTION NO. _____

**RESOLUTION APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT TO
CHANGE THE LAND USE DESIGNATION OF THE PARCELS FROM
PUBLIC/INSTITUTIONAL TO GI, GENERAL INDUSTRIAL**

**CASE NO. 18-02ZPA
(Industrial Equities)**

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

**Outlots A and D, Gene Worrells Church Acres, according to the recorded plat, Dakota
County, Minnesota**

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

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the
request on February 6, 2018, in accordance with City Code Title 10, Chapter 3, Section 10-3-5, D;

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

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

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

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

Adopted by the City Council of Inver Grove Heights on this 26th day of February, 2018.

Ayes:

Nays:

ATTEST:

George Tourville, Mayor

Michelle Tesser, City Clerk

**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights

FROM: Planning Commission

DATE: February 6, 2018

SUBJECT: **INDUSTRIAL EQUITIES, LLP – CASE NO. 18-02ZPA**

Reading of Notice

Commissioner Simon read the public hearing notice to consider a request for a rezoning of the property from P, Public/Institutional to I-1, Limited Industry or I-2, General Industry, or IOP, Industrial Office Park, and a comprehensive plan amendment to change the land use designation from P/I, Public/Institutional to LI, Light Industrial or GI, General Industrial or IOP, Industrial Office Park. 10 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is anticipating developing the subject property with a 95,250 square foot office/warehouse building and parking lot. The request is to change the land use designation from Public/Institutional to General Industrial and to rezone the property from P, Institutional to I-2, General Industry. The property was zoned and guided for Public/Institutional in the early 2000's when three church groups bought the lots for future church locations. To date, only the lot with the existing cemetery has done any improvements; the other two lots remain vacant. In 2016 Red Pine Partners asked to change the guiding to Limited Industrial for an outdoor storage facility while waiting for utilities to be available. City Council denied that application as they were concerned of land use compatibility, access, and felt that the proposed use did not provide enough benefit to the City to justify the land use change. The surrounding land uses include Public/Institutional to the east, Limited Industrial and the manufactured home park to the south, large lot residential and agricultural uses to the north, and industrial to the west. The proposed land use would be consistent with the industrial uses to the west and east, but could potentially conflict with the residential to the north, east, and south. City is aware of some traffic issues with UPS trucks leaving the facility in Eagan and taking Argenta Trail to Yankee Doodle Road. The other issue is what to do with Auburn Path, which was originally anticipated to be extended northward. Council will ultimately determine if Auburn Path is going to be extended as a public street or if it should be vacated and become a private drive. A 30-foot-wide easement should be dedicated for the future extension of the Dakota County Lebanon Trail. The site currently is not served by municipal water and sewer. Service could occur once the trunk lines are extended under Highway 55, or they could get service with the City of Eagan with a joint powers agreement. The report lays out rationale for and against the proposed land use change. The rationale for the change includes 1) it would be consistent with the industrial uses to the west and south, 2) it would allow for future tax revenue based whereas the current use would most likely be tax exempt, 3) it has the potential to generate employment and a variety of goods and services, and 4) would allow a broader range of uses. The rationale against the land use change includes 1) a potential negative impact on development potential for some of the nearby vacant land, 2) traffic, and 3) the extension of Auburn Path could create a land use conflict with future residential development. In regard to the rezoning request to I-2, both I-1 and I-2 generally allow the same type of uses; however, nearly all uses allowed in the I-2 district are permitted

Recommendation to City Council

February 6, 2018

Page 2

uses whereas many are conditional in the I-1 district. Auto related uses are allowed in the I-1 but not in the I-2. The uses that the applicant anticipates they would use the building for would be allowed in either the I-1 or I-2 zoning categories. Staff believes that appropriate use of the property is industrial but is not recommending a specific category (I-1 or I-2).

Chair Maggi asked who owned the abutting Public/Institutional properties.

Mr. Hunting replied that one was owned by a church group and the other was a cemetery owned by the Weber family.

Chair Maggi asked if staff had discussed the option of rezoning the property to I-1 rather than I-2.

Mr. Hunting replied that staff raised the issue at the plan review meeting, and also published for all the different categories to leave the option open should the Planning Commission or Council prefer I-1 to I-2.

Commissioner Simon asked if the proposed building would be similar to the schematic in the packet.

Mr. Hunting replied that it would almost identical to the drawing in the packet, and he advised that the Planning Commission would be reviewing the site plan review at their next meeting.

Commissioner Lissarrague asked for clarification that the use the applicant is proposing would be allowed in both I-1 or I-2.

Mr. Hunting replied that the office-related warehouse uses they have described would fit in either category. The difference would be most uses in I-2 would be permitted whereas many would be a conditional use in the I-1 which requires they go through the CUP process.

Commissioner Weber clarified that the two abutting Public/Institutional parcels paid taxes and were not tax exempt. He asked if the applicant was requesting to rezone both Outlot A and D.

Mr. Hunting replied in the affirmative.

Opening of Public Hearing

John Allen with Industrial Equities, 321 – 1st Avenue N, Minneapolis, advised that they are a bit unique as they do not do third-party construction, but rather build, own, and manage their buildings. They design and build properties that are at the high end of the industrial market place; their buildings are characterized by more glass, parking, landscaping, and brick and precast aggregate exteriors. He advised they would prefer I-2 zoning as the high tech flex industrial type users they are anticipating (i.e. medical device manufacturing, biotech, etc.) will go to another city where they can get in immediately rather than go through the lengthy conditional use permit process that would be required in I-1. He advised they are not interested in low tech users as they cannot afford their rents, and the companies they attract would benefit the City as they typically have a large number of employees and are high paying jobs. He advised they have many industrial buildings in other cities that butt up beautifully with high end

February 6, 2018

Page 3

residential neighborhoods. The proposed building is designed with the truck access docs facing to the west away from the residential areas and he believes the building would help buffer the residents from the undesirable uses in the Eagan industrial area to the west. They are happy to provide an easement for the Dakota County Mendota-Lebanon Regional Trail as it is a good amenity for their future employees. They will be able to bring utilities to their property through an easement they will be acquiring from a contiguous property owner.

Commissioner Lissarrague asked about the building drawing provided in the packet.

Mr. Allen explained some of the building details, stating that was the actual design they would be bringing to the next meeting for approvals.

Mr. Hunting noted that three emails from residents were distributed to Commissioners at tonight's meeting; one was in support, one was not in support, and the other felt there should be more information before a recommendation was made.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Wippermann questioned how they could be able to respond in a timely manner should someone want to do manufacturing in the I-1 district.

Mr. Hunting clarified that the reason Mr. Allen is requesting I-2 is because manufacturing would be a permitted use without any further zoning approvals, whereas in the I-1 district they would have to come back through the public process for a conditional use permit. He noted that a couple years ago City Council had staff look at the I-2 district as they wanted to streamline the zoning process and make more uses permitted in the I-2 which would give some buildings along Clark Road more flexibility and negate the need to go through the CUP process. Mr. Allen is asking for that same consideration.

Chair Maggi asked if landfills were allowed in the I-2 district.

Mr. Hunting replied they would not be allowed on the subject property as landfills were only allowed in the Integrated Resource Management Overlay District which was at the southern end of the city.

Commissioner Weber asked what the height restrictions were in the I-2 district.

Mr. Hunting replied buildings in the I-1 district were allowed a maximum height of 60' and buildings in the I-2 district were allowed a 45' height maximum or up to 60' with a CUP.

Commissioner Weber asked what the height was of the proposed building.

Mr. Allen replied the highest point would be approximately 33'.

Commissioner Scales stated that he supported a rezoning to I-2 rather than I-1 as it would likely result in a nicer building, tenant, and neighbor.

Recommendation to City Council

February 6, 2018

Page 4

Commissioner Niemioja supported a rezoning to I-2 as well, stating it would streamline the process and the anticipated tenant would likely be a respectful neighbor for the area.

In regard to voting on this request, Chair Maggi asked for confirmation that Commissioner Weber did not feel he had a conflict of interest with being a property owner in the area.

Commissioner Weber replied that he did not own the property, rather it was owned by his father.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Niemioja, to approve the request for a rezoning of the property from P, Public/Institutional to I-2, General Industry, and a comprehensive plan amendment to change the land use designation from P/I, Public/Institutional to GI, General Industrial.

Motion carried (7/0). This item goes to the City Council on February 26, 2018.

**PLANNING REPORT
CITY OF INVER GROVE HEIGHTS**

REPORT DATE:	February 2, 2018	CASE NO.: 18-02ZPA
APPLICANT:	Industrial Equities, LLP	
PROPERTY OWNER:	Zion Pentecostal Assembly	
REQUEST:	Comprehensive Plan Amendment to change land use from P, Public/Institutional to GI, General Industrial and Rezoning from P, Institutional District to I-2, General Industry District.	
LOCATION:	Auburn Path and Argenta Trail	
HEARING DATE:	February 7, 2018	
COMPREHENSIVE PLAN:	P, Public/Institutional	
ZONING:	P, Institutional District Northwest Area Overlay District	
REVIEWING DIVISIONS:	Planning Engineering	PREPARED BY: Allan Hunting City Planner

BACKGROUND

The applicant is proposing to change the land use designation of approximately 8.3 acres from Public/Institutional to General Industrial. The applicant is anticipating developing the parcel with an approximate 95,250 square foot office/warehouse building and parking lot. The site is located within the Northwest Area Overlay District, but is not currently served with municipal water and sewer.

The applicant has submitted a plan with a 95,250 square foot building with the front side facing east and the truck bays and service doors facing west. Parking would be located on the west, north and south sides of the building. Storm ponding is proposed along the west boundary of the site.

The site is part of a three lot subdivision that was created in the early 2000's. Three church groups bought the lots for future church locations. To date, only the lot with the existing cemetery has done any expansions or improvements. The other two lots have remained vacant.

If the comprehensive plan amendment and rezoning is successful, an application for Northwest Area PUD plan approval will be required before development can occur. This subsequent process provides for public review and comment on the actual site plan.

In 2016, an application for a comp plan amendment and rezoning was submitted to change the use to Limited Industrial. A concept of open storage or mini-storage was proposed until sewer became available. City Council denied the request based on concerns of land use compatibility and road extension impacts. They did however, state that the request did not provide enough benefit to the City to justify the land use change.

SURROUNDING USES

The subject property is surrounded by:

North	Large lot single family residential; zoned A; guided Low-Medium Density Residential.
East	Cemetery, large lot residential; zoned P and A; guided Public/Institutional and Rural Residential.
West	Industrial (City of Eagan).
South	Industrial, Emerald Hills manufactured home park; zoned I-1, R-4; guided LI, MDR.

EVALUATION OF REQUEST

Comprehensive Plan Amendment

The subject parcel and abutting properties are guided as three different land use categories; P, LMDR and LI. Each is defined in the 2030 Comprehensive Plan as follows:

Public/Institutional is defined in the 2030 Comprehensive Plan as:

“Public/Institutional uses in Inver Grove Heights include churches, buildings and land adjacent to schools, cemeteries, government facilities and other parcels that are owned by a public agency or institution. The public/institutional category does not include parks and recreation areas. They are classified separately under this plan.”

“The most prominent public/institutional land uses in Inver Grove Heights include schools and local government facilities. Schools include facilities owned and run by the three public school districts that lie within the community and Inver Hills Community College. Local government facilities include the city hall, community center and public works complex and the fire station locations.”

Low-Medium Density Residential is defined in the 2030 Comprehensive Plan as:

“The Low-Medium density residential category includes a combination of single family attached and single family detached housing that is generally a greater density than traditional single family housing in Inver Grove Heights. Density of the LMDR category

ranges from 3 to 6 units per net acre. This land use category is principally isolated to the Northwest Area and it's a new land use category."

Light Industrial is defined in the 2030 Comprehensive Plan as:

"Light industrial areas in Inver Grove Heights include lots or parcels containing light manufacturing, goods movement and wholesale trade. Light industrial parcels are located in a number of sites throughout the community with concentrations in the northeast and extreme southern portions of the city".

The applicant is proposing to change the land use designation to GI, General Industrial in order to provide the most flexibility for uses allowed.

General Industrial is defined in the 2030 Comprehensive Plan as:

"The general industrial category includes lots or parcels containing manufacturing, processing and disposal facilities. General industrial parcels exist in the only one area, southern Inver Grove Heights lying immediately west of Highway 52/55. The land designated as general industrial on the future land use plan includes the Pine Bend Landfill."

The main issue is what is the most appropriate future land use for the property. The following discussion addresses some of the issues that Staff has raised regarding the land use change.

Traffic. The City is aware of some traffic issues with UPS trucks leaving the facility in Eagan, exiting Opperman Drive, taking Argenta Trail north to Yankee Doodle and ultimately to Hwy 55. At peak times, there can be traffic backups on this stretch of road.

Auburn Path is planned to extend north at some future time. There is an existing easement at the current end of Auburn Path that was created for a possible future extension northward to serve the properties to the north of the subject site. There is an existing curb cut on Yankee Doodle at approximately the Eagan/Inver Grove Heights boundary that could be used as the intersection point for a future extension of Auburn Path. This would allow a local street connection to a county road without having to extend through the residential properties to the north. Otherwise, an alternative route would be northward then east through residential property to intersect with Argenta Trail at Alberta Way.

Based on future traffic demands, Alverno Avenue will become a collector road at some point and will be a continuous road that would re-route the current Argenta Trail and 82nd intersection to a more fluid continuous north south road. If this occurs, it would be some time in the future. The potential improvements to the road system would allow for the handling of higher traffic volumes in the future.

If Planning Commission or City Council wanted more definitive information, a traffic generation study could be required to look at the main nearby streets and analyze current background traffic to anticipated new traffic generation, based on current and proposed land uses.

Existing surrounding uses. The site is currently surrounded by large lot residential to the north, industrial uses to the west in Eagan, a cemetery, vacant church owned property and residential to the east, and industrial and residential to the south. The proposed land use would be consistent with the industrial uses to the west and east. There are potential conflicts if industrial uses expand with the residential to the north, east and south, and possible impacts to the vacant parcel in the subdivision that is still owned by a church organization.

Dakota County Mendota-Lebanon Regional Trail. The regional trail alignment in this area runs just on the west side of this property along the city boundary. Construction of the regional trail through Inver Grove Heights has begun in the Blackstone Vista and Ponds developments. The regional trail will eventually continue southward through western Inver Grove Heights into Eagan. A trail corridor of approximately 30 feet wide along the west boundary would be required if and when a development application was submitted.

Northwest Area and Utility Joint Powers Agreement with Eagan. The property is located within the Northwest Area and therefore would be required to comply with those standards as part of a development application review. The site currently is not served by municipal water and sewer. Service from Inver Grove Heights could occur once the trunk lines are extended under Hwy 55 to serve the land south of the highway. This is not expected to occur for some time. The utility analysis done with the Northwest Area anticipated the long term time frame for this extension and therefore anticipated utility service to this lot and others in the area could be accommodated through the existing joint powers agreement with Eagan. Details of sewer and water connection would be addressed with a development application

Economic Development. The City's Economic Development Authority (EDA) has been encouraging industrial and commercial growth.. Benefits to the city include; employment, tax base, variety of goods and services. A change of land use to industrial has the potential to generate the benefits listed above.

The following provides some rationale for approval and denial of the proposed land use change.

RATIONAL FOR THE LAND USE CHANGE

- The site is abutting industrial uses to the west and south. Expanding industrial uses would be consistent with the existing pattern.

- Industrial land use guiding would allow for future tax revenue based on industrial uses. The current guiding would most likely be a tax exempt use.
- A change of land use to industrial has the potential to generate employment, tax base, variety of goods and services.
- The Institutional category is very restrictive in the uses allowed. The property has remained vacant even after platting and rezoning some 10+ years ago. A change of use could allow a more productive use of land as industrial allows a broader range of uses.

RATIONALE AGAINST THE LAND USE CHANGE

- The change would expand industrial uses which could have a negative impact on the development potential for the vacant lot in the subdivision and to the existing and future residential uses in the area.
- Traffic could be a concern if the use was a heavy trucking type operation including noise of the trucks or semi's.
- The extension of Auburn Path could create a land use conflict with future residential development depending upon the routing to connect to either Yankee Doodle or Argenta Trail.

Rezoning

The applicant is proposing to change the zoning to I-2, General Industry District. The purpose of the I-2 district listed as follows:

"The purpose of the I-2 general industry district is to provide for areas which, because of the availability to thoroughfares and railroads, suitable topography, and isolated from residential areas, are appropriate for industrial uses which are of a more intense nature. The I-2 district also allows certain business users necessary to complement general industrial uses."

If Planning Commission and Council support the request, Staff offers a possible alternative zoning to I-1, Limited Industry. This category is designed for a less intensive industrial type use. The zoning ordinance identifies the purpose of the I-1 district as follows:

"The I-1 limited industry district is intended for the continued operation of light manufacturing, warehousing, and wholesale businesses."

The list of uses in each district are attached to this report. In general, both districts allow most of the same type of uses. Auto related uses are allowed in the I-1, but not in the I-2. Nearly all

uses allowed in the I-2 district are permitted uses, whereas many more uses are conditional in the I-1 district. The type of uses proposed would be allowed in either the I-1 or I-2 district.

ALTERNATIVES

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

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

- o Approving the Comprehensive Plan Amendment from Public/Institutional to GI, General Industrial subject to the following conditions:

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

- o Approving the Rezoning of the property from P, Institutional District to I-2, General Industry District

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

RECOMMENDATION

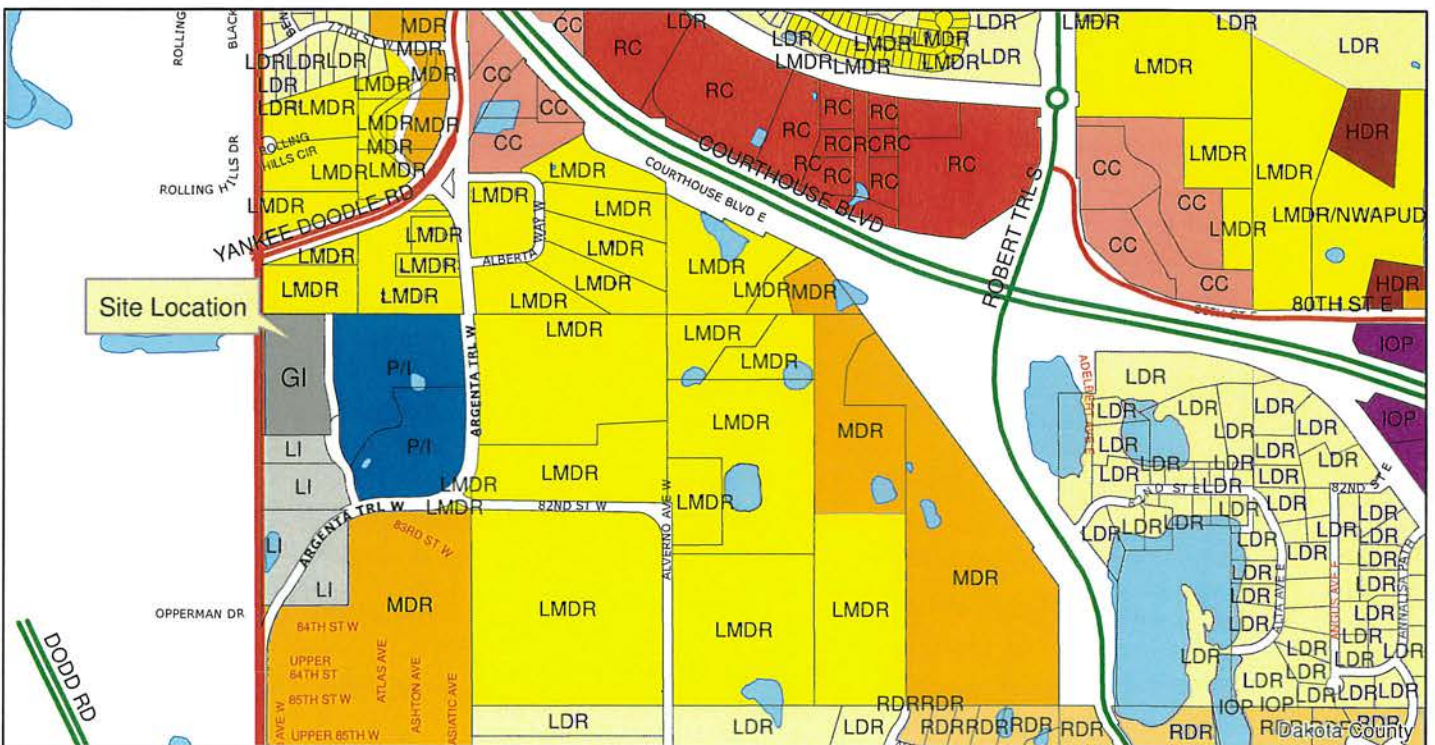
Staff recognizes there are potential benefits and detriments to the proposed land use designation change. The Council through the EDA has been focusing on expanding industrial and commercial opportunities for the city. Public/institutional uses may not be the most appropriate in this area. An industrial plan as presented by the applicant may be a better alternative use based information raised in this report.

Staff raises some concerns regarding the request to I-2 zoning. There is no other I-2 zoning in the area. All other industrial sites are zoned I-1. The intent of the I-2 District is to allow more intense uses. With a residential property to the north, I-2 zoning may not be the best fit. If it is

determined that the I-1 district is more appropriate, then a recommendation of the comp plan change must be for LI, Light Industrial.

Staff supported the previous application for I-1 Industrial and comp plan change to Limited Industrial. Staff continues to believe that appropriate use of the property is industrial, but notes possible issues with the I-2 zoning.

Attachments: Existing/Proposed Comp Plan Map
Zoning Map
Applicant Narrative
Proposed Site Plan
Table of I-1 and I-2 allowed uses





Zoning Map

Case No. 18-02ZPA



The proposed project is a state of the art industrial flex facility designed to accommodate single or multiple corporate office, warehouse, and manufacturing real estate requirements.

Project features will include energy efficient and upgraded aggregate designer precast panels, attractive corporate like glass entries, gracious perimeter landscaping, perimeter warehouse daylight windows at 26 ft. for natural light, ESFR sprinklers, and ample parking.

Additionally, the design has all truck access docks facing to the west, with the building shielding the truck court from the neighbors and cemetery property to the east.

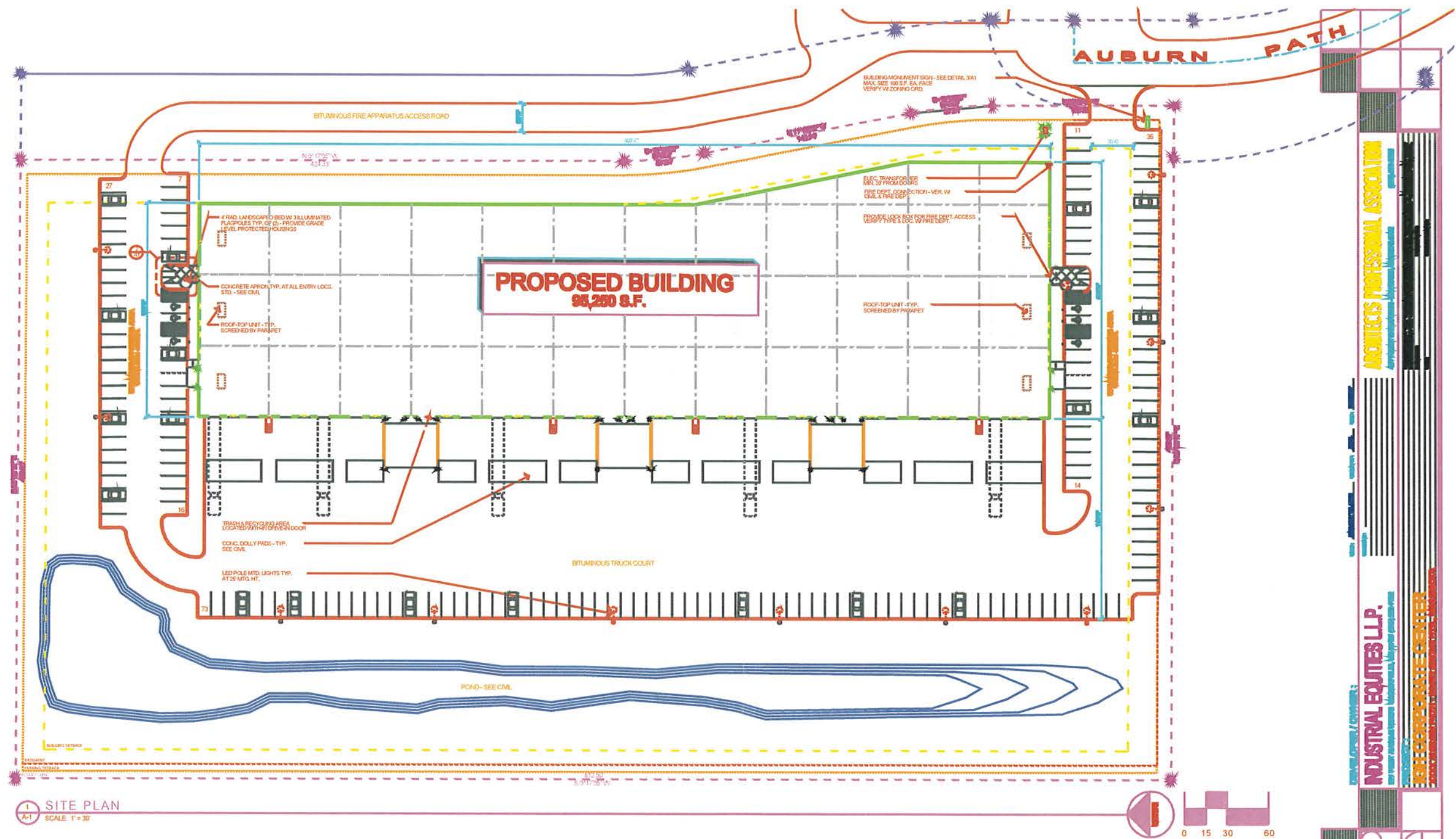
The site plan provides for the drainage easement along the north 60 feet of the property, area for the county bike path along the west property line, and the required circulation for fire and safety vehicles around the facility. The project is designed to be sensitive to and comply with city requirements.

Zoning request: Industrial Equities has a portfolio of 3.1 million square feet in the Twin Cities metropolitan area. Within this portfolio of buildings, which are substantially similar to the proposed project, are multiple corporate 500 and strong regional corporate tenants. The mix uses include office, warehouse, distribution, manufacturing, biotech, and high-tech companies. Each of the uses often have a combination of these elements. Industrial Equities anticipates a demand at this project will be very similar, and therefore requests an I-2 zoning to accommodate a broader range of the typical industrial users within our portfolio.

Since the site is not currently serviced with city sewer and water, and subject to the approval of both the cities of Inver Grove Heights and Eagan, utility service will be provided with an easement acquired from the contiguous property owner and the appropriate municipal inter local agreements.

The proposed developer, Industrial Equities is a privately held investment, development, and management firm with long term ownership of over 3 million square feet of newer institutional grade, high quality industrial type project in 15 different metropolitan communities. This project would be incorporated into that portfolio.

In the surrounding area Industrial Equities owns the 120,000 square foot Eagan Distribution Center, developed in 2001, to the immediate west of the proposed project, and the 4 building, 250,000 square foot Flagship Business Center on 494 and Dodd Road, which was developed in 1995.



1 SITE PLAN
A-1 SCALE: 1" = 30'

PROJECT DATA :

OWNER:
INDUSTRIAL EQUITIES L.L.P.
321 FIRST AVENUE NORTH
MINNEAPOLIS, MINNESOTA 55401
(612) 332-0332

CIVIL ENGINEER:
PLOWE ENGINEERING, INC.
6776 LAKE DRIVE - SUITE 110
LINO LAKES, MINNESOTA 55014
(651) 361-8210

ARCHITECT:
ARCHITECTS PROFESSIONAL ASSOCIATION
4011 VINCENT AVENUE NORTH
MINNEAPOLIS, MINNESOTA 55412
(612) 596-8885

STRUCTURAL ENGINEER:
INNOVATIVE STRUCTURAL SOLUTIONS
5279 KYLER AVENUE NE
MAPLE GROVE, MINNESOTA 55369
(763) 425-9990

LANDSCAPE ARCHITECT:
CALYX DESIGN GROUP, LLC
1503 BERKELEY AVENUE
ST. PAUL, MINNESOTA 55105
(651) 334-5489

BUILDING CODES:
SITE AREA:
BUILDING AREA:
SITE COVERAGE:
PARKING PROVIDED:

2015 MN BUILDING CODE
2015 MN ACCESSIBILITY CODE
403,676 S.F. (9.3 ACRES)
95,250 S.F.
23.6%
178 SPACES @ 9' x 18'
9 A.D.A. SPACES

ZONE:
OCCUPANCY:
CONSTRUCTION TYPE:
CLEAR STORAGE HEIGHT:
ALLOWABLE BUILDING AREA:

NORTHWEST SECTION
OVERLAY DISTRICT
B, F, & S
IBEW AUTOMATIC SPRINKLER
28'
UNLIMITED PER IBC SEC. 507

DRAWING INDEX :

A-1 SITE PLAN & PROJECT DATA
A-2 FLOOR PLAN
A-3 ELEVATIONS

SITE PLAN
AND DATA
A-1
1 OF 3

ARCHITECTS PROFESSIONAL ASSOCIATION

INDUSTRIAL EQUITIES L.L.P.

NEW CONCEPTS IN THE CENTER

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

P = Permitted use

C = Conditionally permitted use

A = Accessory use

Use	Zoning District											
	B-1	B-2	B-3	B-4	OP	I-1	IOP	I-2	P	MU-PUD	COMM-PUD	OFFICE-PUD
Additional building height (see section 10-5-8 of this title)	C	C	C	C	C	C	C	C	C	C	C	C
Adult uses (see chapter 15, article F of this title)			C			C						
Airport						C						
Antennas:												
Commercial (see chapter 15, article G of this title)	A	A	A	A	A	A	A	A	A		A	A
Noncommercial (see exception in subsection 10-15G-2B of this title)	A	A	A	A	A	A	A	A	A	A	A	A
Antique shop		P	P	P								
Appliance store		P	P	P								
Art studio (nonretail)	P									P	C	
Auto parts and accessories store, no on site shop or repairs		P	P	P								
Auto repair:												
Major			A			P						
Minor			P	C		P						

1-1
I
Z

Automobile and off highway vehicle sales			C									
Automobile body shop			A			P						
Automobile rental business			C									
Automobile service - as accessory to retail sales (see section 10-15-24 of this title)				C								
Automobile service center			C									
Automobile service station (see section 10-15-23 of this title)			C	C	C	P						
Bagel shop	P	P	P	P					A	P		
Bakeries - retail			P	P	P					P	C	
Bank (see section 10-15-25 of this title)	P	P	P	P						P		
Bar (tavern)			C	P	P							
Barber/beauty shop	C	P	P	P						P	C	
Bicycle sales and repair			P	P	P					P	C	
Billboard (see section 10-15E-6 of this title)				P	P		P		P			
Boat and marine sales (enclosed building)				P	P							
Body art establishment (see section 10-15-32 of this title)			P	P	P		C					
Bookstore			P	P	P						C	
Bottling works						P						

Building materials yard			C	C		C						
Bus terminal			C	P								
Bus terminal and repair garage						P						
Business and trade school			C			C			C			
Car wash		P	A	A								
Cemetery, including mausoleum and columbarium									P			
Church			C						P			
Clothing store		P	P	P								
Clubhouse and other golf course structures									A			
Coffee shop	P	P	P	P					A	P		
Commercial greenhouse			P									
Commercial kennels, daycare (see definition of "kennel, commercial daycare" in section 10-2-2 of this title)			C									
Community gardens	P	P	P	P	P	P	P	P	P	P	P	P
Construction office/trailer, temporary	P	P	P	P	P	P	P	P	P	P	P	P
Contractor's shop - indoor						P		P				
Contractor's yard - outside but enclosed with fence						C		p ²				
Convenience store with gas sales (see	C	C	C	C						C		

section 10-15-23 of this title)												
Convention center			C									
Convents, seminaries, monasteries, and nunneries; rectories, parsonages and parish houses; religious retreats when accessory to a place of worship									A			
Copy center	C	P	P	P						P	C	C
Crematorium		P	P	P								
Data center	P		P			P	P	P				
Daycare facility	C	C	C	C					C	C		
Dessert shop		P	P	P						P	C	
Drinking establishment (see "bar (tavern)" in this section)												
Drugstore		P	P	P						P		
Dry cleaning; laundry pick up stations	C	P	P	P						P	C	
Electrical, heating, plumbing, and appliance repair			C			P		P				
Enclosed maintenance facility when architecturally compatible with the surroundings						C		P	C			
Essential services	P	P	P	P	P	P	P	P	P	P	P	P
Essential services buildings	C	C	C	C	C	C	C	P	C			

I-1 I-2

Fences (see section 10-15-12 of this title)	A	A	A	A	A	A	A	A	A	A	A	A
Floor covering stores		P	P	P								
Florist - retail sales		P	P	P						C		
Fuel storage and dispensing with conditions: A. Exclusive use by owner; B. No retail sales except for propane	P					P		P				
Fuel storage tank such as crude oil, gasoline, natural gas, propane and other fuels									C			
Furniture store		P	P	P								
Gallery	C	P	P	P								
Game arcade		C	P	P								
Garden supply store:			P	P								
Outdoor sales and display area			A	A								
Gift shop		P	P	P						C		
Golf course									P			
Grocery store		P	P	P								
Hardware store		P	P	P								
Higher education facilities									P			
Hobby shop		P	P	P								
Home improvement center:			C	P								

Outdoor sales and display				A								
Hospital									P			
Impound lot (see section 10-15-29 of this title) and auto auction sales						C		C				
Interior decorating store	P	P	P	P								
Jewelry store		P	P	P							C	
Laundromat		P	P	P						P		
Laundry						P						
Liquor store		C	P	P							C	
Locksmith		P	P	P								
Manufacturing and assembly:						C	C	P				
Sales and service of semi-tanks, trucks and trailers, including equipment, parts and tires								A				
Marina			C			C						
Massage therapy, licensed	P	P	P	P								
Medical and dental clinics	P	P	P	P						P	C	C
Medical complexes and facilities	C			C	C		P				C	C
Ministorage facilities (including caretaker quarters) and outdoor vehicle storage			C			C		P				
Mortuary		P	P	P								

Motel/hotel			P	C							C	
Multiple-family dwellings when attached to business										P		
Municipal community center and recreation facilities									P			
Municipal government administration buildings, fire stations, and police stations									P			
Museum	C								P			
Music store		P	P	P								
Music studio:												
Nonretail	P	P	P	P						P	C	
With incidental sales	C	P	P	P						C		
Newspaper and publishing office			P	P								
Nightclub (providing structure is more than 100 feet from R zoned property)			C									
Nursing home									C			
Off street parking	A	A	A	A	A	A	A	A	A	A	A	A
Office:												
Showroom						P		P				
Trucking terminal						C		P				
Warehouse						C	P	P				
Office building	P	P			P		P	P		P	C	C

Office supply store		P	P	P								
Open sales lot (excludes automobile and off highway vehicle sales lots)		C	C			C		P				
Optical/eyeware sales:												
<1,000 square feet floor area	C	P	P	P							C	
>1,000 square feet floor area		P	P	P								
Outdoor storage			C			C		p1,2				
Outdoor storage associated with municipal government use only									P			
Packaging, cleaning, repair or testing (enclosed building)						P	P	P				
Paint and wallpaper sales		P	P	P		C						
Pawnshop, licensed			P									
Personal gardens	P	P	P	P	P	P	P	P	P	P	P	P
Pet shop (no boarding)		C	P	P								
Photo processing with film sales	C	P	P	P						P		
Photography studio (nonretail)	P	P	P	P						P	C	
Photography supply and processing		P	P	P								
Picture framing	P	P	P	P							C	
Places of worship			C						P			

Playhouses	C	P	P	P					P			
Post office			P	P								
Printing and publishing:						P	P	P				
<14,000 square feet floor area			P									
Private lodges and clubs		C	C						P			
Private motor fuel dispensing station (see section 10-15-23 of this title)	C					C		P				
Processing and treatment						C	C	P				
Professional offices, not within office building	P	P	P	P	P	A	P	A	A		C	
Public and private schools									P			
Public libraries and art galleries									P	P		
Public parks and playgrounds									P			
Radio and television studios	C											
Recreation centers			C						P			
Research and development facilities (indoor only)	P			C	C	C	P	P			C	C
Restaurant:	P	P	P	P	P						C	
Fast food (see section 10-15-25 of this title)		C	C	C	C							
Within a clubhouse on a golf course									A			
Retail, general:												

<1,000 square feet		P	P	P							C	
> or = 1,000 square feet			P	P								
Service of semi-tanks, trucks and trailers (except as prohibited by the fire code), including equipment, parts and tires								P				
Shelter for battered women when accessory to at least 1 of the following: place of worship, academy, higher education facility, or hospital									C			
Shoe repair		P	P	P								
Signs (see chapter 15, article E of this title)	A	A	A	A	A	A	A	A	A	A	A	A
Single-family dwelling: (see section 10-10A-4 of this title)	A											
Attached										P		
Existing (see section 10-10F-4 of this title)											P	
Small appliance repair		P	P	P								
Sporting goods store		P	P	P								
Stone and monument sales			C			C						
Studios: dance, exercise, marshal arts, etc.:												
<2,000 square feet in floor area	C	P	P	P							P	
> or = 2,000 square feet in floor area		P	P	P								

Tanning salon	C	P	P	P							C	
Theater (movie)		C	C	C							C	
Tower, telecommunications (see chapter 15, article G of this title) and commercial television and radio transmitters	C	C	C	C	C	C	C	C	C			
Truck and freight terminal						C		P				
Truck stop (see section 10-15-23 of this title)						C						
Upholstery shop		P	P	P								
Veterinary clinic:												
Small animals	C	C	C	C							C	
Large animals						C						
Video store		P	P	P								
Warehousing and distribution						P		P				
Wholesale office and showroom			P			P		P				
Wholesaling and distribution						P		P				
Wind power converter						C		P ³ , C ⁴	C			

Notes:

1. Must comply with performance standards found in subsection [10-15-10B](#) of this title.
2. Must comply with performance standards found in subsection [10-15-10B](#) of this title when abutting Highway 52/55.
3. Maximum height of 45 feet.
4. Maximum height of 60 feet.

(Ord. 1323, 10-10-2016; amd. Ord. 1334, 3-27-2017; Ord. 1335, 4-10-2017)

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

INTERSTATE DEVELOPMENT CORPORATION - Case No. 18-07PDA

Meeting Date: February 26, 2018
 Item Type: Regular Agenda
 Contact: Allan Hunting 651.450.2554
 Prepared by: Allan Hunting, City Planner
 Reviewed by:

Fiscal/FTE Impact:

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

PURPOSE/ACTION REQUESTED

Consider the following for the old Rainbow property located at 9015 Broderick Boulevard:

- a) An Ordinance to amend the Arbor Pointe PUD Ordinance to allow Special Education School as a permitted use in the CSC Community Shopping Center District.
- b) a Resolution amending the Arbor Pointe PUD to approve a revised site plan for the site.
 - Requires a 3/5th's vote.
 - 60-day deadline: March 31, 2018 (first 60 days)

SUMMARY

The applicant is proposing to purchase the old Rainbow Foods store and lease the property to Intermediate School District 917 for a special education school. The interior of the building would be remodeled for classrooms and offices. The exterior would be modified with additional windows and updated front entrance. Students would be bussed to the site via their own school district transportation and would be dropped off in front of the building. Buses would queue up along the east side of the building. A small playground area would be created along the northwest corner of the building.

The Arbor Pointe PUD ordinance lists a use called "Trade School". While this request is not a trade school, it does indicate that the original thought for the CSC district was to allow some type of schools. Allowing a special education school would be consistent with similar uses already allowed.

ANALYSIS

The building has been vacant since 2014. There have been a few inquiries, but nothing beyond initial conversations or meetings. During the Comprehensive Plan Update process, there has been some talk about redevelopment possibilities for the Arbor Pointe commercial area. Council has discussed doing a small area study to get into details about possible future uses. The Rainbow site is one of the larger properties and may have more opportunities for redevelopment. Staff has laid out in the report pros and cons for this application based on these long range planning questions.

The issue for Council to address is either 1) allow the building to be used for the school which puts the building to use and hopefully provides additional activity for the area to help jump start other activity, 2) or hold out and do a small area plan to determine best use options. A small area plan would most likely occur after the comp plan update has been approved.

Planning Staff: Does not have a strong recommendation either way. Action is ultimately a policy decision Council must make on redevelopment of the Arbor Pointe commercial area. If Council supports the application, then staff recommends the approval be contingent upon the conditions listed in the attached resolution.

Planning Commission: Reviewed the request at the public hearing on February 20. Management from the apartments to the north spoke and raised concerns regarding potential student behavior and if they were allowed to leave the building. The Planning Commission asked several questions regarding the students that would be attending and what precautions are in place should a student want to leave the building. Overall, the Commission was in support of the use and felt this was a good tenant and would be good for the area having one of the larger buildings with activity again. They recognize the need for further study on commercial viability and possible redevelopment but did not want to leave the building vacant waiting for further action to be done.

The Planning Commission recommend **approval** of the request as presented (8-0).

Attachments: Arbor Pointe PUD Ordinance Amendment
Resolution approving the PUD Amendment
Planning Staff Report

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. ____

AN ORDINANCE AMENDING INVER GROVE HEIGHTS ORDINANCE NUMBER 789, AND AS AMENDED FROM TIME TO TIME, TO ALLOW "SPECIAL EDUCATION SCHOOL" AS A PERMITTED USE IN THE CSC, COMMUNITY SHOPPING CENTER DISTRICT, INCLUDING AMENDED ORDINANCES 809, 826, 843, 846, 921, 922, 979, 980, 981, 982, 1045, 1066, 1085, 1095, AND 1105.

The City Council of Inver Grove Heights hereby ordains as follows:

SECTION I. Ordinance 789, SECTION VI. Land Use Regulations, Permissible Uses, B. Commercial Uses, is hereby amended to add the following as a Permitted Use in the CSC, Community Shopping Center District:

SPECIAL EDUCATION SCHOOL

SECTION II. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this 26th day of February, 2018.

George Tourville, Mayor

ATTEST:

AYES:
NAYS:

Michelle Tesser, City Clerk

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

RESOLUTION NO. _____

**A RESOLUTION APPROVING A PLANNED UNIT DEVELOPMENT AMENDMENT TO
THE OLD RAINBOW BUILDING TO ADD A PLAYGROUND FOR A SPECIAL
EDUCATION SCHOOL ON THE PROPERTY LOCATED AT 9015 BRODERICK
BOULEVARD**

**CASE NO. 18-07PDA
(Interstate Development Corporation)**

WHEREAS, a Planned Unit Development (PUD) amendment application has been submitted to the City for property legally described as;

Lot 1, Block 1, Arbor Pointe 11th Addition, Dakota County, Minnesota

WHEREAS, a public hearing concerning the PUD amendment was held before the Inver Grove Heights Planning Commission in accordance with Minnesota Statutes, Section 462.357, Subdivision 3 on February 20, 2018;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS that, the PUD Amendment to allow a playground addition for a special education school is hereby approved subject to the following conditions:

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

Site Plan

dated 1/22/18

2. If any repainting of the exterior occurs, the Arbor Pointe green color specified in the Design Manual must be used similar to other commercial buildings in the area.
3. If there are any changes made to roof top equipment, or adding equipment, all roof top equipment must be substantially screened from the street (Broderick Boulevard). Any large scale ground mechanical equipment must also be screened with adequate

landscape material.

4. If there are any changes made to lighting on the site, all parking lot and building lighting on site shall be a down cast "shoe-box" style or cut-off style and the bulb shall not visible from property lines.
5. Approvals subject to the comments contained in the memo dated 1/31/18 from the City Engineer.

Passed this 26th day of February, 2018.

AYES:

NAYS:

George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk

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

REPORT DATE: February 16, 2018

CASE NO: 18-07PDA

APPLICANT: Interstate Development Corporation

REQUEST: Arbor Pointe PUD Ordinance Amendment and PUD Site Plan Amendment

HEARING DATE: February 20, 2018

LOCATION: 9015 Broderick Boulevard

COMPREHENSIVE PLAN: RC, Regional Commercial

ZONING: Arbor Pointe PUD/CSC, Community Shopping Center District

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

An application has been received to amend the Arbor Pointe PUD Ordinance to allow Special Education School to be added to the list of permitted uses in the CSC district and to amend the PUD site plan for the old Rainbow Foods site to allow for minor modifications to the site and remodel of the building for a special education school. The applicant, Interstate Development, would purchase the building and property, and lease the building to Intermediate School District 917 for the school.

Intermediate School District 917 is one of four intermediate districts in Minnesota created by the legislature in the early 1970's. The District acts as complementary overlay to nine independent school districts in Dakota County providing specialized services for students from K-12. The services include; special education, career and technical education and alternative learning programs. The students are referred to Intermediate District 917 by the member districts which include; Bloomington Schools, Burnsville-Egan Savage ISD 191, Farmington Area Public Schools, Hastings Public Schools, Inver Grove Heights Community Schools, Lakeville Area Public Schools, Randolph Public Schools, South St. Paul, and West St Paul-Mendota Heights-Eagan.

The building would be completely remodeled on the inside creating offices and classrooms. There would be minor changes to the exterior of the building including more windows and modified main entrance.

The students would be bussed to the site via their home school districts and the parking pick up and drop off would be located on the east side of the building. There would be a small playground area created next to the building on the northwest corner. The school would employ approximately 75 employees at this location.

The specific applications being requested are:

1. Amendment to the Arbor Pointe PUD Ordinance #789 to allow “Special Education Schools” as a permitted use within the CSC, Community Shopping Center District.
2. A PUD Plan Amendment to modify the site plan to allow for the school.

EVALUATION OF THE REQUEST

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

North - Apartment Complex; zoned R-3C/PUD; guided High Density Residential.

East - Golf Course, mixed commercial development; zoned Open Space, CSC; guided Open Space, Community Commercial

West - Highway 52/55.

South - Commercial; zoned CSC; guided Regional Commercial.

ORDINANCE AMENDMENT

The property is governed by the Arbor Pointe Planned Unit Development. It was approved with a master land use plan and ordinance. Each area was zoned a particular land use based on the plan. In this case, this parcel has been designated CSC since the PUD was approved in 1992. Any change to a land use requires an amendment to the Arbor Pointe Ordinance. The land use table for the CSC district currently allows for “trade schools”. While the request would not be considered a trade school, it does indicate that the original thought for the CSC district was to allow some type of schools. Allowing the special school district would be consistent with similar uses already allowed.

The property has not had a permanent tenant since Rainbow closed in 2014. Over the years, there have been a few inquiries about uses for the building such as enclosed mini-storage or an automobile dealership, but no applications have ever been submitted.

Because of the number of stores that have closed over the years in this area, Council authorized a market study for this area to see what challenges exist what is the future for commercial in this area. The Arbor Pointe Retail Analysis was completed in 2014. The Arbor Pointe commercial area has also come up during the 2040 Comprehensive Plan Update and the need to do further analysis such as a small area plan to get into the specifics of possible redevelopment of the area. This would look at the current use mix, the zoning of the area and what uses might work best here based on current world economics and demand. If a small area study were pursued, it would most likely be a year or two away.

With that in mind, Staff has prepare some bullet points suggesting pros and cons for the project:

PROS

- Project would bring daily activity to the area.
- Project would bring in good employment opportunities with a staff of approximately 75. Additional activity should be a positive for other surrounding businesses in the area.
- The Ordinance Amendment would leave the current commercial zoning in place which would leave future commercial opportunities open.
- There would be a significant investment in the building which would raise building valuation and increase taxes collected.
- Would not have a negative impact on parking in the area. The existing parking lot would provide more than enough parking for employees and any special events that might take place.
- Provides unique serviced to the community and school districts. Independent School District 199 is in favor of the request as it would provide space and programs the schools cannot currently provide.

CONS

- Takes away possible commercial opportunities for a re-use of the building for other retail uses.
- This could possibly be a long term use of the property and takes a large piece of the puzzle out of play for any possible redevelopment of the area. Could impact the need for a small area study to be conducted.
- Has the potential to become tax exempt. The applicant indicates they hold properties and lease to tenants. However, the possible of selling the property always exists and a school district would be a tax exempt use.

PUD DEVELOPMENT PLAN AMENDMENT

Parking. The applicant has provided a site plan with the parking demand and location of parking for the facility. A total of 135 spaces have been designated. The entire parcel contains nearly double this amount. The strip center is located on its own lot and there is parking for that center on its lot. Staff sees no parking issues with the proposed use.

Traffic and Circulation. The School District indicates the students would be bussed to the site and no students are driving themselves. There would be no planned student drop off by parents. The buses would stack along the east side of the building for pick-up and drop-off. This would provide direct access to the sidewalk around the building and no student would have to cross a traffic lane to enter the building. The buses would either leave via the curb opening near the front of the old store, or they could circle around the building if needed. There does not appear to be any traffic issues or conflicts at the two entrance sites to the property.

Exterior. The applicant indicated there would be some modifications to the exterior to the building, notably more windows on the west side and possible changes to the main entrance. No major changes to the exterior are planned. Staff notes that there is a design manual that governs Arbor Pointe and one of the paint scheme standards to include “Arbor Pointe Green” in the color scheme. If any repainting of the exterior occurs, there must be a green color component similar to the existing color scheme on the building or to others in the area.

Rooftop Equipment. If there are any changes made to roof top equipment, or adding equipment, all roof top equipment must be substantially screened from the street (Broderick Boulevard). Any large scale ground mechanical equipment must also be screened with adequate landscape material.

Parking Lot and Building Lighting. No changes to parking lot lighting is proposed. Any new lighting must comply with the standard shoe-box style fixture with flat lens. The source of light must be screened.

Playground Area. The applicant is proposing to convert a portion of existing asphalt in the back northwest corner of the site into a playground area. The area would be fenced and a suitable surface would replace asphalt.

Engineering. Engineering has reviewed the applicant and provides a review memo (attached to this report). Most conditions address easements needed for the sewer work to serve the new fire station and updating any storm water plans or documents. This memo should become a condition of approval.

ALTERNATIVES

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

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

- o Approval of An **Ordinance Amendment** to the Arbor Pointe PUD Ordinance #789 to allow “Special Education Schools” as a permitted use within the CSC, Community Shopping Center District.

- o Approval of the **PUD Development Plan** Amendment to modify the site plan to allow for the school 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.

Site Plan

dated 1/22/18

2. If any repainting of the exterior occurs, the Arbor Pointe green color specified in the Design Manual must be used similar to other commercial buildings in the area.
3. If there are any changes made to roof top equipment, or adding equipment, all roof top equipment must be substantially screened from the street (Broderick Boulevard). Any large scale ground mechanical equipment must also be screened with adequate landscape material.
4. If there are any changes made to lighting on the site, all parking lot and building lighting on site shall be a down cast “shoe-box” style or cut-off style and the bulb shall not visible from property lines.
5. Approvals subject to the comments contained in the memo dated 1/31/18 from the City Engineer.

- B. **Denial.** If the Planning Commission does not favor the proposed applications or portions thereof, the above request or requests should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

RECOMMENDATION

Allowing the school district use would bring some activity to the area and could kick start some further activity by filling a vacant building. On the other hand, the Council could determine that the best course of action is to hold out, conduct a small area study for Arbor Pointe to determine the best uses or redevelopment potential.

Staff does not have a strong recommendation either way and therefore provides a report with pros and cons for the request. Action is ultimately is a policy decision Council must make on redevelopment of the Arbor Pointe commercial area. If the Planning Commission and City Council chose to approve the request, Planning recommends the action be subject to the conditions listed in this report.

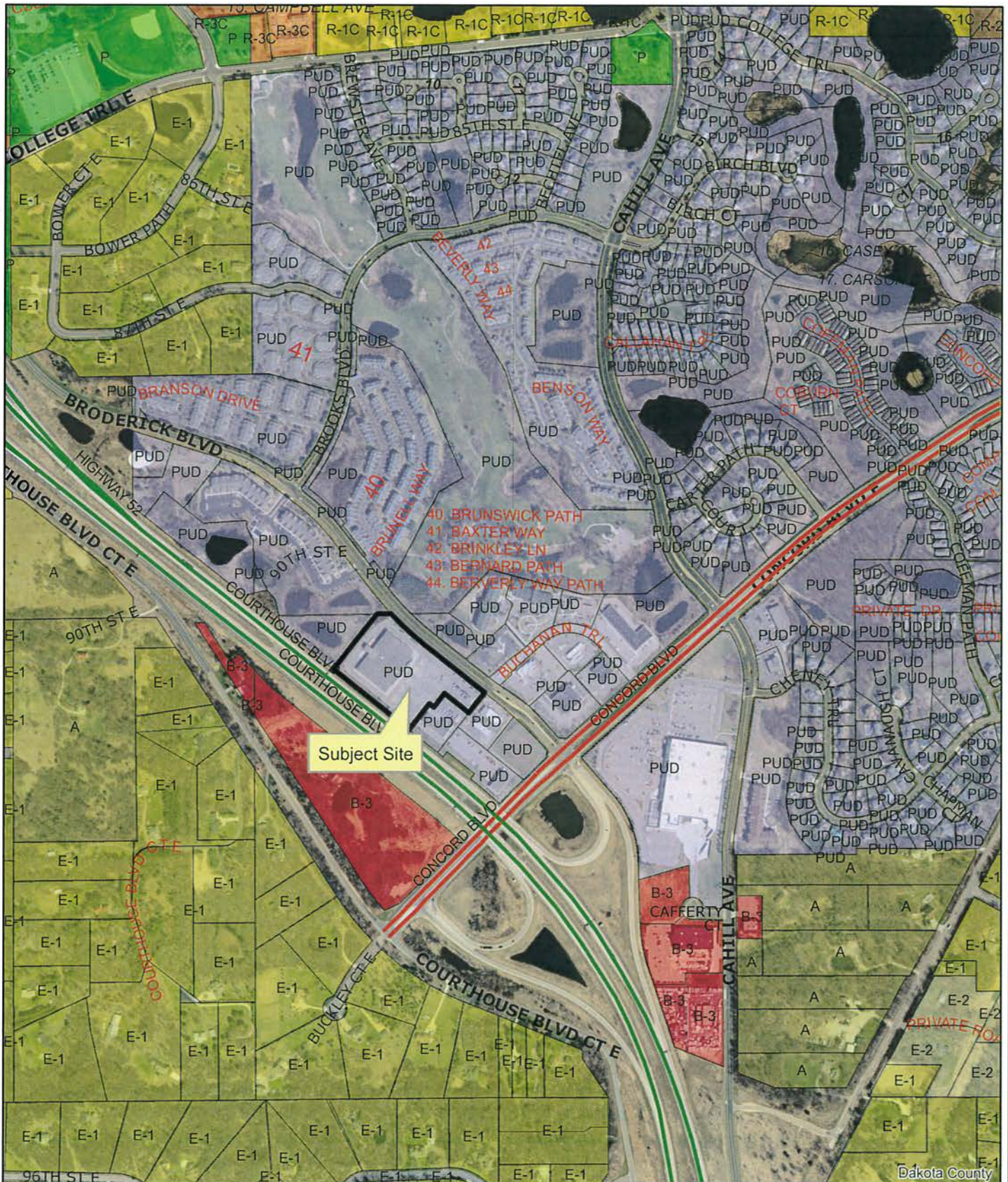
Planning Report – Case No. 18-07PDA
February 16, 2018
Page 6

Attachments: Location Map
Applicant Narrative
Site Plan
City Engineer Memo



Location Map

Case No. 18-07PDA



January 16, 2018

Alan Hunting
City of Inver Grove Heights
8150 Barbara Avenue
Inver Grove Heights, MN 55077



via e-mail: ahunting@invergroveheights.org

RE: PLANNED USE DEVELOPMENT AMENDMENT - NARRATIVE

Dear Mr. Hunting:

Interstate Development Corporation (the "Applicant") is requesting the city of Inver Grove Heights consider an amendment to the Arbor Pointe Planned Use Development. The Applicant is requesting the amendment to the PUD in order to allow their proposed use of the property located at 9015 Broderick Blvd, Inver Grove Heights.

The subject property includes an existing, 56,202 square foot building, on approximately 5.77 acres of land. The building was constructed in 2000 and was previously occupied by a Rainbow Foods. The building has been vacant for approximately 3.5 years.

The subject property is currently zoned (PUD) Planned Unit Development and allows "Trade Schools". The Applicant is requesting the PUD be amended to allow for "Special Education," or other such description that would include Applicant's proposed use.

The Applicant, is proposing to demolish all existing interior finishes in the existing building. The interior of the facility will be 100% built-out for classrooms and office space. All interior flooring, walls, ceiling and mechanical equipment will be replaced. The Applicant is also proposing to replace the roof, mill & overlay the parking lot and update, replace and refresh most of the landscaping.

The Applicant will enter into a long-term lease with Intermediate School District #917 ("917") for their sole use and occupancy of the building and premises. 917 is an Intermediate School District, serving low incidence needs of students receiving special education services. 917 specializes in addressing the needs of children who require intensive educational services utilizing unique teaching and educational approaches.

917 will employ more than 75 people at the location. Positions include those licensed in various education fields as well as support staff. 917 offers competitive wages that range from annual salaries between \$38,500 and \$84,000 for licensed staff and hourly wages between \$17 and \$30 per hour for support staff.

The Applicant is privately held real estate investment and develop company, headquartered in the Twin Cities. The Applicant owns and / or manages approximately 1,000,000 square feet of commercial property in Dakota County. The Applicant intends to hold the property in its portfolio. The property will *not* be tax-exempt during the Applicant's ownership and / or during the ownership of any subsequent private party.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lonnie Provencher', is written over a printed name.

Lonnie Provencher

Interstate Development

www.interstatedevelopment.com



POPE ARCHITECTS
1295 BANDANA BLVD N, SUITE 200
ST. PAUL, MN 55108-2735
(651) 642-9200 | FAX (651) 642-1101
www.popearch.com

INTERMEDIATE
SCHOOL DIST. #917

RAINBOW
EDUCATION
CENTER
RENOVATION

INVER GROVE HEIGHTS,
MINNESOTA

SITE PLAN

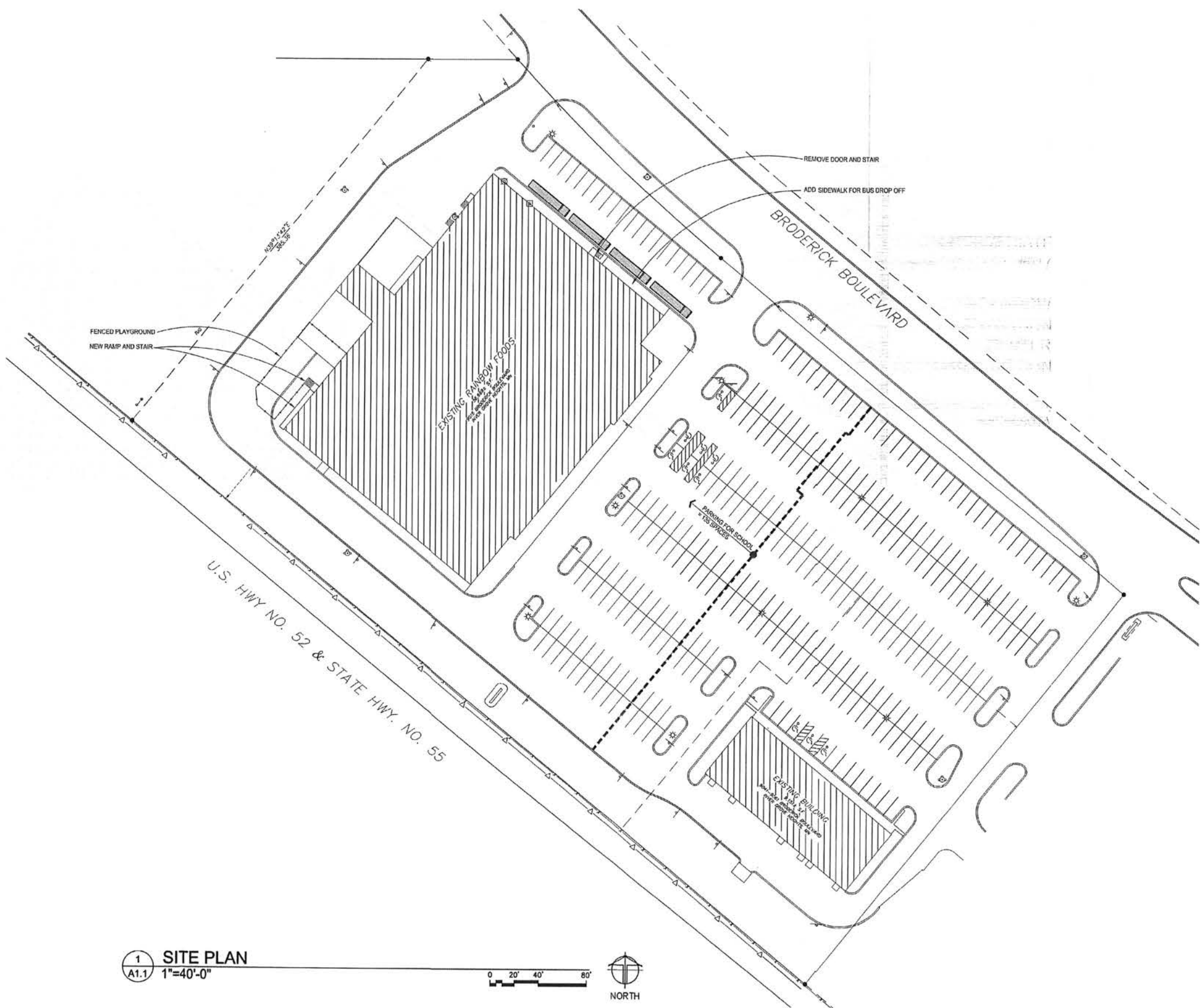
Issues and Revisions:	
PUD AMENDMENT	1-22-18

Commission No.	35726-17185
Drawn by	JL
Checked by	PH

SHEET

A1.1

TRUE SHEET SCALE



1 SITE PLAN
A1.1 1"=40'-0"

0 20' 40' 80'

NORTH

MEMO

CITY OF INVER GROVE HEIGHTS

TO: Heather Botten, Associate City Planner

FROM: Tom Kaldunski, City Engineer *DK*
Mike Wright, Engineering Technician

DATE: January 31, 2018

SUBJECT: Planned Unit Development Amendment
Interstate Development Corporation-Case No. 18-07PDA
Plan submittal January 22, 2018

This is a review of the proposed Interstate Development Corporation Planned Unit Development Amendment on PID # 201186101010 located at 9015 Broderick Blvd to amend the Arbor Pointe PUD to allow Special Education School as a permitted use in the CSC district and a Planned Unit Development Amendment to allow for the special education school by amending the approved site plan.

1. The City is interested in securing permanent and temporary easements over existing water main loop to service proposed fire station west of T.H. 52.
2. The City is looking to secure connection to water main loop to service proposed fire station west of T.H. 52.
3. The City is interested in securing permanent and temporary easements over a proposed sanitary sewer system.
4. The City is looking to secure a 20' access agreement.
5. The City would like to take over maintenance of private hydrants regarding Hydrant Maintenance Agreement.
6. The parking lot conveys storm water to a pond to the northwest. A D&U Easement would be required over this pond because public water drains thru the facilities.
7. The storm water management standards are to infiltrate the first 1" of runoff and manage Atlas 14 100-year storm water event. The City would request a copy of the hydrocad report. It is likely that the existing pond and storm facility provide an acceptable stormwater management plan.
8. The City is proposing to have Broderick Blvd reconstructed. This would be an opportunity to make any adjustments for future movements of bus entrances. The proposer should review the driveway widths.
9. The fenced playground area would require a fence permit.
10. Identify anticipated traffic flow generated for site.
11. Prior to issuance of a building permit, the owner shall have a City Engineer approved erosion control plan.
12. Coordination of entrances will be needed during the Broderick Blvd reconstruction.
13. ADA compliant access should be reviewed from proposed public sidewalk on Broderick Blvd.

14. A NPDES permit will be needed if land disturbance is over 1 acre.
15. Designated haul routes would be Broderick Blvd east and west.
16. A typical section will be required for the mill and overlay.
17. Prior to issuance of building permit, an Engineering escrow of \$7,500 will be required for attorneys, consultant and Engineering inspection costs.
18. An emergency overflow (EOF) should be noted on plans with elevation.

cc: Allan Hunting, City Planner
Steve Dodge, Assistant City Engineer
Frank Martin, Chief Building Official
Tim Kuntz, City Attorney
Jeff Schadegg, Fire Marshal

Attachments: Fire Station Utility Concept Plan
GIS Overview
Sheet 48 & 49 Broderick Blvd Reconstruct
Arbor Pointe Retail Phase 1 sheet 3-4 of 8

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Republic Services/Pine Bend Landfill - Case No. 17-36NCUC

Meeting Date: February 26, 2018
 Item Type: Regular
 Contact: Thomas J. Link: 651-450-2546
 Prepared by: Tom Link, Director of Comm. Dev.
 Reviewed by: NA


Fiscal/FTE Impact:

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

PURPOSE/ACTION REQUESTED

The City Council is to consider approval of the first reading of a zoning ordinance to allow a side slope capacity expansion of existing landfills as a conditional use, providing the landfills have a Non-Conforming Use Certificate, are in compliance with the certificate and meet other conditions regarding final cover, liners, leachate collection, gas extraction, height, property boundaries, capacity, and acceptable wastes.

The City Council is also to discuss the following items but table action until the third and final reading of the ordinance amendment:

- A conditional use permit to allow a side slope capacity expansion of 4.1 million cubic yards, including 3.53 million cubic yards of waste
- A non-conforming use certificate amendment to allow the capacity expansion

SUMMARY

Pine Bend Landfill is proposing a side slope capacity expansion of 4.14 million cubic yards, including 3.53 million cubic yards of waste and .61 million cubic yards of final cover material. The landfill's current permitted capacity of 29.8 million cubic yards would be increased to 33.94 million cubic yards. The expansion would extend the life of the landfill about eight years, to approximately 2030.

Pine Bend Landfill is proposing a side slope capacity expansion. The outside slopes of the landfill's north and east sides would be increased from a 5:1 grade to a 3:1 grade. The base, or footprint, of the landfill would not be expanded and the height of the landfill would not be increased. The landfill currently has 3:1 slopes on the south and west sides of the landfill. The expansion would occur over the unlined portions of the landfill. The landfill is also proposing a new liner and leachate collection system beneath the expansion area.

Operational aspects of the landfill would remain the same. Site security, hours of operation, number of employees, number and type of equipment, processing, nuisance control, landscaping, traffic generation and traffic characteristics, and end land use would not change. However, there would be a temporary increase in employees, equipment, and traffic for 3-4 months while the side slope expansion is constructed.

The proposed zoning ordinance amendment is identical to the ordinance amendment that the City Council adopted for the previous landfill expansion in 2004, except for the following two changes:

- The capacity of the landfill would be changed to reflect the proposed expansion. The ordinance limits the size of the landfill to a 40% increase in capacity beyond the original 1995 Non-Conforming Use Certificate (NCUC). This increase includes the 2004 expansion and the current proposal (Paragraph H)
- The surface square footage of the landfill would be changed to reflect the proposed expansion. The ordinance limits the surface square footage size of the landfill to 8.5 acres beyond the original 1995 NCUC. The increase includes the 2004 expansion and the current proposed expansion (Paragraph J).

ANALYSIS

The attached staff report and the accompanying reports from Barr Engineering, the City's environmental consultant, provide a full analysis of the request. The analysis addresses the intent of the City's Integrated Resource Management Overlay District and I-2, General Industry zoning district, consistency with the comprehensive plan, compatibility with the existing and future land uses, adequacy of City facilities and services, suitability of the property, environmental impacts, and environmental benefits.

The Planning Commission held a public hearing to consider Pine Bend Landfill's request on February 20. No public attended the meeting or provided testimony. It should be noted that the public hearing notice was mailed to a larger area than is typical. In this case notices were mailed to all property owners within a quarter mile of the Pine Bend Landfill property boundaries. The notice was mailed to 44 property owners.

The Environmental Commission will consider the request on the evening of February 22.

RECOMMENDATION

Planning staff recommends 1) approval of the first reading of the zoning ordinance to allow a side slope capacity expansion of existing landfills as a conditional use, providing the landfills have a non-conforming use certificate, are in compliance with the certificate and meet other conditions regarding final cover, liners, leachate collection, gas extraction, height, property boundaries, capacity, and acceptable wastes and 2) tabling the conditional use permit amendment and non-conforming use certificate amendment until consideration of a third and final reading.

Planning Commission unanimously recommends approval of the requests.

Enc: Staff Report, dated February 15, 2018 with multiple exhibits

Cc: Jeff Marone, Pine Bend Landfill
Tom Shustarich, Wenck Associates
Jeff Ubl, Barr Engineering

P L A N N I N G R E P O R T
C I T Y O F I N V E R G R O V E H E I G H T S

REPORT DATE: February 15, 2018

CASE NO: 17-36NCUC

HEARING DATE: February 20, 2018

APPLICANT: Pine Bend Sanitary Landfill

PROPERTY OWNER: Republic Services

REQUEST: -Zoning Ordinance Amendment
 -Conditional Use Permit Amendment
 -Non-Conforming Use Certificate Amendment

LOCATION: 2495 East 117th Street

COMPREHENSIVE PLAN: GI, General Industrial

ZONING: I-2, General Industrial and IRM, Integrated Resource Management Overlay Zoning District

REVIEWING DIVISIONS: Planning
 City Attorney
 Public Works/Engineering
 Administration
 Public Safety
 Barr Engineering

PREPARED BY: Thomas J. Link
 Comm. Dev. Dir.

PROPOSAL

The Pine Bend Landfill consists of approximately 323 acres located on the north side of 117th Street, between Highways 52/55 and Rich Valley Boulevard. The Landfill is a sanitary landfill, by ordinance definition, that accepts solid wastes for disposal, including mixed municipal solid waste, non-hazardous industrial solid waste, construction debris and demolition debris, non-infectious waste, and asbestos. The landfill currently has a permitted airspace capacity of 29.8 million cubic yards, including 28.6 million cubic yards of waste and 1.2 million cubic yards of final cover material. As of January 2017, the landfill had a remaining permitted airspace capacity of approximately 1.9 million cubic yards. The landfill accepts an average of approximately 450,000 cubic yards of waste per year. This amount, however, can vary significantly depending on various factors.

The landfill is proposing a side slope capacity expansion of 4.14 million cubic yards, including 3.53 million cubic yards of waste and .61 million yards of final cover material. The expansion would extend the life of the landfill about eight years.

Pine Bend Landfill is proposing a side slope capacity expansion. The outside slopes of the landfill's north and east sides would be increased from a 5:1 grade to a 3:1 grade. The base, or footprint, of the landfill would not be expanded and the height of the landfill would not be increased. The landfill currently has 3:1 slopes on the south and west sides of the landfill. The expansion would occur over the unlined portions of the landfill. The landfill is also proposing to install a new liner and leachate collection system beneath the expansion area.

The side slope capacity expansion is referred to in the exhibits and in technical documents as Phase 6. The existing landfill consists of Phases 1 through 5.

Operational aspects of the landfill would remain the same. Site security, hours of operation, number of employees, number and type of equipment, processing, nuisance control, landscaping, traffic generation and traffic characteristics, and end land use would not change. However, there would be a temporary increase in employees, equipment, and traffic for a few months while the side slope expansion is constructed.

SPECIFIC REQUESTS

The proposal requires the approval of the following:

- A Zoning Ordinance Amendment to allow a side slope capacity expansion of existing sanitary landfills as a conditional use, providing the landfills have a non-conforming use certificate, are in compliance with that certificate, and meet other conditions regarding final cover, liners, leachate collection, gas extraction, height, property boundaries, capacity, and acceptable wastes.
- A Conditional Use Permit to allow a side slope capacity expansion of 4.1 million cubic yards, including 3.53 million cubic yards of waste.
- A Non-Conforming Use Certificate Amendment to allow the capacity expansion.

BACKGROUND

The Pine Bend Landfill initially received a conditional use permit for its operation in 1975. The landfill became a legal non-conforming use in 1991 when the City adopted a zoning ordinance amendment. That amendment prohibited sanitary landfills, such as Pine Bend's, created the Integrated Resource Management Overlay Zoning District, and placed that overlay zoning district on the Pine Bend Landfill and other properties in the area. The overlay zoning district prohibits certain waste industries, restricts and regulates other waste industries, and requires waste industries to be concentrated in the southeast industrial area of the City.

Since there were numerous questions regarding how the City zoning ordinance's non-conforming regulations applied to the landfill, the City and the landfill entered into a Non-Conforming Use Certificate (NCUC) in 1995. The NCUC resolved uncertainties for both the City and the landfill. It clarified the zoning status of the landfill, specified rights and responsibilities of the landfill, and provided the City with more specific controls which had not been clearly defined in the previous conditional use permit.

Since the adoption of the NCUC in 1995, the City has approved several additional requests by Pine Bend. Most of these requests were for accessory uses or minor revisions, such as an energy recovery facility for the generation of electricity, open storage of trucks and trailers, a revised landscaping plan, a modified elevation and grading plan, a compost facility, and stockpiling of soils. In 2004 the City approved a capacity expansion of 5.6 million cubic yards. This expansion was primarily a vertical expansion over previously filled areas and a small horizontal expansion where the landfill offices are located.

In August 2015, Pine Bend Landfill made application to the State of Minnesota for the proposed side slope capacity expansion. The Minnesota Pollution Control Agency (MPCA) then prepared an Environmental Assessment Worksheet (EAW) for the expansion. The City reviewed the EAW and submitted comments to the MPCA. The MPCA completed the EAW process by making a finding of a negative declaration, meaning that a more involved Environmental Impact Statement (EIS) was not necessary.

In 2016, the MPCA commenced the review of the Pine Bend Landfill application. City staff and Barr Engineering, the City's environmental engineering consultant, were very involved in the process and review of the MPCA permit. The City had numerous communications with MPCA regarding the permit. Most of these comments were addressed in four lengthy letters to the MPCA from April 2016 through June 2017. Numerous technical issues were examined, discussed, and resolved.

EVALUATION OF THE REQUEST

ZONING ORDINANCE AMENDMENT

The zoning ordinance prohibits sanitary landfills. The proposed zoning ordinance amendment would continue to prohibit sanitary landfills but would provide an exception by conditional use permit. That exception would only allow a side slope capacity expansion of an existing non-conforming sanitary landfill if the landfill has an NCUC. The existing sanitary landfill would also be required to have a liner and leachate collection system and gas extraction system approved by MPCA, Dakota County, and the City. The size of the side slope capacity expansion would be severely limited. The boundaries of the property on which the landfill would be located could not be expanded, the height of the landfill could not increase, and the types of waste to be accepted for disposal would continue to be restricted. The proposed ordinance would be similar to an ordinance amendment which was approved in 1998 for a vertical expansion of the SKB Rich Valley Demolition Landfill and in 2004 for a vertical expansion of the Pine Bend Landfill.

The proposed ordinance amendment can be evaluated by comparing it to the purpose and intent of the Integrated Resource Management Overlay Zoning District, as attached. The amendment would not deter industrial development in the surrounding area, which is desired for purposes of tax base, employment, and buffering. Since the ordinance would not allow a horizontal expansion, i.e. an extension beyond the boundaries of the existing landfill, it would not consume additional acreage that could otherwise be used for other industries. Furthermore, it would not create disincentives for further industrial development or discourage such development by creating potential incompatible land uses. The ordinance amendment would also continue the integration of other waste industries in the area, including the SKB Demolition Landfill and Transfer Station, the Republic Recylery, and JR Appliance's recycling facility.

The ordinance amendment would not deter the creation of a buffer of compatible industrial development around an existing landfill since it would not be a horizontal expansion. The amendment would continue to provide for the concentration of waste industries in this specific, delineated area of the City. Though the State, County, and City continue to encourage reduction, re-use, recycling, and composting, there continues to be a need for sanitary landfills. Furthermore, landfills typically recycle materials including appliances, household hazardous waste, electronics, and tires. Though the ordinance amendment may not have a significant impact on the development of the City tax base, it generates City revenue through the Host Community Fee. Landfills also provide a moderate amount of employment.

The proposed ordinance could have minimal impacts on the environment, depending on the specific proposal. Furthermore, a side slope capacity expansion could offer some public environmental benefits, as discussed later in this report.

In summary, the proposed amendment appears to be consistent with the purpose and intent of the Integrated Resource Management Overlay Zoning District.

The proposed zoning ordinance amendment, as attached, is identical to the ordinance amendment that the City Council adopted for the previous landfill expansion in 2004, except for the two following changes:

- The capacity of the landfill would be changed to reflect the proposed expansion. The ordinance limits the size of the landfill to a 40% increase in capacity beyond the original 1995 NCUC. This increase includes the 2004 expansion and the current proposal (Paragraph H).
- The surface square footage of the landfill would be changed to reflect the proposed expansion. The ordinance limits the surface square footage size of the landfill to 8.5 acres beyond the original 1995 NCUC. The increase includes the 2004 expansion and the current proposed expansion (Paragraph J).

CONDITIONAL USE PERMIT AMENDMENT

Whereas the above analysis of the ordinance amendment addresses the general appropriateness of a side slope capacity expansion of an existing sanitary landfill in the I-2 zoning district, the conditional use permit analysis addresses the appropriateness of the use specifically at Pine Bend Landfill. The zoning ordinance outlines general review standards to be used in the consideration of conditional use permit requests. These standards measure consistency with the Comprehensive Plan, consistency with the City Zoning Ordinance, compatibility with existing and proposed development in the area, adequacy of existing and proposed public facilities, suitability of the property for the proposed use, and impacts on the environment.

Consistency with the Comprehensive Plan and Zoning

Adjacent properties have the following Comprehensive Plan land use designations and zoning districts:

North	-General Industrial (GI) and Rural Residential (RR) comprehensive plan land use designation
-------	---

	-General Industrial (I-2), Residential Estate (E-1), and Integrated Resource Management (IRM) zoning districts
West	-Light Industrial (LI) comprehensive plan land use designation -Limited Industrial (I-1), Integrated Resource Management (IRM) and Agricultural (A) zoning districts.
South	-General Industrial (GI) comprehensive plan land use designations -General Industrial (I-2) and Integrated Resource Management (IRM) zoning Districts
East	-General Industrial (GI) comprehensive plan land use designation -General Industrial (I-2), Integrated Resource Management (IRM) and Sand and Gravel (S & G) zoning districts

As the comprehensive plan states, "the general industrial category includes lots or parcels containing manufacturing, processing and disposal facilities. General industrial parcels exist in only one area, southern Inver Grove Heights lying west of Highways 52/55. The land designated as general industrial on the future land use plan includes the Pine Bend Landfill.

Light industrial and general industrial are similar uses with the predominate differences being in the intensity of the types of uses and the nature of the uses themselves. General industrial is analogous to "heavy" industrial users such as the landfill operation. In southern Inver Grove Heights, areas containing both of these uses are intended to be improved and upgraded over time. Industrial development in the southern part of the City has been occurring for the past 40 years. Public improvements and comprehensive plan amendments have enabled the extension of public infrastructure to serve much of this area. In the future, if it becomes feasible to extend infrastructure to more of this area, the City anticipates potential redevelopment."

The purpose of the I-2 General Industry Zoning District is "to provide for areas which, because of the availability to thoroughfares and railroads, suitable topography, and isolation from residential areas, are appropriate for industrial uses which are of a more intense nature. The I-2 zoning district also allows certain business uses necessary to compliment general industrial uses."

The purpose of the Integrated Resource Management Overlay Zoning District is to:

- A. Prevent the expansion of mixed municipal solid waste landfills by encouraging industrial development on adjacent properties.
- B. Encourage solid waste processing facilities, which can integrate their operations with mixed municipal solid waste landfills, to locate in proximity to such landfills.
- C. Promote orderly development of other properties in the community by creating a buffer of compatible industrial development around mixed municipal solid waste landfills.
- D. Reduce the areas of the City subject to the potential adverse environmental impacts of solid waste processing facilities by encouraging them to locate in close proximity to mixed municipal solid waste landfills and each other.

- E. Delineate an area for select solid waste uses that exhibit minimal environmental impacts and are generally environmentally friendly.
- F. Provide an opportunity for solid waste uses that are consistent with the state's waste management hierarchy of encouraging reduction, reuse, recycling, composting and discouraging incineration and landfilling.
- G. Enhance regulation and inspection of solid waste processing facilities by encouraging them to locate in proximity to one another.
- H. Enhance the tax base by encouraging development around mixed municipal solid waste landfills consistent with sound principles of municipal planning.
- I. Provide additional employment opportunities for city residents by encouraging industrial development.
- J. Establish standards and restrictions for solid waste uses to protect the environment and to promote sound land use planning

The proposal would maintain the same G-I comprehensive plan designation and the same I-2 and IRM zoning districts, as currently exist on the property. The Integrated Resource Management (IRM) overlay zoning district was created specifically to allow and regulate certain waste industries in this part of the city. Since the proposal does not expand the base of the existing landfill, it does not consume acreage that could be used for other industrial development. Though there is Estate Residential land use designations and zoning to the north, there is an intervening property and considerable distance between the landfill and those residential uses. Moreover, the proposed side slope capacity expansion would be no different than the existing landfill operation and would not expand the landfill's base any closer to the residences. The land use designations and zoning to the west, south, and east are identical to or similar to that of the Pine Bend Landfill property. Furthermore, those designations and zoning specifically allow certain waste industries. As stated above, the proposal provides revenue in addition to existing taxes, and some employment. Therefore, the proposal appears to be consistent with the comprehensive plan and the zoning ordinance.

Compatibility with Existing and Future Land Uses

Adjacent land uses include the following:

North	-Closed CAP/Amdura Landfill and Estate Residential
West	-Electrical Generation Facility and Vacant
South	-Mini-Storage, SKB Rich Valley Demolition Landfill, and Thermo Gas Company
East	-BFI Recycling, North American Trailer Repair, and Steenberg Watrud Construction

There are other industrial uses in the surrounding area, such as Bituminous Roadways Sand and Gravel, Flint Hills Refinery, Kane Transport, Enterprise LP Gas, Steininger Sand and Gravel, Cut Fruit Express, Praxair Industrial Gas and Excel Energy's storage tanks and peaking plant. The nature of these uses is very compatible with the landfill.

The nearest single-family residence, excepting a residence owned by Pine Bend Landfill, is approximately 1,000 feet from the northwest corner of the BFI property. There are four residences within a ¼ mile radius of the landfill boundary. The impacts to these residences would be identical to the existing operation and would continue to be mitigated by a considerable separation distance. The only change to the existing situation would be the continued landfill operation and the construction of the expansion area. This construction activity would be temporary and would be similar to past construction activities and the current landfill operation in terms of its scale of activity, type of equipment, hours of operation, noise, and dust.

A sanitary landfill has the possibility of nuisances, such as litter, dust, and odor, and noise. The NCUC addressed nuisances by restricting hours of operation and requiring control programs. The NCUC would continue to regulate nuisances if the side slope capacity expansion is approved. The proposed expansion would not create any more nuisances than the existing landfill. The City has received four complaints regarding nuisances over the last several years. The complaints pertain to litter, noise and odor. The impact of the nuisances is mitigated by the surrounding industrial land uses, the very low density residential development, and the residences' distances from the landfill. Because of the combination of other heavy industrial uses and their long-established presence, a certain amount of nuisances must be reasonably expected. However, the Pine Bend Landfill has taken appropriate action to mitigate nuisances and would be required to continue such performance, if the proposal would be approved. In addition, Dakota County Environmental Resources inspects the landfill ten times a year and requires the landfill to correct nuisance violations. Therefore, the proposed use, which is identical to the existing use, would be compatible with and, in most cases, similar to nuisances of the surrounding industrial uses.

The side slope capacity expansion would not generate any more noise than existing landfill operations. In 2004 Pine Bend Landfill completed an analysis of noise generated by landfill equipment and its impact on the nearest residences. The report found that landfill equipment would comply with State noise standards, except in the early morning, between 5:30 AM and 7:00 AM. At that time, two pieces of equipment, compactors and trucks, would slightly exceed the State noise standards. Pine Bend Landfill subsequently stated that they would not use compactors in the early morning hours. Moreover, truck traffic is a constant activity on 117th Street and Rich Valley Boulevard, regardless of the landfill, because of the heavy industrial activities in this part of Inver Grove Heights and Rosemount.

Adequacy of City Facilities and Services

State Highways 52/55 is sufficient to handle the traffic generated by the landfill. Major improvements were made to the highway about ten years ago, including an interchange, frontage roads, and traffic signals. Dakota County and the City recognize the need to improve 117th Street to carry increased volumes of traffic, especially the large number of trucks generated by industries in the area. It is anticipated that the road will be expanded to a four-lane, limited access highway though there is no definite timeframe yet established for these improvements. Jurisdictional responsibility of the road needs to be determined, following construction of the improvements.

The proposal would not generate additional truck traffic beyond that which currently exists with the landfill operation. Though traffic generation related to the operation of the landfill would not change, there would be a temporary increase in traffic while the side slope capacity expansion is constructed. This would be similar to the construction of previous phases of the landfill. These previous construction activities did not cause any difficulties, except when semi-trucks waiting to enter the landfill backed up onto 117th Street. The 2004 conditional use permit subsequently prohibited such stacking, or queuing, on 117th Street.

Municipal water has been extended to the area and is adequate to serve the expansion. If the Metropolitan Council, or the City, were to extend sanitary sewer to this area, it would be designed at a sufficient size to adequately handle Pine Bend Landfill's sanitary sewer needs. A condition of the 2004 CUP requires Pine Bend Landfill to connect to sanitary sewer service, if and when it would become available.

Barr Engineering has reviewed the grading, drainage, and erosion control plans. The engineers paid particular attention to increased stormwater runoff volumes and rates, updated rainfall rates, stormwater calculation methodology, model stormwater events, pond capacity, infiltration volumes, erosion and erosion control details, and pond maintenance. In response to these concerns, Pine Bend Landfill has modified their plans and provided additional information and analysis. With these modifications and additional information, Barr Engineering finds the landfill's stormwater plans to be acceptable.

A major concern is fire service since fires may occur at landfills. These landfill fires can be difficult and costly to put out, especially if they are subterranean fires. The City has addressed fire service in the Host Community Agreement, a document negotiated between the City and Pine Bend Landfill in 1995. In fact, the provision of fire services to landfills was a major topic of considerable research and discussion when the Host Community Agreement and the NCUC were negotiated for the Pine Bend Landfill. That Host Community Agreement requires Pine Bend Landfill to provide adequate fire protection. This fire protection includes constructing and maintaining adequate access roads, providing adequate water supply, construction fire breaks when necessary, providing and maintaining fire protection equipment, placing at the disposal of the City a command post, communications equipment, fuel, and mechanics during the fire, preparing a Contingency Action Plan, and providing information to the City regarding potential fire hazards and other landfill features that might affect firefighting efforts.

The current operation places few demands on the City police services and the proposed expansion would not increase the need for such service. However, Pine Bend Landfill has submitted their current Emergency Response Plan for review by the City police and fire services. The City police recently reviewed the plan and found it acceptable. The Emergency Response Plan is updated annually by Pine Bend Landfill. Copies of any updates or modifications will be provided the City.

Suitability of the Property

Since the proposal does not include a horizontal expansion beyond the boundaries of the existing landfill property or an increase in the landfill's height, the size and shape of the Pine Bend Landfill property would be sufficient for the proposed airspace capacity expansion. The topography of the existing landfill provides for the expansion. As stated above, the property is adequately provided with City facilities and services, including roads and highways, municipal water, police services,

and fire service. Other aspects of the site, such as access, parking, private sewage disposal, and zoning requirements would continue to be adequate for the proposed use. Therefore, the property would be suitable for the proposed use.

Environmental Impacts

The environmental impacts are discussed in a letter report from Jeff Ubl of Barr Engineering, dated February 13, 2018, as attached. As stated previously, Barr Engineering has been very involved in a technical review of the proposed expansion. On the City's behalf, Barr offered numerous comments to the Minnesota Pollution Control Agency (MPCA) regarding the Environmental Assessment Worksheet (EAW). Subsequently, Barr Engineering prepared four lengthy reports to the MPCA regarding Pine Bend's requested modification to their State permit. Pine Bend Landfill has responded to Barr's many comments and made modifications to their proposal.

Barr's review has focused on 12 technical topics: waste acceptance, ground water monitoring system, leachate recirculation, solid waste composting, ground water quality, surface water management, waste capacity, liner and leachate collection system design, gas monitoring and gas extraction/treatment systems, final cover design, closure, post-closure, contingency action, operation and maintenance plans, and final assurance cost estimates. In reviewing the City application, Barr Engineering paid particular attention to waste acceptance, waste capacity, groundwater quality and trends, surface water, and gas migration and trends.

As a result of this review, Barr Engineering has provided recommendations for amendments to the Pine Bend Landfill Non-Conforming Use Certificate (NCUC) and Conditional Use Permit (CUP). These modifications have been incorporated into the documents, as attached. The CUP, in particular, requires Pine Bend Landfill to continue their efforts to address the City's concerns, especially regarding groundwater and gas migration.

Barr has concluded that there are potential environmental benefits to the landfill's proposed expansion, including: 1) a reduction in the amount of leachate migrating into the groundwater, 2) the generation of additional gas to be converted to the electricity, and 3) increased extraction of gas. Finally, Barr concludes that the proposed side slope expansion is "reasonable and appropriate".

The proposed conditional use permit, as attached, is the same as the conditional use permit approved by the City Council in 2004, except for the following modifications:

- The size of the landfill has been increased to 32.13 million cubic yards of waste to reflect the current proposal (Condition No. 1)
- Revised plans are referenced to reflect the current proposed expansion (Condition No. 3)
- The City approval of the 2004 expansion, including the conditions attached to that approval, are referenced (Condition No. 2 and 5g, h, and i)

- Vehicles coming into Pine Bend Landfill, both for construction of the side slope capacity expansion and ongoing operations, are prohibited from queuing onto 117th Street (Condition No. 8)
- The conditions regarding the groundwater monitoring system, the leachate collection system, and the leachate storage and transportation requirements have been simplified and updated (Conditions 11-13)
- Methane gas must achieve compliance with Minnesota Rules by January 1, 2025 or when the landfill's waste capacity reaches 30 million cubic yards, whichever occurs first (Condition No. 14)

NON-CONFORMING USE CERTIFICATE AMENDMENT

The proposed Non-Conforming Use Certificate (NCUC) Amendment, as attached, is the same as that which the City Council approved for the 2004 expansion, except for the following three changes:

- The revised plans reflect the proposed expansion (Exhibit D)
- Language was added to state that, in the case that there was a conflict between the NCUC and the CUP regarding groundwater monitoring requirements, requirements of the CUP shall prevail (A, 5.6.1)
- The requirement for a candle flare was eliminated since it was no longer found to be necessary

ALTERNATIVES

The Planning Commission and Environmental Commission have the following actions available:

- A. Approval. If the Commissions find the application acceptable, the following requests should be approved:
- A Zoning Ordinance Amendment to allow a side slope capacity expansion of the existing sanitary landfills as a conditional use, providing the landfills have a Non-Conforming Use Certificate, are in compliance with that certificate, and meet other conditions regarding final cover, liners, leachate collection, gas extraction, height, property boundaries, airspace capacity, and acceptable waste.
 - A Conditional Use Permit to allow a side slope capacity expansion of 4.1 million cubic yards, including 3.53 million cubic yards of waste
 - A Non-Conforming Use Certificate Amendment to allow the capacity expansion
- B. Denial. If the Commissions do not favor the proposed request, the Commission should recommend denial and provide findings for the basis of denial.

RECOMMENDATION

Staff recommends approval of Pine Bend Landfill's request for a Zoning Ordinance Amendment, Conditional Use Permit Amendment, and Non-Conforming Use Certificate Amendment.

Staff finds that the requests are consistent with the purpose and intent of the Integrated Resource Management Overlay Zoning District, are consistent with the Comprehensive Plan and Zoning Ordinance, are compatible with the surrounding land uses, do not pose an undue burden on City facilities and services, are uses suitable to the property, and have minimal potential for increased environmental impacts. Furthermore, staff believes that the side slope capacity expansion would be adequately controlled by the Integrated Resource Management Overlay Zoning District, the Non-Conforming Use Certificate, and the Conditional Use Permit. Finally, staff believes that the proposed side slope capacity expansion offers some environmental benefits to the City.

Enc: Application
Comprehensive Plan Map
Zoning Map
Aerial Map
Barr Report
Integrated Resource Management Purpose and Intent
Draft Ordinance Amendment
Draft Conditional Use Permit Amendment
Draft Non-Conforming Use Certificate Amendment

Cc: Jeff Marone, Pine Bend Landfill
Tom Shustarich, Wenck Associates
Tim Kuntz, City Attorney
Jeff Ubl, Barr Engineering

Application Submittal to the City of Inver Grove Heights for the Pine Bend Landfill - Phase 6 Development MPCA Permit #SW-45

Prepared for:

BFI Waste Systems of North
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Conditional Use Permit Amendment (one copy provided under separate cover)
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August 2017

Revised February 2018

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1.0 Introduction

1.1 GENERAL PROJECT DESCRIPTION

BFI Waste Systems of North America, LLC (BFI) respectfully submits to the City of Inver Grove Heights (City) an application for an airspace expansion and continued development of the Pine Bend Landfill (PBL). This application was prepared based upon an initial meeting on Thursday, October 13, 2016 with City staff as well as follow-up meetings and telephone conversations along with the applicable City requirements.

With this application, BFI is requesting amendments and approvals from the City for the following:

- ▲ Zoning Ordinance amendment
- ▲ Conditional Use Permit (CUP) amendment
- ▲ Non-Conforming Use Certificate (NCUC) amendment
- ▲ Host Community Agreement amendment

1.2 CITY APPROVAL REQUIREMENTS

The Pine Bend Landfill is a mixed municipal solid waste (MSW) landfill, located in Inver Grove Heights, Minnesota, which has been in operation since 1971 under the Minnesota Pollution Control Agency (MPCA) Solid Waste Permit SW-45. The landfill is owned and operated by BFI Waste Systems of North America, Inc. (BFI).

BFI submitted an application for a major modification to the Minnesota Pollution Control Agency (MPCA) for Solid Waste Permit #SW-45 in August 2015. The request for a major modification detailed a proposed Phase 6 airspace capacity expansion over the existing landfill footprint by developing and permitting 3:1 cover slopes around the entire existing landfill footprint, including the north and east sides. The landfill is currently permitted with 3:1 cover slopes on the south and west sides. It is important to note that no footprint increase or increase to the currently permitted peak elevation of the landfill was proposed as part of the major modification request. This application to the City of Inver Grove Heights is the next step in the governmental approval process with an application to Dakota County to follow.

1.3 PROJECT BENEFITS

The landfill is located in an area consistent with nearby industrial uses including a construction and demolition landfill as well as a large refinery. In addition, the project provides many environmental benefits including:

- ▲ Continued surface water control efficiency. The surface water management system has been designed to manage a 100-year, 24-hour MSE 24 hr. 3 storm event of 7.45 inches. The surface water management system is inspected and maintained by PBL.
- ▲ Efficient landfill gas collection and management. As part of the expansion, the existing gas collection system at the landfill will be expanded to capture landfill gas generated from the future waste to be placed. The landfill currently generates approximately 3,000 cfm of landfill gas which results in 41,344.70 Megawatts of

electrical power provided in 2016 to the power grid by the landfill gas to energy plant located on-site and operated by a landfill gas developer.

- ▲ Continued and improved leachate collection and management. The Phase 6 expansion will provide for liner systems over the old unlined Phase 1 and 2 fill areas, thus reducing the amount of leachate currently reaching the unlined fill areas.

The landfill and proposed expansion also provide many socio - economic and financial benefits to the City including:

- ▲ The landfill provides an important service to the community for the disposal of municipal solid waste generated. The landfill is host to an annual City-wide cleanup event. BFI is also a member of the River Heights Chamber of Commerce and donates to the B.E.S.T. Foundation.
- ▲ Property tax revenue. PBL currently pays \$184,000.00 in property taxes. If the Recyclery and Hauling company, both of which are also located in Inver Grove Heights, are included this number increases to \$296,163.00
- ▲ Host free revenue. In 2016, PBL contributed \$1,914,000.00 host fees to the City.
- ▲ Local employment. Including the Landfill, Recyclery, and Hauling Company, approximately 220 people are employed by BFI.

2.0 Facility Information and Design Issues

2.1 OWNERSHIP AND HISTORY

As previously stated, BFI owns and operates the landfill. With regards to ownership history, MPCA permit SW-45 was originally issued to Pine Bend Development Company on September 7, 1971. Phoenix, Inc. operated the facility until 1976 when they purchased it. Browning Ferris Industries purchased the stock of Phoenix, Inc. on August 1, 1980 and Browning Ferris Industries then established Pine Bend Landfill, Inc. as a wholly owned subsidiary. Through additional mergers and acquisitions with Allied Waste in 1999 and Republic Services in 2008, the facility ownership has ultimately changed to its current status, BFI Waste Systems of North America, LLC a subsidiary of Republic Services, Inc.

BFI is ultimately responsible for all operations at the landfill, including the active gas management system and gas to energy plant. It should be noted that Fortistar currently operates the active gas system at the landfill. Browning Ferris Gas Services, Inc. which was purchased by Gas Recovery Systems, Inc. previously operated the gas system. A site lease agreement between BFI and Fortistar for the operation of the active gas system is provided in Appendix A.

A timeline for important historical environmental permitting, monitoring and response actions is provided as follows:

- ▲ **April 23, 1985** – The Proposer and the MPCA entered into a Response Order by Consent ("Order") under Section 17 and 18 of the Minnesota Environmental Response and Liability Act of 1983. Minn. Stat. ch. 115B. The Order required the Proposer to perform a Remedial Investigation and Feasibility Study to investigate the source or sources of groundwater contamination at and near the Facility; to assess actual and potential impacts of the releases or threatened releases of hazardous substances, pollutants and contaminants from the Facility on public health, welfare and the environment; and to identify, assess, design, develop and implement response action alternatives.
- ▲ **October 23, 1990** – The Proposer and the MPCA entered into an Amended Response Order by Consent ("Amended Order"). The scope of the Amended Order required the Proposer to redesign and complete the remedial investigation agreed to in the 1985 Order, conduct a feasibility study; develop a plan to provide an alternative drinking water source for certain residential wells adversely affected by the release(s) from the Facility and the neighboring Crosby American Demolition Landfill; and to develop a response action plan and implement the approved response actions.
- ▲ **September 23, 1991** – The MPCA approved the Updated Remedial Investigation Report for the Facility. In regard to the alternative drinking water source, the Proposer developed a plan and the MPCA issued a Record of Decision in September 1991, which required the residences with affected wells to connect to the city's water supply system. The city of Inver Grove Heights completed the connections supplying municipal water to the residences in December 1994.

- ▲ **November 21, 1994** – The MPCA approved No Action Alternatives under the Superfund process for the source control and the remediation of groundwater contamination as recommended in the Updated Detailed Remedial Analysis Report. The Minnesota solid waste management rules require more stringent levels for cleanup and remediation than the Superfund Program, therefore, the source control and the remediation of groundwater contamination was previously and currently managed in accordance with this Permit.
- ▲ **March 4, 2003** – The MPCA granted the Proposer a CON capacity as part of the Phase 5 vertical expansion of the Facility. The CON capacity granted was six (6) million cy and brought the total Facility disposal capacity to 29,800,000 cy.
- ▲ **July 2008 and November 2013** – The Proposer submitted Applications for Permit Renewal with a new SW-45 Permit being reissued.
- ▲ **August 2015** – The Proposer submitted a Request for a Major Modification to Permit SW-45 for the Phase 6 Development.
- ▲ **November 10, 2016** – The MPCA issued an approved Findings of Fact and Order for a Negative Declaration on the Need for an Environmental Impact Statement (EIS) on the Environmental Assessment Worksheet (EAW) proposed for the proposed Pine Bend Landfill Phase 6 Development.
- ▲ **October 25, 2016, March 6, 2017, and July 17, 2017** – The proposer provided responses to City comments on the Major Modification Application submitted to the MPCA.

The Permittee has constructed and the MPCA has approved the following major features Construction Summary:

Feature	Year Constructed
Methane Gas Extraction System	1995, 1996
Liner Base	
Phase 1	1987
Phase 2	1988
Phase 3	1992
Phase 3B	1995
Phase 4 Cell A	1999
Phase 4 Cell B	2001
Phase 5 Cell A	2005
Phase 5 Cell B	2006
Phase 5 Cell C	2009
Phase 5 Cell D	2010
Phase 5 Cell E	2013

Feature	Year Constructed
Phase 5 Cell F	Future Construction
Final Cover of Unlined Fill Area	
Phase 1	1993
Phases 2 and 3	1995, 1996
Phase 3 (SE corner)	2001
Phase 4 (lower portion of Phase 4)	2011
Liner Sidewall Extension	1995, 1996

2.2 TYPES OF WASTE RECEIVED

The Pine Bend Landfill is projected to accept approximately 344,000 tons of solid waste in 2017. This includes the following:

- ▲ MSW
 - ▲ Processing residuals
 - ▲ Industrial waste including processing residual and alternative daily cover material.
- The July 2014 Solid Waste Management Plan was incorporated into the August 2015 MPCA Permit Application and is provided as Appendix B.

A yard waste compost facility located on the west 100 acres was closed in 2010 due to ash borer disease. The MPCA permit for this facility has been kept up to date.

2.3 FACILITY USERS

At present, all materials at the Pine Bend Landfill are deposited by licensed haulers of municipal solid waste, demolition materials and approved industrial waste haulers, as well as the general public.

2.4 WASTE FLOW/SITE CAPACITY/PHASING

The waste flows and site capacity information presented in the August 2015 MPCA Permit Application were based on information provided in the 2014 Annual Report prepared for this facility. According to the 2014 Annual Report prepared for this facility and submitted to the MPCA, the PBL utilized approximately 416,629 cubic yards of solid waste capacity in 2014. The landfill utilized approximately 272,000 cubic yards of solid waste capacity in 2016. The reduction in waste flow to the site is mainly due to the disruption in the metropolitan area waste shed caused by the Ramsey and Washington Counties purchase of the former RRT RDF Facility now called the Recycling and Energy Center.

For the purposes of cell phasing in the August Application for Major Modification submitted to the MPCA, an annual fill rate of approximately 450,000 cubic yards per year was used. The 450,000 cubic yards annual fill rate is based upon PBL's knowledge and experience in

the solid waste collection marketplace and provides for a conservative outlook of remaining airspace capacity.

PBL is currently filling in the Phase 5 area of the landfill. The Phase 4 development, which consists of Phases 4A, 4B, and 4C is approximately 36.8 acres in size, and was designed and permitted to allow for approximately 4 million cubic yards of capacity. Phase 5 is the vertical expansion over previously filled areas and is to be developed with a total of 6 cells designated Phases 5A through 5F of which Phases 5A through 5E have been constructed. As of December 2016, the remaining permitted/ultimate landfill capacity is approximately 1,953,575 cubic yards (which includes final cover requirements). This results in a total facility capacity of 29,800,000 cubic yards. This major permit modification application is requesting an additional 4,137,400 cubic yards of airspace capacity for the Phase 6 development. The total ultimate disposal capacity of the site would be increased from 29,800,000 cubic yards to 33,937,400 cubic yards.

Based on the amount of remaining airspace capacity as of December 2016, it is anticipated that landfill cell Phase 6A would be constructed in 2018 based on approval of this major modification request. To preserve infrastructure, the currently permitted Phase 5F would be the last cell constructed at the landfill following completion of Phase 6.

A summary of the design volumes as provided in the August 2015 Application for Major Modification submittal to the MPCA is provided in Table 2-1: Landfill Design Volumes. As shown, the landfill will be constructed and closed in phases.

Table 2-1: Landfill Design Volumes

Phase	Remaining Airspace (cy) ⁽¹⁾⁽²⁾	Base Liner Area (ac)	Final Cover Area (ac)	Final Cover Soils (cy) ⁽³⁾	Base Drainage Layer (cy)	Operational Volume (cy) ⁽⁴⁾	Site Life (year) ⁽⁵⁾	Site Life (months)	Open Date
5A	34,900	Const.	7.2	34,900	Const.	Full	0.00	0	2005
5B	108,700	Const.	12.3	59,759	Const.	48,941	0.11	1	2006
5C	465,500	Const.	18.2	88,040	Const.	250,000	0.56	7	2009
5D	999,100	Const.	9.4	45,433	Const.	653,667	1.45	17	2011
5E	869,100	Const.	10.7	51,551	Const.	612,772	1.36	16	2013
6A	1,240,000	23	30.0	145,200	37,107	1,057,693	2.35	28	2017
6B	1,118,000	20	27.0	130,680	32,267	955,053	2.12	25	2020
6C	910,000	17	22.0	106,480	27,427	776,093	1.72	21	2023
6D	869,400	20	20.0	96,800	32,267	740,333	1.65	20	2025
5F	1,164,869	6.61	15.8	76,269	10,664	1,077,936	2.40	29	2027
Total	7,779,569	86.61	172.5	835,112	139,731	6,172,489	13.72	164	

(1) Based on 2014 Annual Report

(2) Phase 5 volumes and closure areas include portions of the underlying phase 4 remaining capacities.

(3) Based on a 3- foot thick final cover

(4) Operational volume is the total airspace less the final cover soils and the base drainage layer.

(5) Based on Annual waste flow of 450,000 cubic yards.

2.5 PHASE 6 LANDFILL EXPANSION ENGINEERING DESIGN

The Phase 6 design proposes to increase final cover slopes around the north and east perimeter of the landfill from 5:1 to 3:1. The design provides for increased capacity without increasing the footprint or peak elevation. The 3:1 final cover slope design already in place on the west side of the landfill has been shown to be stable and efficient at surface water management. The proposed and current landfill design includes environmental controls that meet or exceed regulatory requirements for this type of facility. Updated plan sheets from the August 2015 Major Modification Application detailing the design for Phase 6 are provided in Appendix C. A geotechnical evaluation including a response to previous geotechnical comments raised by the City are included in Table 1 on pg. 1 of Appendix D.

2.6 SUBBASE PREPARATION

Site preparation for continued construction and vertical expansion of the MSW facility begins with grading and shaping to the required grades. Soft or loose soils, organic material, rocks, roots, etc. will be replaced with more suitable fill material as needed, and compacted to a minimum of 95 percent Standard Proctor Dry Density (ASTM D-698). In general, a majority of the remaining subgrade preparation will be completed on waste filled slopes of the existing landfill. Subgrade is the prepared natural soil surface on which liner construction will begin. The subgrades for the disposal area have been designed to maximize site life, minimize environmental impacts, and blend into existing site grades.

The following is a description of the subgrade preparation that will occur in the 3:1 expansion areas:

Over a majority of the Phase 6 area, there is an existing 2-foot clay barrier serving as the final cover cap; there is no synthetic geomembrane. For development of Phase 6, the existing final cover will be removed down to the top of the existing clay barrier layer. The new liner system for this area (GCL and 60-mil HDPE) will be placed directly on the 2-foot clay barrier layer. BFI is proposing to utilize the existing clay cap as part of the base liner system for expansion over this area.

BFI would like to further propose that GCL could be removed from the liner system if the suitability of the existing clay cap could be documented as base liner quality clay. This was approved for the Phase 5 landfill development. Quality assurance testing, as documented in a Work Plan to be submitted to the MPCA prior to cell construction (cover soils stripping), would be completed on the clay cap to determine whether the clay will meet base liner quality standards including maximum permeability of 1×10^{-7} cm/sec, liquid limit of 25 to 50, plastic index limit > 12 , and percent fines passing #200 sieve > 50 percent.

Over a portion of proposed Phase 6A in the southeast corner of the site, the proposed expansion area is final covered with a 12-inch layer of cover soil, 12-inch sand drainage layer, and 40-mil synthetic geomembrane. In developing this Phase 6A area, the top 12-inch soil cover layer will be removed and stockpiled for utilization as part of final cover on other disposal areas at the site. The 12-inch sand drainage layer and 40-mil geomembrane will be left to serve as a protective layer. The 12 inches of material left in-place over the synthetic membrane will help ensure that the membrane is not damaged.

Use of low-ground-pressure tracked dozers will be employed and downslope movement will be prohibited. The final cover topsoil and cover layers will only be removed as the filling proceeds, thus limiting open area to a small section. Non-contact surface water from the upper slopes will be diverted away from the fill areas by the use of temporary berms as needed.

2.7 BASE GRADES

2.7.1 Design

Base grade is defined as the top of the liner surface. The base grades for the currently permitted MSW facility have been designed to maximize site life, and yet minimize environmental impacts. The grades range from 33 percent on the internal sideslopes (3 horizontal to 1 vertical) to a minimum of 3 percent on the base, with leachate flow being directed to collection sumps within each phase.

The base grades for the Phase 6 expansion design will be set by the current grade on the overfill areas but will be no less than 3 percent and no greater than 20 percent, with the exception of the 3:1 containment berm slope. A containment berm will be constructed around the perimeter of the existing landfill to contain the overfill waste area (Phase 6) and provide for leachate collection.

2.8 LINER DESIGN

The liner system for MSW disposal areas, according to MPCA solid waste rules, must be designed to have a minimum collection efficiency of 95 percent. In addition, the liner system in combination with the final cover must have a minimum collection efficiency of 98.5 percent.

The approved liner system designs for the existing and remaining landfill development vary for the different areas of the site depending upon the existing liner system in-place below the vertical expansion. The proposed liner designs are as follows:

1. The western fill area or what basically constitutes Phase 4 development has been constructed with a composite liner consisting of one 60-mil (0.060 inch) high density polyethylene (HDPE) liner, overlying a 2-foot compacted clay liner. The clay liner has a maximum permeability of 1×10^{-7} cm/sec, and was compacted to a minimum of 95 percent Standard Proctor Dry Density, with a moisture content 0 to 5 percent wet of optimum moisture content.
2. The Central Fill Area or the valley between Phases 1, 2, and 3 and Phase 4 development is generally on virgin ground and a composite liner is currently permitted for this area. The composite liner is the same design as presented above and what is currently being utilized in Phase 4, & Phases 5A through 5 E and permitted for 5F.
3. The southeast fill area is the portion of Phase 3 landfill development which has received final cover with a 40-mil flexible membrane liner. The permitted liner design for overfill in this area is one 60- mil HDPE liner, overlying a geosynthetic clay liner

(GCL). A technical reference paper published by CETCO titled "GCL Compatibility with MSW Leachate" was previously provided to the City and MPCA. The technical paper indicates that MSW Leachate has minimal negative impact on the hydraulic conductivity of the GCL. The technical paper is provided in Appendix D as part of the geotechnical information.

4. The majority of the Phase 6 expansion area is over Phases 1 and 2 which were constructed without an engineered liner. The permitted liner design for overfill in this area and for that being proposed for this expansion is one 60- mil HDPE liner, overlying a GCL. Also, PBL will utilize the existing 2-foot clay cap as part of the base liner system for this area and not incorporate a GCL should the existing 2-foot clay cap be shown to meet base liner quality clay standards.

The HELP Model calculations for the above liner designs were prepared as part of the previous MPCA permit application process and verify that these liner designs have an efficiency approaching 100 percent, which is exceeding MPCA rule requirements. The potential for the HDPE membrane to be punctured by a particle from the sand drainage layer was also evaluated. The factor of safety from puncture by this mechanism was shown to be 1.5.

Geotechnical calculations presented in Appendix D demonstrate that the liner system will not be adversely affected by settlement of the underlying waste due to the combined effects of biodegradation and physical creep. The post settlement grade on the slopes analyzed will be greater than or equal to 3%, at the end of the site life and subsequent post closure care period (a total of 45 years), which is consistent with the HELP modeling predictions of leachate head buildup.

2.9 LEACHATE COLLECTION SYSTEM

2.9.1 Introduction

The leachate collection system for the 3:1 overfill buildout is designed to collect and convey leachate from the overfill area to one of 6 leachate collection sumps located as shown on the drawings. The leachate collection sumps are created by excavating low points in the designated areas between the proposed perimeter berm and the existing landfill to serve as containment for the proposed 3:1 overfill area. The containment berm will be constructed so that the alignment creates a trench slope along the inside toe that directs leachate to the respective sumps. The trench area will be filled with coarse aggregate and a perforated leachate collection pipe will direct leachate to the sumps. Each sump will hold approximately 4,000 gallons of leachate.

Leachate collected in the sumps will then be pumped via a submersible sideslope riser pump to the existing forcemain that encircles the perimeter of the landfill. Each sump incorporates a sideslope riser to eliminate penetration of the liner. A submersible pump capable of pumping approximately 80 to 120 gpm of leachate will be installed at the bottom of each sideslope riser. The leachate pumps to be selected at the time of construction will maintain less than 12-inches of head over the liner during regular operations. Leachate from the sumps will continue to be pumped to the leachate tanks through the existing double-wall, HDPE forcemain, which has been buried at a minimum 5-foot depth to prevent freezing.

Currently, the site is served by two above ground steel leachate storage tanks as follows:

- ▲ One 101,000-gallon tank in southern portion of site near office building;
- ▲ One 80,000-gallon tank in southern portion of site near office building.

From the storage tanks, tanker trucks transport the leachate to the MCES wastewater treatment plant in St. Paul. The storage tanks have provided adequate storage capacity in the past and are anticipated to serve the site's needs moving forward. This is mainly because construction of Phase 6 will be accompanied with final closure of areas in Phases 4 and 5 that are anticipated to be completed in upcoming years, which will result in a reduction in leachate generation at the site.

Historical leachate collection data is presented below.

Year	Leachate Collection Volumes (Gallons)
2016	8,260,197
2015	7,698,668
2014	8,372,828
2013	7,820,987
2012	6,642,340
2011	9,670,009
2010	7,610,212
2009	5,148,812
2008	7,540,650

Based on the data, it is reasonable to estimate that the leachate generation will continue to be about 8 to 9 million gallons per year in upcoming years as PBL plans to final close portions of the landfill as soon as final grade is reached and open areas should remain approximately the same as current. The real variability is a function of seasonal precipitation and the amount of open landfill surface area, rather than total landfill area.

2.9.2 Drainage Layer System

The HDPE liner will be overlain by 12 inches of granular drainage layer material. In compliance with the MPCA Solid Waste Rules, the permeability of the drainage layer is specified to be 1×10^{-3} cm/sec, or greater. On all sideslopes steeper than 10 percent, a textured HDPE membrane will be utilized to improve stability of the geomembrane/clay interface, geomembrane/drainage layer interface and the geomembrane/GCL interface.

The granular drainage layer will collect leachate and provide drainage along the liner to the leachate collection trench. Coarse aggregate (5/8 inch to 1 inch) will be embedded around the collection pipes to protect them from damage and provide increased flow performance. An intermediate filter aggregate will overlie the coarse aggregate. The granular drainage layer also will function as a protective layer to prevent equipment from damaging the HDPE liner. The potential for the HDPE membrane to be punctured by a particle from the pipe bedding material was evaluated. These calculations were previously completed and the factor of safety from puncture by this mechanism (coarse aggregate) was shown to be 1.5.

2.9.3 Collection Pipes

Construction of the leachate collection trench begins with the placement of a geotextile in the pipe trenches above the HDPE liner. A layer of coarse aggregate 3 inches thick will be placed in the trench, and the pipe will be placed and aligned. The remaining coarse aggregate will be placed after the pipe is fully installed. Graded filter aggregate 12 inches thick, will be placed over the coarse aggregate to provide a filter from the overlying granular drainage layer. This filter will help stop migration of particles that might otherwise clog the collection pipe. The granular drainage layer material will then be placed over the trench. Special care will be taken to properly align the pipes, according to the invert elevations and locations. The perforations will be oriented to be on bottom.

The collection pipes will be 6-inch diameter, perforated, Standard Dimension Ratio (SDR) 11, HDPE pipe. Pipe strength calculations were previously completed for the Phase 5 vertical expansion and the pipe deflection due to maximum loading by waste is determined to be less than 5 percent. Failure due to buckling or wall crushing was also evaluated and safety factors were shown to be 11.6 and 6.8, respectively. The Phase 6 expansion area will not have any fill depths and maximum loading conditions greater than those used in the above calculations.

Since the proposed Phase 6 leachate collection piping will be placed over existing waste, there is potential for settlement caused by loading of waste. Calculations were performed for the anticipated settlement of the proposed Phase 6 piping to assure that at least 1% slope (post-settlement) would remain. Settlement calculations are presented in Appendix D.

The design of the leachate piping system, including all locations of collection pipes is shown on the leachate piping plan. Access to the leachate collection pipes for maintenance will be provided by cleanout risers, which will extend up the sideslopes (see Plan Drawings for details on the extensions). Cleanouts and sweeps have been provided in the design of the leachate collection system to allow for jetting of the pipes. Maximum lengths of the

collection system are approximately 1,000 feet. Currently, sewer cleaning equipment is capable of jetting lengths in excess of 1,200 feet at PBL.

Calculations presented in Appendix D demonstrate that the leachate collection piping will not be adversely affected by settlement of the underlying waste due to the combined effects of biodegradation and physical creep. The post settlement slopes for each 100-foot-long segment of leachate collection pipe will be greater than or equal to 1% at the end of the site life and subsequent post closure care period (a total of 45 years).

2.9.4 Leachate Sump, Head Build-Up, and Removal

As previously described, there is a significant amount of historical leachate collection data for this site. This historical data shows that, approximately 8 to 9 million gallons of leachate will likely be generated and collected per year while this site is in operation.

For the proposed overfill area, leachate sumps will be created by the intersection of the proposed perimeter berm and the existing final cover. Approximately 4,000 gallons of leachate can be contained in the leachate sumps, which are designed to be 2 feet deep and assuming the porosity of coarse aggregate to be 0.4. During regular operations, leachate head will be maintained at 12 inches or less over the sump area by setting the start/stop limits of the leachate pump to reflect these elevations. The pumps will pump the leachate to one of the two existing leachate tanks via the existing forcemain.

Leachate can be controlled during initial filling of the overfill area by limiting the area constructed and by diverting surface water, prior to contact with the waste, to the surface water downslope structures if possible or directly off the waste footprint. However, in the event of an extreme rainfall event during the filling of an overfill phase, the following scenario was analyzed:

Assuming an open area of 20 acres (approximate size of one Cell of Phase 6 expansion) draining to the area between the proposed perimeter berm and existing landfill final cover, an approximate 8.5-inch rainfall could be contained within the leachate collection trench area while maintaining a foot of freeboard below the top of the perimeter berm. This analysis is conservative for the following reason:

- ▲ No waste was considered in any of the open 20 acres
- ▲ An 8.5-inch rainfall exceeds even the 100-year event in this location
- ▲ PBL intends to limit the open area of the Phase 6 expansion to less than 20 acres and use operational berms to the extent possible to minimize the leachate that needs to be managed.

2.9.5 Leachate Leak Detection

With regards to a leak detection system (lysimeter) installed beneath the low point of the Phase 6 fill area, MPCA Solid Waste Rules part 7035.2815, subp. 9 states:

A. The owner or operator must install the detection system at the lowest elevation of the fill area and throughout the fill area, as necessary, to monitor

leachate build-up and for use as a part of the collection system. The detection system must be capable of monitoring leachate build-up in the fill area and consist of collection lysimeters and standpipes capable of monitoring, detecting, and collecting leachate movement through the liner. The detection system must consist of materials compatible with the leachate. The commissioner may approve a detection system without collection lysimeters or standpipes provided the owner or operator shows either to be unnecessary based on the liner system, subsurface soil conditions, ground and surface water flow patterns, depth to ground water, and the amount of leachate generated. The detection system must be designed and constructed to monitor the effectiveness of the leachate storage area.

For the proposed Phase 6 development, which includes an enhanced liner system in the sump areas (60 mil, GCL, 2 feet of clay), PBL is proposing to commit to liner leak location testing following each phase of liner system construction in lieu of lysimeters. Historically, PBL sees little to no liquid and no detection of leachate indicator parameters in their current lysimeters. PBL is committing to providing enhanced design and construction activities for this overfill development; above and beyond what has been performed in the past for their liner system that is showing no indication of loss of integrity. PBL is aware that the MPCA has approved the elimination of lysimeters in other composite lined facilities.

2.9.6 Dual Extraction System

The leachate dual extraction system at the Pine Bend Sanitary Landfill in Inver Grove Heights, Minnesota was installed in 2002 to collect leachate from the unlined portion of the fill area. Forty-six (46) existing gas extraction wells were reconfigured to allow for dual use for landfill gas and leachate recovery. Because this portion is unlined, successful leachate extraction is vital in source control of the groundwater and in reducing leachate from the closed portion of the landfill mound. An evaluation of the system shows a continued reduction in leachate levels from 2002 to the present during the time the system has been on-line. Currently, twenty-six (26) extraction wells are equipped with leachate extraction pumps and are operating as dual leachate extraction wells. The number of dual extraction wells is down to twenty-six (26) due to nineteen (19) extraction wells being taken off-line for Phase 5 landfill construction and one well rendered ineffective as the pump silted in.

The Grundfos Redi-Flo 3 pumps installed in the dual extraction wells are equipped with an onboard electronic motor that records pump starts and stops, hours of operation, and speed of the pump along with several other operating features. This information is stored in the pump motor and viewed on a CU300, a motor-controlled equipment monitor at each individual well. Each well is also equipped with a bubbler tube and reference port for liquid level measurements. A Wenck Associates, Inc. (Wenck) field technician is regularly staffed on-site to monitor the function of the leachate pumps, the condensate sumps, and storage tanks; collect data on liquid level in the wells; collect data from the CU300 units; conduct maintenance and cleaning activities on the wells; and resolve any emergency situations that may jeopardize the efficiency of the leachate extraction system. Data is collected from the CU300 units and bubbler tubes on a bi-weekly basis and is used to aid in assessing proper operation, any changes occurring within the wells, and the overall productivity of the leachate extraction system.

Based on experience with maintaining the dual extraction system in the Phase 5 overfill area, the installation or removal of pumps for maintenance or the converting of other gas wells to dual extraction wells is very difficult, if not impossible, due to the age of the gas wells and expected deformities over time. In the past, pumps have been pulled from the wells for general maintenance and cleaning and in some cases, the pumps are not able to be returned to their original position. To address this concern, as well as the potential to add additional wells to the dual extraction system, PBL installed four pumping stations prior to Cell 5C construction in 2010. The pumping stations were constructed with 10-inch riser pipes rather than the 6 to 8-inch wells typically installed at landfills. This was done to more easily allow for the removal and reinstallation of pumps over time. PBL installed pumps in two of the pumping stations, PS-1 and PS-2 in October of 2013. The two pumping stations were electrically connected and the forcemain was connected to the existing forcemain installed adjacent to PS-1. Pumping stations PS-3 and PS-4 will be turned into active pumping stations once final waste elevations are achieved in those areas.

Due to the above experience, PBL is proposing to install seven (7) additional pumping stations throughout the Phase 6 3:1 build-out area. The pumping stations will be installed in the same manner as those in the Phase 5 overfill area and will help maintain access for removing leachate from the old unlined Phase 1 and 2 fill areas at the site. The locations and construction details for the proposed pumping stations are provided in the Plan Drawings. The proposed depths of the pumping stations were based on not penetrating through the bottom of the waste in the unlined landfill area. The bottom of waste in the unlined areas was determined using boring records from the installation of the gas extraction wells in this area.

The bottom of waste is shown on the cross-sections and this information was used to determine the depth of the pumping stations. The locations were based on evaluating the pumping volumes from existing dual extraction wells in the area. The proposed pumping stations are located near areas where relatively higher volumes of leachate are currently being removed.

2.10 FINAL COVER

2.10.1 Design Overview

The final cover is designed to contain or divert precipitation from filled areas of the site. The efficiency of the cover system is defined as the amount of precipitation that is rejected or contained in the cover system, and must be at least 90 percent (Minnesota Rules Part 7035.2815 Subp. 6.D.(2)). The previously completed HELP model calculations show the cover system design efficiency approaches 100 percent.

One of the design features of the proposed expansion is to continue the 3:1 benched final cover slope around the entire perimeter of the existing landfill. This design provides for increased capacity without increasing site footprint or elevation. In addition, the design has been shown to be stable and very efficient at surface water management. The MPCA guidance document for 3:1 final cover systems was utilized in completing the design for PBL.

As shown on the plan sheets, benched sideslope final cover system will be constructed on all areas that are covered at a 3:1 slope. A benched system will be stable, efficient, and maintainable. The benches are 12 feet wide to incorporate access roads and surface water management. The benches are sloped at 12.5 to 16.6 percent into the sideslopes with a long axis grade of 3 to 5 percent. The final cover sideslopes will be 33 percent for a maximum length of 40 vertical feet and a flow distance of 120 feet. The majority of the final cover area will be at a three percent grade.

The final cover barrier layer will consist of a 40-mil LLDPE liner, or equivalent. For increased stability, all final cover slopes will utilize a textured liner material. A synthetic geonet drainage layer with geotextile bonded on both sides (geocomposite) will overlie the liner.

The cover material will consist of 24 inches of cover soil and/or topsoil. The upper 6 inches will be topsoil capable of sustaining vegetation. The final cover topsoil layer will be mulched and seeded with shallow-rooted, drought-tolerant grasses.

A cross section of the final cover system (from top to bottom) is provided below.

- ▲ 6 inches Topsoil
- ▲ 18 inches Cover Soil
- ▲ Geonet geocomposite
- ▲ 40-mil LLDPE Geomembrane
- ▲ 6 inches Smoothing or Buffer Layer

Slopes on the final cover of the facility will be constructed at up to 33 percent grade. The final cover then peaks at a 3 percent grade to a maximum elevation of 1,018 feet.

2.10.2 Final Cover Grades

2.10.2.1 Slope Stability

The stability of the landfill was evaluated for both a circular failure within the waste mass and for a block-slide type failure along the interfaces within the existing final cover system and the proposed base liner system.

Detailed explanation of the methodology and assumptions is presented in Appendix D and the results are summarized below.

Analysis	Factor of Safety
Circular Failure Within Waste Mass	2.37
Block Failure Along Existing Final Cover/Proposed Base Liner System	Varies; 1.5 @ Interface Friction Angle of 8 Degrees

The sensitivity of the analysis with respect to the interface strength along the existing final cover system/proposed base liner interface (and all components therein) was also evaluated. A sensitivity analysis completed as part of the geotechnical calculations provided to the City in comment/response correspondence shows that the minimum interface friction

angle required in any of the various material interfaces is 8 degrees. Given the various materials proposed for the liner system and materials in place for the existing cover system (whether geomembrane or clay was used as the barrier layer component), an interface friction angle of greater than 8 would be expected. Again, this analysis is conservative in that it neglects any adhesion that would occur along each interface.

2.10.2.2 Veneer Cover Stability

Benches will be incorporated at intervals of 40 vertical feet or 120 feet flow distance. The benches are 12 feet wide and are designed for use as access roads with surface water control on the inboard side. Benching provides for a buttressing effect at the toe for each 40 vertical feet of slope. This buttressing effect contributes greatly to the stability of the veneered cover system. Each bench will also serve as an anchor for the geosynthetic materials. This anchoring effect was neglected (conservative) in slope analysis. The final cover design includes the use of textured LLDPE geomembrane and a synthetic geocomposite drainage layer. This combination of features greatly enhances removal of infiltrated surface water while providing a high friction angle and resulting stability in the final cover components.

Overlying the drainage media is a 24-inch layer of cover soils/topsoil. This layer, once vegetated, provides significant moisture holding and evapotranspiration capability, which also enhances overall final cover performance.

An analysis of the veneer stability of the final cover system was previously performed during the phase 5 expansion permitting and demonstrated that the stability of the final cover design will meet the design safety factor criteria of 1.5. The proposed final cover profile is consistent with what was proposed in that permitting document, so no additional analysis is warranted.

2.10.2.3 Final Cover Access

The proposed benches provide for more designed access roadway surface than typically provided on landfill covers. The larger amount of final cover access roadway results in better access to the final cover, surface water control features, and many of the landfill gas well heads for operation, maintenance, and inspection. Landfill gas wellheads are placed for easy access from the benches (access roads).

2.10.3 Surface Water Management

The surface water system has been designed to manage a 100-year, 24-hour storm event of 7.45 inches (MSE-3 distribution). The system consists of benches, catch basins, drainage piping, downslope structures, junction vaults, and sedimentation ponds.

The 3:1 benched design provides improved performance in surface water management. The details of this and components of the surface water management system are discussed in the following sections. Surface water management calculations and model are provided in Appendix E.

2.10.3.1 Peak Run-off

HydroCAD 10.00 was the model used to determine the maximum discharge from the final cover system to each of the stormwater management ponds. Peak runoff was estimated using calculated composite CNs for each subwatershed assuming that a portion of the final cover would be in the newly graded condition (30%) and the remainder would be in a fair grass cover condition (70%). These percentages are representative of the proposed construction phasing since the entire final cover area will not be in the newly graded condition at the same time. To address concerns raised by the City during comment response correspondence, CNs for the steeper sideslopes were assigned assuming an HSG C soil group. CNs for the other final cover areas are based on HSG B soils. Time of concentration (Tc) for each subwatershed was calculated in HydroCAD by entering the respective land cover, flowpath length, and slope for each area.

2.10.3.2 Bench and Drainage Swale Design

Benches, constructed on all 3:1 slopes, are 12 feet wide, and are sloped into the final cover. The benches are placed to intercept and direct flow, as well as minimize erosion. The drainage channel at the interior of the bench was designed with the following characteristics:

Height= 22" (typical)
Slope= 3% to 5% (typical)
Manning "n" value= 0.035

The drainage benches were designed to handle the flow for each subarea and are spaced 40' vertically around the perimeter of the landfill. The peak flow depth will not exceed the depth of the bench. Benches will have erosion control matting installed to protect against erosion until vegetation is established.

In response to a comment received from the MPCA regarding maintenance of 1% drainage swales on the final cover design at PBL, the swales were removed from the upper 3% final cover and additional erosion control matting was added at the change in grade from the top 3% to the 3:1 sideslope; this change was approved by the MPCA.

2.10.3.3 Downslope Structures

Each bench discharges into one of six cable concrete lined downslope structures located around the perimeter of the site. Two of these structures are part of the currently permitted design. The four additional structures are located on the NW, NE, east, and SE sides of the proposed final cover area. Each downslope structure is a trapezoidal channel with design characteristics summarized below:

Depth = 2.0' (typical)
Bottom width = 9 feet
Manning "n" value= 0.040

Each channel was sized based on the HydroCAD modeling. Calculations for channels lined with cable concrete were performed in 2011 for the downslope structures installed during closure construction are provided in Appendix E. Based on the information received from the manufacturer at that time, the maximum velocity for cable concrete using the CC 45 cable concrete block system is 17 ft/sec. The maximum velocity modeled for the 100- year, 24-hour storm event is ~15 feet per second in the proposed channels. Also, the cable concrete material installed in 2011 is acceptable for use for a flow of 231 cfs and a shear stress of 14.8 psf. The proposed channels modeled have a maximum flow of 163 cfs and a maximum shear stress of 14 psf. The use of the CC45 cable concrete for the proposed channels is supported based on the supporting calculations from the manufacturer which have been previously provided to the City.

2.10.3.4 Junction Vaults

The downslope piping systems in the southwest and northeast corners of the currently permitted design discharge to concrete junction vaults. In the junction vaults, flow is combined to a single pipe that outlets to the existing railroad crossing culverts, a 48-inch RCP on the southwest and a 96-inch RCP on the northwest.

2.10.3.5 Sedimentation Ponds

Surface water from the proposed Phase 6 3:1 build-out final cover area is also directed to existing sedimentation ponds. Discharge to the existing east pond (6P) is directed through an existing low area into a set of culverts beneath the railroad tracks prior to final outfall. There is currently one 36-inch culvert in place beneath the tracks. To accommodate additional stormwater flows per the design, two additional 36-inch culverts will be installed in this area. It should be noted that this will require installation by horizontal drilling methods due to the adjacent railroad tracks. Below is a summary of the ponds:

Pond	100-yr 24 hr storm runoff volume (ac-ft)	Total available storage above the April 14, 2015 aerial survey water level (ac-ft)
Existing East Pond (6P)	14.1	36.5
Existing Northeast Pond (4P)	22.0	31.2
Existing Northwest Pond (3P)	14.2	22.2

The ponds were designed to serve as infiltration ponds. The sandy soils at the landfill are conducive to infiltration. A universal soil loss equation was completed and provided in Appendix E. The soil lost and transported to the ponds is shown below:

Pond	Drainage Area (Acres)	Soil Loss/Sediment Accumulation (Cubic Yards/Year)	Total Pond Volume (Cubic Yards)	Annual Pond Volume Consumed by Sediment (%)
Northeast	54.6	66	40803	0.2%
East	35.4	42	40029	0.1%
Northwest	34.7	42	33805	0.1%

A Pond Maintenance Plan was also completed in March 2017 and has been incorporated into the Operations and Maintenance Plan presented in the August 2015 MPCA Permit Application and details the loss of pond volume due to sedimentation.

During the MPCA permitting process, the City requested a calculation that would account for water volume reaching the ponds via surface runoff and via the underdrain system. The calculation was completed as part of a response to the City and is provided below.

Previously completed HELP modeling indicates that the peak daily flow rate in the closed condition through the geonet layer is approximately 1,443 CF/acre. Based on this flow rate and the drainage area to each pond, the volume of water draining to each pond via the underdrain system was calculated. Considering this volume in addition to the surface flow as modeled using HydroCAD, each pond has sufficient storage capacity above the modeled HWL for the flow volume from the underdrain system. A HWL considering the additional volume was also calculated using the surface area of the modeled HWL. Calculations are tabulated below:

Pond	Drainage Area (acres)	Peak Daily Flow (CF) to Pond ⁽¹⁾	HWL Elev. ⁽²⁾	HWL Surface Area (SF) ⁽²⁾	Top of Pond Elev.	Volume Above HWL (CF)	Approx. HWL Including Underdrain Volume ⁽³⁾
4P (Exist. NE Sed Pond)	55	78,775	889.0	204,189	892	384,598	889.4
6P (Exist. E Sed Pond)	35	51,048	887.5	83,699	896	973,323	888.1
3P (Exist. NW Sed Pond)	35	50,017	869.6	70,650	874	330,467	870.3

(1) From previously completed HELP modeling.

(2) From 100-yr HydroCAD model.

(3) Calculated based on the 100-yr HydroCAD model HWL surface area.

2.11 LANDFILL GAS MANAGEMENT

2.11.1 Background

The EPA and MPCA require that landfill gas (LFG) generated at MSW landfills be controlled. This control requirement is to achieve two objectives. First, the methane component of LFG is combustible in the concentration range of 5 to 15 percent by volume in air. Five percent is

considered the lower explosive limit or LEL and 15 percent is considered the upper explosive limit or UEL. Consequently, migration and concentration of methane into enclosed spaces could result in an explosive atmosphere. Therefore, Minnesota Rule 7035.2815 Subp. 11 requires that the concentration of any explosive gas not exceed the LEL at the property boundary or 25 percent of the LEL in or around facility structures. PBL has an MPCA-approved gas collection and monitoring system to address concerns with migration of combustible gas.

The second objective in controlling LFG is for maintenance of air quality standards. In March of 1996, the EPA promulgated air emissions regulations for large new and existing MSW landfills. These are the New Source Performance Standards and Emission Guidelines (NSPS). Under these regulations, affected facilities that emit more than 34 megagrams per year (Mg/yr) of non-methane organic compounds (NMOC) must install controls. The installed controls must be capable of reducing the NMOC in the collected LFG by at least 98 percent by weight. PBL has been proactive in the installation of landfill gas control equipment.

PBL employs a comprehensive monitoring program for early detection of landfill gas (LFG) in on-site structures and at adjacent properties, as well as gas collection and a landfill gas to energy plant. Occupied buildings and structures located at the facility are continuously monitored using electronic monitoring devices. These devices allow for detection of concentrations of LFG well below the concentrations at which the gas reaches an explosive range. Landfill gas migration from the landfill is monitored with permanent landfill gas monitoring probes around the perimeter of the facility.

2.11.2 Gas Probe Management

As stated above, PBL employs a comprehensive monitoring program for early detection of landfill gas (LFG) in on-site structures and at adjacent properties, as well as gas collection and a landfill gas to energy plant. Minnesota Rule 7035.2815 Subp.11 also requires that occupied buildings and structures located at the facility are continuously monitored using electronic monitoring devices. These devices allow for detection of concentrations of LFG well below the concentrations at which the gas reaches an explosive range. Landfill gas migration from the landfill is monitored with permanent landfill gas monitoring probes around the perimeter of the facility. These probes are monitored in accordance with the Gas Management and Monitoring Plan which is included in the Facility Operations and Maintenance Plan.

Currently, PBL has been working with the MPCA and the City of Inver Grove Heights to address gas migration concerns. PBL recently completed a gas migration investigation at the site and the August 2017 Gas Migration Remodel Action Report has been provided under separate cover to the City.

2.11.3 Future Gas System Installation

The Pine Bend Landfill gas extraction system will be augmented in the Phase 6 area to include a horizontal gas collector system as well as the installation of six (6) new pumping stations. Although the pumping stations primary purpose is to remove leachate from the

unlined landfill area, they may also be retrofitted to serve as dual extraction wells and also provide for landfill gas collection. Lateral subheader piping (8-inch HDPE) will be connected to the existing header piping system to provide vacuum to the new horizontal gas collection system. Horizontal collector piping (6-inch HDPE) will be installed as shown on the plans. The proposed system has been designed to provide effective control of landfill gases in the Phase 6 expansion area upon completion of filling. Horizontal collectors will be identified as HC-XX. All new wells/horizontal collectors will be given a sequential identification number when installed. The system will be installed in phases as filling progresses with the use of temporary controls to keep the existing system active during the construction of the proposed Phase 6 expansion.

2.11.4 Existing Extraction Wells

The existing gas wells will be extended as filling progresses during Phase 6 development. This means that periodically the well head assembly will require repositioning as development dictates. This may include remotely locating the wellhead away from the filling area. It is also possible that certain wells may be extended, but temporarily taken out of service. The existing gas wells in areas where overfilling will occur will be extended vertically by fusing piping to the existing well pipe and also to the subheader connection to maintain the wellheads at 48 inches above the landfill surface during operations. The existing wellhead assembly will be removed prior to fusing the well and subheader extensions and will be reinstalled after the extension is made. A bentonite mixture will be used to seal the annular space between the outer borehole and well casing, if applicable.

It is anticipated that gas well extension process will take approximately two (2) hours per well to complete. The existing gas system is set up such that individual gas wells can be isolated from the active gas system by valves. Therefore, the entire active gas system will not need to be shut down during the extension process. Only a portion of the system will be isolated as a preventive measure against excessive oxygen intrusion during the extension work.

2.11.5 Horizontal Collectors

As previously discussed, horizontal collectors are proposed for installation in the areas of the Phase 6 expansion where the overfill waste thickness will be too shallow for practical installation of vertical extraction wells. The horizontal collectors will consist of 6-inch HDPE perforated piping and the proposed layout is shown on the Drawings. Coarse aggregate will be installed below, above, and on each side of the perforated horizontal collector piping and geotextile will be placed over the coarse aggregate. The solid piping portion of the collectors will be bed with sand. Condensate from the horizontal gas collection piping will drain to existing condensate pumps. The minimum pipe slope will be 3% to promote condensate drainage.

3.0 Operations

3.1 GENERAL OPERATIONS AND SITE SECURITY

A bound copy of a recently updated operations and maintenance plan along with the latest site evaluation reports as amended and approved and a complete set of plans will be kept in the operations office at the landfill for reference. A certified operator will be present to observe proper operation and monitoring of the facility.

The site will be maintained to provide a safe operating environment. The perimeter fencing and entrance gate will be maintained to provide security for the facility and discourage unauthorized access. The operator will lock the gates at the end of each working day and maintain the security systems on the facility buildings.

3.2 HOURS OF OPERATION

Normal operating hours for the facility are from 4:45 a.m. to 10:00 p.m. Monday through Friday, with waste received from 6:00 a.m. to 8:00 p.m., and Saturday 5:30 a.m. to 6:00 p.m., with waste received from 6:00 a.m. to 4:00 p.m. It should be noted that the landfill may be opened on Sunday should a solid waste processing facility request service on Sunday. The hours for receipt on Sunday shall be 7:00 a.m. to 2:00 p.m. with placement of daily cover until 4:00 p.m. A certified operator is on-site during the normal operating hours and during extended hours when waste is being delivered.

3.3 EMPLOYEES

As of August 2017, the facility has three MPCA-certified operators, allowing one certified operator to be present at the facility during all hours of site operation. New site personnel who will be charged with operating responsibilities generally receive formal training within the first six months of employment. All employee-training records are maintained at the facility office. Facility operators are encouraged to update their training on a biannual basis, or as necessary, to maintain MPCA certification.

The facility strives to maintain a safe work environment for the employees and customers. The Pine Bend Landfill has a mandatory safety and/or training program. Typical on-site training includes the following topics:

- ▲ Personal Protective Equipment
- ▲ Electrical Safety
- ▲ BFI Special Waste/Hazardous Waste Identification
- ▲ Random Inspection Program
- ▲ Working Face Safety
- ▲ Waste Screening/Evaluation
- ▲ Lock-out/Tag-out Program
- ▲ Hazard Communication

- ▲ Fire Extinguisher Training - Fire Prevention
- ▲ Drug and Alcohol Policy
- ▲ Storm Water Pollution Prevention Program
- ▲ Unacceptable Waste Procedures
- ▲ Exempt Industrial Waste Identification
- ▲ Bloodborne Pathogen
- ▲ Seat Belt Policy
- ▲ Safe Lifting/Back Safety
- ▲ Eye Protection
- ▲ Storm Water Management Plan
- ▲ Respirator Program/Fit Testing
- ▲ Hearing Conservation
- ▲ Winter Safety Slips-Trips-Falls
- ▲ Confined Space Entry
- ▲ Compaction Techniques
- ▲ Railroad Crossing Safety
- ▲ Heat Stress

The meetings are held monthly, or more often, to review and update current operating procedures.

3.4 EQUIPMENT

The following equipment is available on-site and is adequate for daily landfill operations.

- ▲ 836G Landfill Compactor
- ▲ 836H Landfill Compactor
- ▲ D-8T Dozer
- ▲ D-6R Dozer
- ▲ Motor Grader
- ▲ Wheel Loader 930
- ▲ Skid Steer
- ▲ 2-Farm Tractors with Mower Decks
- ▲ Water Truck

This equipment list may change at any time depending upon updated technology and the requirements of the site. All equipment is maintained on a routine basis. Equipment maintenance records are kept on-site at the landfill.

Facility equipment is adequately maintained to ensure safe operation and the ability to handle the waste as it is received. Each piece of equipment has its own maintenance schedule, depending on its level of usage. General maintenance operations are performed at the site. In-depth maintenance and repair is performed in the facility equipment building. Maintenance manuals for all equipment at the site are kept in a file in the equipment building.

A daily maintenance program includes: removing waste from radiators and checking for worn cooling system hoses and fan belts, checking hydraulic systems for worn hoses and fluid leaks, checking for fuel leaks, worn tracks or tires, etc.

Prior to operating the equipment at the beginning of each day, all water, hydraulic fluid, oil, and fuel levels are checked. An inspection of the area around the equipment is made to ensure the area is clear. The backup warning system is checked before leaving the startup area.

While equipment is operating, the machine is checked periodically for hanging or attached debris. The fuel and hydraulic systems are checked for leaks. Waste is handled in a manner, which protects the operator, as well as those at the working face.

At shutdown, the engine is allowed to cool evenly prior to shutting off. A 3-to-5-minute idle period is typical. All blades and other moveable parts are lowered to the ground, and the brakes and transmission locks set.

Records are kept of all maintenance work performed on the facility equipment. These records are kept with the equipment manuals in the maintenance building.

During the construction phase of the landfill expansion, additional equipment will be on-site to perform the actual landfill construction activities.

3.5 PROCESSING

There is no processing or open storage of MSW at the Pine Bend Landfill. However, Pine Bend Landfill does provide appliance recycling, electronics recovery, and household hazardous waste removal.

3.6 POST-CLOSURE, CONTINGENCY ACTION PLAN AND FINANCIAL ASSURANCES

Refer to the attached Appendix F for the modified closure, post-closure, and contingency action cost estimates. These cost estimates have been modified based upon comments received from the City in review of the MPCA permit application.

3.7 TOTAL FACILITY OPERATING PERMIT

The landfill is governed by a Total Facility Operating Permit (SW-45) through the MPCA with an AQD Facility ID No. 037000138.

4.0 Potential Environmental Impacts

4.1 LEACHATE

The leachate generated from the proposed expansion will be collected and conveyed from the composite liner to collection sumps in the expansion area. Leachate is removed from the sumps by pumps capable of handling the expected leachate quantities and treated off-site at the MCES St. Paul (Pigs Eye) wastewater treatment facility, which stipulates its own leachate monitoring requirements with which PBL must comply. A leak detection system will be installed beneath the low point of each sump located at the south and north ends of the proposed expansion to detect any potential leakage of leachate from the sump areas. The sump areas are where leakage would be most likely to occur, if at all, since the head buildup on the liner is the greatest at those points.

4.2 METHANE

The owner and operator of PBL, BFI Waste Systems of North America, LLC (BFI), operates an active gas collection and monitoring system at the site. The monitoring system consists of gas probes around the perimeter of the site. Per MPCA requirements, all facility gas probes are monitored; Minnesota Rule 7035.2815 Subp. 11 requires that the concentration of any explosive gas not exceed the lower explosive limit (LEL) of five percent methane at the property boundary or 25 percent of the LEL (1.25 percent methane) in or around facility structures. The gas probes that have historically shown exceedances of the LEL are monitored monthly, while other probes are monitored quarterly. Gas probe measurements are acquired using a GEM 2000 monitoring device and are performed by Fortistar, the gas developer for the landfill.

PBL employs a comprehensive monitoring program for early detection of landfill gas (LFG) in on-site structures and at adjacent properties, as well as an active gas collection and a landfill gas to energy plant. Minnesota Rule 7035.2815 Subp.11 also requires that occupied buildings and structures located at the facility are continuously monitored using electronic monitoring devices. These devices allow for detection of LFG concentrations well below the LEL. Landfill gas migration from the landfill is monitored with permanent landfill gas monitoring probes around the perimeter of the facility. Gas level readings at the gas probes on the east, south, and west sides of the PBL have historically indicated LFG concentrations above the LEL. PBL suspects that the current gas probes have been installed in close proximity to unlined areas of waste, and therefore are not providing an accurate measurement of off-site gas migration. As part of on-going landfill operations and to address comments from the MPCA and the City of Inver Grove Heights, PBL has performed various gas probe investigations to help identify the off-site migration of methane around the perimeter of the site; PBL has been actively working to address gas migration issues. The most recent investigations and actions completed at the site will be provided in a Gas Migration Remedial Action Report to be submitted under separate cover in August 2017.

4.3 NOISE

It is important to note that, as reported in the EAW prepared for the Phase 5 expansion, the expansion will alter the existing noise generation at the sites during construction activities only. The expansion will not result in an increase in truck traffic and noise during routine daily operations as to what currently exists. The following information regarding noise is as follows:

4.3.1 Landfill Equipment/Machinery Related to Waste Disposal

Noise presently generated at the site is the result of equipment used for hauling, compacting, and covering the refuse. The following machines or vehicles are operated at the site:

4.3.1.1 Landfill Machinery

Decibel (dBA) Range		Hrs/ week
Dozer	80-115	36hrs/week
Compactor 1	82-92	72hrs/week
Compactor 2	82-92	14hrs/week
Soil hauling truck	85-95	42hrs/week
Backhoe	73-80	42hrs/week

4.3.1.2 Haul Trucks

Refuse trucks hauling refuse to the site generate other noise. Approximately 200 refuse hauling trucks enter the site every day. 80 percent of these trucks are semi-trailer trucks and 20 percent are dump trucks. Such trucks are likely to generate from 85 to 95 dBA at the truck according to data furnished by the Hennepin County Department of Public Works. Traffic from these haul trucks take place from Highway 52 onto 117th Street into the south entrance of the site. All land within this reach of 117th Street is zoned industrial and no private homes or residences are presently in that area.

4.3.1.3 Nearby Sensitive Receptors

The closest resident is approximately 2,100 feet west of the landfill (east side of Rich Valley Blvd.) and 1,500 feet from the stockpile or borrow area located within the 100-acre adjacent site. This home is owned by BFI and rented out to a local resident. Topography presents a buffer between the work areas and private dwellings.

4.3.1.4 Operating Hours

Waste is received at the landfill between 6AM and 8PM, Monday through Friday, and 6AM to 4PM on Saturdays. No heavy equipment operates outside of these times unless opened on Sunday for special circumstances.

4.3.2 Landfill Equipment/Machinery Related to Cell Construction

The proposed expansion will not alter the existing noise generation typical of a cell construction project. Noise presently generated at the site for cell construction involves the following machines or vehicles:

4.3.2.1 Landfill Machinery

dba w/in 200'	Hrs/ week	Project Duration
Dozer 1	80-105	60hrs/week approx. 3-4 months
Dozer 2	80-105	60hrs/week approx. 3-4 months
Dozer 3	80-105	60hrs/week approx. 3-4 months
Scraper 1	80-115	60hrs/week approx. 3-4 months
Scraper 2	80-115	60hrs/week approx. 3-4 months
Scraper 3	80-115	0hrs/week approx. 3-4 months
Compactor 1	82-92	60hrs/week approx. 3-4 months
Loader	69-80	60hrs/week approx. 3-4 months
Soil hauling truck	85-95	60hrs/week approx. 3-4 months
Soil hauling truck	85-95	60hrs/week approx. 3-4 months
Backhoe	73-80	60hrs/week approx. 3-4 months

Data originated from a federal highway administration study published in 1973.

Noise generated by the above equipment will be mitigated by the following considerations:

- ▲ Location of haul road. The major haul road to the site is 117th Street between the gate and U.S. Highway 52 to the east. All land in this reach of 117th Street is zoned industrial and no private homes or residences are presently in that area.
- ▲ Proximity of proposed project to living areas. The proposed project site is at least 2,100 feet from the nearest private dwelling. At such distances, dBA levels should be reduced by about 28 dBA.
- ▲ Topography between work site and private dwellings. Topography features buffer the work areas. The previously closed and covered waste cells along the east side of the 220-acre parcel will serve as a buffer between work areas and neighbors to the east.
- ▲ Operating hours. Operating hours at the site for receiving waste are from 6:00 AM - 8:00 PM Monday through Friday, and 6:00 AM - 4:00 PM on Saturdays. No heavy equipment is usually operated outside of these time frames.

Construction activities will be temporary in duration. Local noise ordinances will be complied with during the construction of each cell. Construction, when feasible, would take place primarily during the less noise sensitive daylight hours to avoid impact during hours associated with sleep.

4.3.2.2 Haul Trucks

Approximately 17,000 trucks will be entering the site to haul soils during each cell construction event. Such trucks are likely to generate from 85 to 95 dBA at the truck according to data furnished by the Hennepin County Department of Public Works. This estimate would serve as an average for future cell construction projects.

4.3.2.3 Nearby Sensitive Receptors

The closest resident is approximately 2,100 feet from the landfill (east side of Rich Valley Blvd.) and 1,500 feet from the stockpile or borrow area located within the 100-acre adjacent site. This home is owned by BFI and rented out to a local resident. Topography presents a buffer between the work areas and private dwellings.

4.4 LITTER, VECTORS, AND ODOR

Unloading of all wastes will be confined to as small an area as practical, and surrounded with appropriate facilities to confine wind-blown material within the area. The litter is picked up daily as generated.

During periods of windy weather, the operators employ an appropriate variety of tactics to prevent littering. These tactics are described as follows:

- ▲ Maintain disposal area in well-screened areas.
- ▲ Place the waste at the lowest level of the fill area possible.
- ▲ Apply liberal quantities of cover soil as the cell is filled.
- ▲ Reject waste that is highly susceptible to becoming windblown.
- ▲ Police the site fences and tree lines and return all litter to the working face.

In certain extreme conditions, operations will cease. The decision for operations to cease is made at the discretion of the facility manager. Historically, the site has closed and ceased accepting waste for disposal on days of high winds that prohibit landfill personnel from controlling litter within the boundaries of the site.

Vector control is achieved through the use of daily, intermediate, and final cover. Highly putrescible wastes are covered immediately upon placement at the working face. PBL also has a contract with Plunkett's Pest Control Company to provide inspection of the buildings on a monthly basis. Plunkett's Pest Control also completes a site walkover to identify rodent harborage and baits any active areas to eliminate problem areas.

Odors at the site are currently controlled by the operation of the active gas extraction system. The proposed expansion will not alter the existing odor conditions or generation at the site.

4.5 FUGITIVE DUST

Fugitive dust control during construction operations and landfiling operations of the expansion will be controlled as is currently being done with the following landfill practices:

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- ▲ The approach road to the landfill, 117th Street, is paved.
- ▲ The main on-site road to the active fill area is paved.
- ▲ An on-site water tank truck applies water to areas subjected to dust creation.
- ▲ If dust becomes a problem, sand is spread on the unpaved roads to control dust.

4.6 SITE GEOLOGY AND GROUNDWATER

Site geology and hydrogeology has received extensive evaluation since the Facility began operations in 1971. The Facility owner installed a groundwater monitoring network in 1972 and collected more than 35 years of groundwater monitoring data.

The 2014 Annual Water Quality and Natural Attenuation Monitoring Report prepared by Groundwater and Environmental Services, Inc. ("GES") represent the most recent compilation of site hydrogeologic information available. Also, refer to the 2016 Annual Report for a more detailed discussion. Following is a brief overview of the site hydrogeology.

The uppermost aquifer underneath the site consists of the glacial deposits hydraulically connected to the Prairie du Chien Group and the Jordan bedrock formations. In the bedrock valley, also hydraulically connected to the glacial deposits is the Franconia Formation. Prairie du Chien and Jordan together comprise the major aquifer in the Twin Cities metropolitan area. The Franconia Formation can provide small amounts of water, but usually considered, along with the St. Lawrence Formation, a confining unit (Schoenberg, 1990). The Ironton and Galesville Sandstones serve as a regional aquifer above the Eau Claire formation, which acts as a major aquitard. The Mt. Simon Sandstone is considered the deepest aquifer in the area.

An extensive monitoring well network functions for water-level measurements and water quality sampling at the Facility. The water table in glacial deposits lies between 725 to 800 feet National Geodetic Vertical Datum (NGVD). Groundwater flows to the northeast with the northeast flow becoming more easterly as it approaches the bedrock valley along the northern boundary of the Facility.

The average horizontal hydraulic gradient in the uppermost aquifer was calculated to be 0.010 feet per feet. Historically, the gradient has been steeper along the eastern boundary of the Facility. Adjacent to and east of the Facility, the hydraulic gradient becomes more gradual until about U.S. Highway 52/Minnesota Highway 55 where the hydraulic gradient increases once again due to the proximity of the Mississippi River Valley.

There are no changes being proposed as part of the Phase 6 development relating to the groundwater monitoring system at the landfill.

The Project will not appropriate or consume groundwater and therefore not contribute to groundwater supply issues in the area. The Facility has an existing groundwater monitoring network in place and would continue to monitor groundwater quality. The groundwater monitoring network and program would ensure early detection of groundwater quality impacts. If the Proposer observes groundwater quality impacts during monitoring, they will work with the MPCA to develop appropriate actions to address and improve groundwater

quality under the terms of their solid waste permit. The Proposer would secure all required permits prior to implementing actions targeted at improving groundwater quality.

Additionally, the proposed vertical expansion will include appropriate lined cells to ensure capture and treatment of leachate within the landfill. These practices will minimize the potential for groundwater contamination. The existing groundwater monitoring network and sampling program will detect if leachate or other landfill constituents have entered the groundwater prior to reaching sensitive waterbodies such as the Mississippi River.

5.0 Land Use Impacts

5.1 LAND USE

The site is situated in a zoned industrial area with largely industrial neighbors; Koch Refining Company, Excel Energy, Inc., Mid-America Pipeline Company, Rich Valley (SKB Demo Landfill), etc. In addition, the closed Crosby American Demolition Landfill is located immediately north of the Pine Bend Landfill. Since the landfill has seemingly operated compatibly with neighboring sites and nearby land uses, this is not anticipated to change as a result of the proposed expansion. There are no anticipated conflicts involving environmental matters associated with the proposed expansion.

The Inver Grove Heights zoning ordinance allows for the airspace expansion of current landfills (10-13E-6) as a conditional use. Therefore, the Project is allowable on the site with a Conditional Use Permit ("CUP"). The Facility currently operates under an existing CUP and a Non-Conforming Use Certificate from the City of Inver Grove Heights. The Facility also operates under a Solid Waste Facility License from Dakota County. The Proposer will need to amend their existing CUP and Dakota County Solid Waste License for the Project.

The Project would not change the nature of the Facility. The Project will not expand the footprint of the Facility and it would continue to operation as a municipal waste landfill. Existing conditions associated with traffic, noise, dust, odor, and other issues related to Facility operations would continue, but would not change from current operations.

5.2 TRAFFIC AND HAUL ROUTES

During the construction of the proposed expansion, approximately 195 trucks per day for 3-4 months will be enter the site in addition to the normal waste truck traffic. All haul vehicles will access the site off 117th Street East, which is a paved road. Dump trucks would haul fill, liner material, and cover material during the construction period. Enclosed semi-trailers and garbage trucks would continue to be used for hauling MSW into the site.

5.3 STORMWATER/EROSION CONTROL

No adverse impacts to the receiving waters from the site's surface water runoff are anticipated. There are no immediate receiving waters at or near the landfill. Surface water discharges are, and will continue to be directed to existing sedimentation ponds. The proposed expansion is not anticipated to increase the surface run-off volume, all of which is directed to the two existing sedimentation ponds. The storm water control facilities at the landfill have been conservatively designed to handle the 100-year, 24-hour storm event of 7.48 inches.

Erosion control on the landfill cover will be controlled by the installation of benches and permanent turf reinforcement mat that will intercept the run-off and direct it to downslope

piping systems. Vegetation will be established as soon as possible on the intermediate and final covered areas of the landfill.

It is proposed that soils stockpiled during the construction of a cell will be located in the adjacent 100-acre undeveloped parcel west of the landfill. The soil stockpiles would be managed using the following methods to minimize soil erosion:

- ▲ Stockpiles will be compacted to minimize precipitation saturating the material.
- ▲ Stockpiles will be crowned and graded smooth, with side slopes no steeper than necessary.
- ▲ Stockpiles that remain in place for long periods of time will be seeded to prevent erosion.
- ▲ Drainage will be rerouted if the stockpiles are constructed in a manner that will interrupt a portion of the drainage.
- ▲ When the active face will be near the stockpile, steps will be taken to ensure surface water runoff from the stockpile does not flow onto the active disposal area.

The proposal incorporates structural and/or non-structural control measures to reduce pollutants in storm water from soil erosion. The structural control measures include the following:

- ▲ Benches
- ▲ Downslope piping system
- ▲ Junction vaults
- ▲ Sedimentation ponds
- ▲ Curbs, berms, and earthen dikes
- ▲ Velocity dissipation devices
- ▲ Rock outlet protection
- ▲ Silt fencing
- ▲ Straw bale dikes
- ▲ Subsurface drains

The non-structural control measures include the following:

- ▲ Best management practices (spill prevention, neat and orderly material storage)
- ▲ The Spill & Emergency Response Plan
- ▲ Security
- ▲ Routine visual inspections

5.4 UTILITIES

The proposed Phase 6 development will require minimal revisions to the utilities at the site. Some utilities will be removed in the final development of Phase 5.

5.5 LANDSCAPING

The Pine Bend Landfill has already constructed a network of landscaping berms and uses as much of the natural tree barriers as possible for screening around their current facility.

Since the proposed expansion does not increase the boundaries of the current landfilling operations, the existing landscaping is considered adequate.

The Facility has operated at this site since 1971. Such activities and the subsequent visual impacts related to the expansion's construction and operation will not differ from existing conditions. The current Facility permit allows for a final construction height of approximately 1,019 feet MSL. The Project designed such that the final height of the Project will match the currently permitted final height. Industrial properties surround the Facility with limited visibility from residential or scenic areas. No additional visual impacts from the proposed vertical expansion of the Facility will occur.

5.6 FIRE PROTECTION

Arrangements and coordination with the City of Inver Grove Heights police and fire services is a condition of Pine Bend Landfill's non-conforming use certificate with the City. The fire department has keys for the landfill gate.

Fire extinguishers are located on all large earth moving and waste handling equipment. They are also available in the shop and office. The vendor checks them annually. Testing verification is maintained with the facility records. The landfill has a water truck, normally used for dust control that can be used for fires. It can draw water from a water supply tank or a surface water source.

6.0 Additional Items

6.1 HOST COMMUNITY FEE

The City and Pine Bend Landfill are in negotiation for a renewal of the Host Community Agreement, which will include provisions for the proposed expansion.

Pine Bend Landfill has also entered into a new Host Fee Agreement with Dakota County in January 1, 2003. The term of the new Dakota County Host Agreement runs through December 31, 2017.

6.2 COMPLIANCE HISTORY

6.2.1 MPCA

6.2.1.1 Groundwater Contamination

BFI implemented a long-term groundwater monitoring program in accordance with the Minnesota Solid Waste Landfill Compliance Program to assess trends in water quality downgradient of the PBL. On April 23, 1985, BFI and the MPCA entered into an agreement for BFI to perform a Remedial Investigation and Feasibility Study that would: a) investigate the source, or sources, of groundwater contamination at, and near, the facility; b) assess actual and potential impacts of the releases, or threatened releases, of hazardous substances, pollutants, and contaminants from the facility on public health, welfare, and the environment; and c) identify, assess, design, develop, and implement response action alternatives. On October 23, 1990, BFI and the MPCA entered into an agreement for BFI to conduct a feasibility study; develop a plan to provide an alternative drinking water source for certain residential wells adversely affected by the release(s) from the landfill and the neighboring Crosby American Demolition Landfill; and to develop a response action plan and implement the approved response actions.

The actual and potential impacts of the releases, or threatened releases, of hazardous substances, pollutants, and contaminants from the facility on public health, welfare, and the environment were determined to be primarily Volatile Organic Compounds (VOCs) and particularly chlorinated hydrocarbons that were encountered within the landfill's groundwater monitoring network. BFI developed response action alternatives for remediation. On September 23, 1991, the MPCA approved the Updated Remedial Investigation Report for the PBL. In regard to the alternative drinking water source, PBL developed a plan, and the MPCA issued a Record of Decision in September 1991, which required the residences with affected wells to be connected to the city of Inver Grove Heights (City) water supply system. The City completed the connections supplying municipal water to the residences in December 1994. On November 21, 1994, the MPCA approved No Action Alternatives under the Superfund process for the source control and the remediation of groundwater contamination as recommended in the Updated Detailed Remedial Analysis Report.

In 2001, BFI completed a pilot study to evaluate the applicability of utilizing enhanced in-situ bioremediation as a remedial approach for mitigating VOCs in the groundwater beneath the site. The in-situ bioremediation system stimulates the growth of biological organisms in a saturated subsurface environment by introducing a supplemental food source of high

fructose corn syrup that is injected into the unlined portion of the landfill through three injection wells. The bioremediation system increases the breakdown of groundwater contaminants, which in turn decreases contaminants in the groundwater. The conclusions drawn from the twelve-quarter study revealed that the introduction of high fructose corn syrup into the groundwater has resulted in marked changes in groundwater inorganic chemistry and in a statistical reduction in the concentration of chlorinated alkenes in the groundwater. In general, VOC concentrations have decreased and continue to decrease in all wells located in the pilot study area.

To mitigate the existing groundwater contamination further, BFI proposed, in July 2002, to enhance the existing source control measures at the PBL through the installation of additional leachate collection pumps within existing landfill gas collection wells. This dual extraction well system, which was installed in October 2002, is expected to reduce leachate levels in Phase I and II and subsequently reduce the concentrations of contaminants in the groundwater.

There are no changes being proposed as part of the Phase 6 development relating to the groundwater monitoring system at the landfill. For a detailed discussion on groundwater conditions at the Pine Bend Landfill, please refer to the 2016 Annual Groundwater Monitoring Report as well as a report entitled "Update on the Effects of Natural Attenuation and Source Control Measures with Respect to Groundwater Quality at the Pine Bend Landfill" which was submitted by BFI on May 15, 2003. The City of Inver Grove Heights received a copy of this report.

The MPCA MSW solid waste permit for the proposed landfill expansion will incorporate specific conditions to ensure that the permittee implements further remedial measures to address the existing groundwater contamination.

6.2.2 County

During the course of the past few years, Pine Bend Landfill has received notifications from Dakota County of minor operational deficiencies that have been immediately corrected to the satisfaction of Dakota County.

6.2.3 City

There have been no documented compliance issues with the City of Inver Grove Heights.

6.3 STATUS OF OTHER PERMITS AND APPROVALS

The following permits are required for the project. The status of the individual permits is also listed.

Unit of Government	Permit or Approval Required	Status
A. MPCA	Solid Waste Permit (SW-45)	Application Submitted and under review.
B. MPCA	NPDES General Storm Water Permit for Industrial Activity	In Compliance.

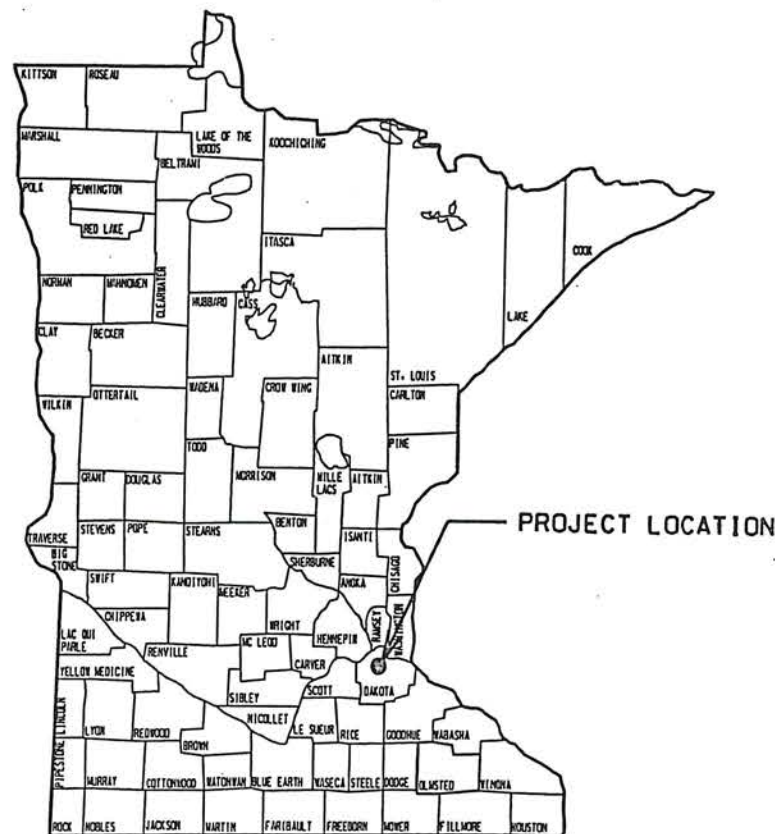
C. MPCA	NPDES General Storm Water Permit for Discharges During Construction Activity	Application to be Submitted for next construction project disturbing over 1 acre.
D. MPCA	EAW	Findings of fact issued on November 10, 2016 and negative declaration ordered.
E. MOEA	Landfill Expansion Certificate of Need	Application to be Submitted.
F. MOEA	Consistency with Metropolitan Area Solid Waste Management Policy Plan	In Compliance.
G. Metropolitan Council	Industrial Discharge Permit	In Compliance.
H. Dakota County (County)	Solid Waste Facility License Modification	In Compliance.
I. County	Community Host Agreement	Negotiations.
J. City	Zoning Ordinance Amendment and Conditional Use Permit for stockpiling soils in west 100-acre site	Approved on August 26, 2002
K. City	Non-Conforming Conditional Use Permit (#2641)	To be amended.
L. City	Host Agreement	To be amended.

2015 MAJOR PERMIT MODIFICATION
PINE BEND LANDFILL - SW 45

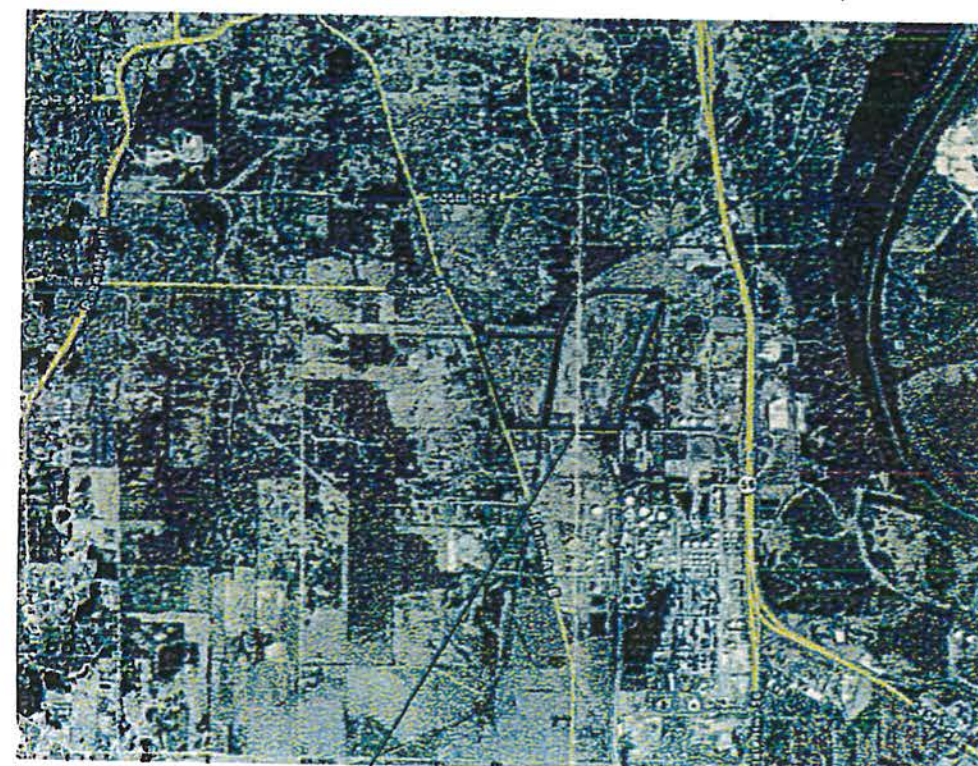
T27N, R22W, SECTION 33
INVER GROVE HEIGHTS, MINNESOTA

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- 2A. EXISTING CONDITIONS MAP (WEST SIDE)
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8. EXISTING GAS PIPING PLAN NORTH HALF
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18. CROSS-SECTION G
19. CROSS-SECTION H
20. LINER DETAILS
21. LEACHATE COLLECTION DETAILS
22. LEACHATE COLLECTION DETAILS
23. LEACHATE COLLECTION DETAILS
24. SURFACE WATER MANAGEMENT DETAILS
25. GAS SYSTEM DETAILS
26. GAS SYSTEM DETAILS
27. GAS SYSTEM DETAILS

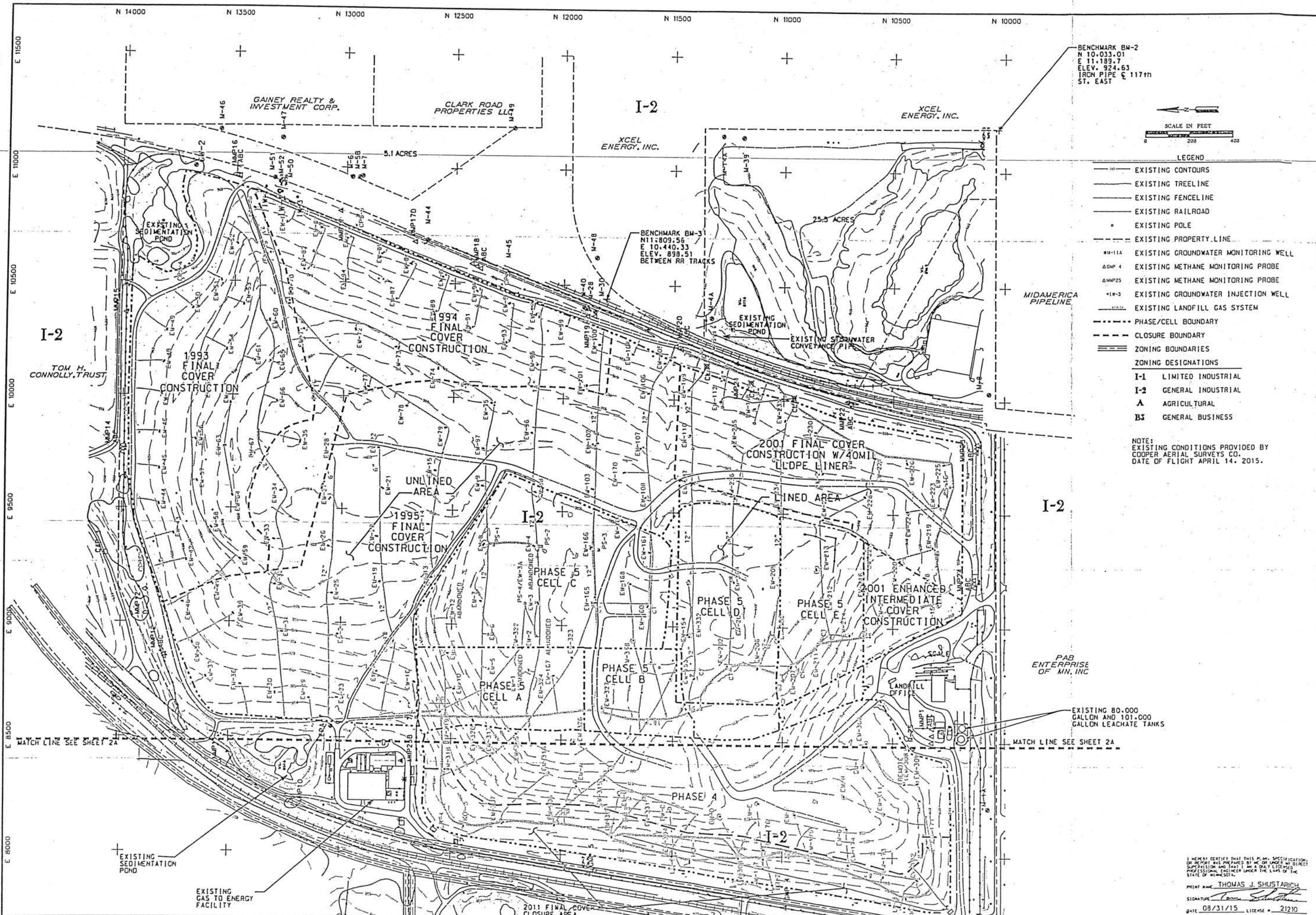


MINNESOTA STATE MAP

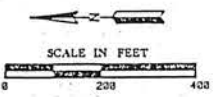


PINEBEND LANDFILL

SITE LOCATION MAP



BENCHMARK BM-2
N 10.033.01
E 11.189.7
ELEV. 924.63
IRON PIPE E 117th
ST. EAST



- LEGEND**
- EXISTING CONTOURS
 - EXISTING TREELINE
 - EXISTING FENCELINE
 - EXISTING RAILROAD
 - EXISTING POLE
 - EXISTING PROPERTY LINE
 - MW-114 EXISTING GROUNDWATER MONITORING WELL
 - MMP-4 EXISTING METHANE MONITORING PROBE
 - MMP-25 EXISTING METHANE MONITORING PROBE
 - MW-3 EXISTING GROUNDWATER INJECTION WELL
 - EXISTING LANDFILL GAS SYSTEM
 - PHASE/CELL BOUNDARY
 - CLOSURE BOUNDARY
 - ZONING BOUNDARIES
 - ZONING DESIGNATIONS**
 - I-1 LIMITED INDUSTRIAL
 - I-2 GENERAL INDUSTRIAL
 - A AGRICULTURAL
 - B3 GENERAL BUSINESS

NOTE:
EXISTING CONDITIONS PROVIDED BY
COOPER AERIAL SURVEYS CO.
DATE OF FLIGHT APRIL 14, 2015.

DATE _____

REVISIONS _____

SHEET TITLE
EXISTING CONDITIONS MAP
(EAST SIDE)

DATE: AUGUST, 2015

2015 MAJOR PERMIT MODIFICATION
BEI WASTE SYSTEMS
OF NORTH AMERICA, LLC
PINE BEND LANDFILL
INVER GROVE HEIGHTS, MINNESOTA

WENCK
ASSOCIATES

Responsive partner. Exceptional outcomes.

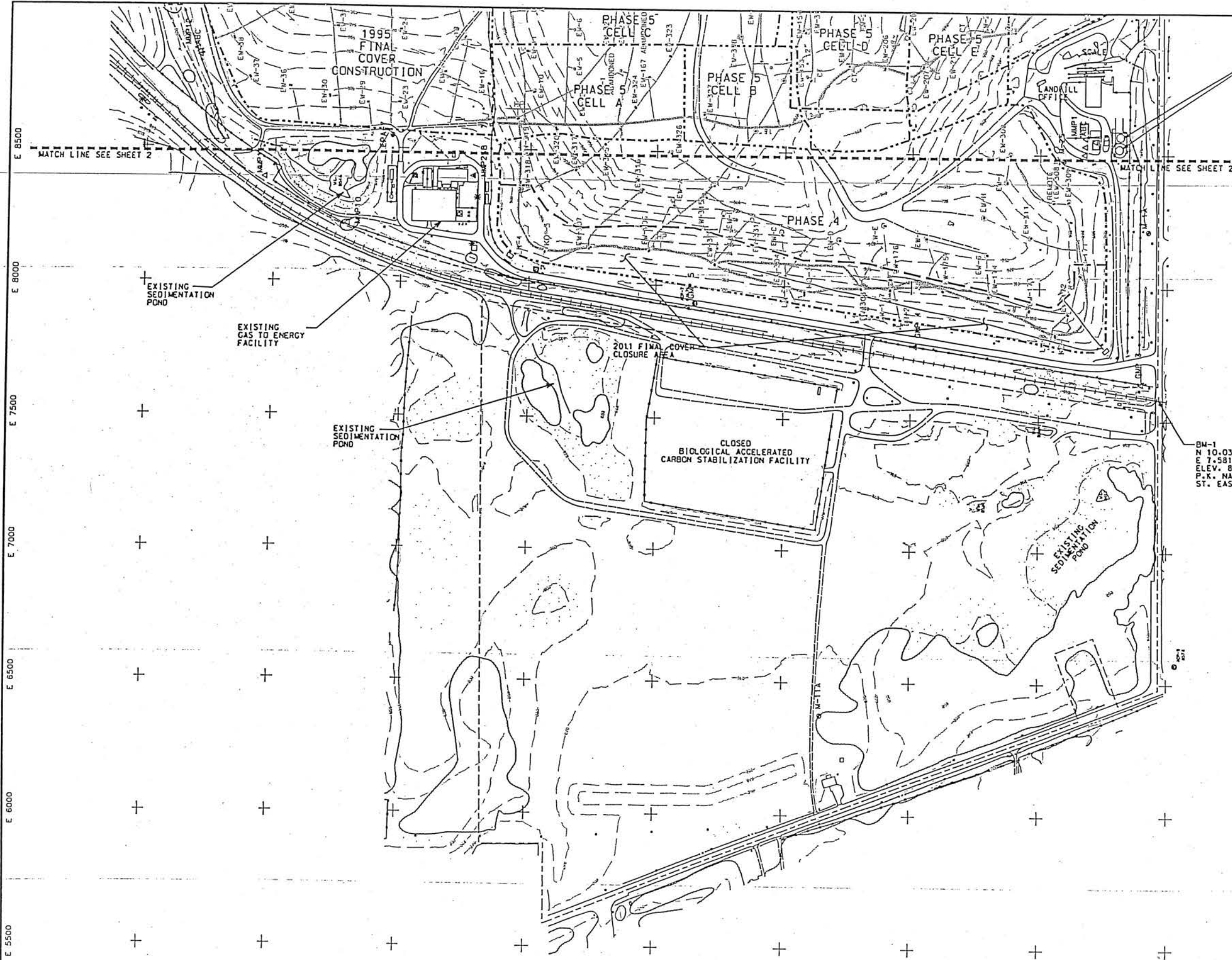
1800 PIONEER CREEK CENTER
MAPLE PLAIN, MN 55557

PHONE: 763-479-4200
FAX: 763-479-4242

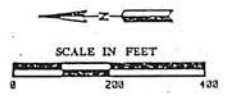
PROJECT
E:\NAJEL\0991\PNEBEND\2015 PERMIT\2015 PERMIT\0002.DGN

PRINT NAME: THOMAS J. SHUSTARICH
SIGNATURE: _____
DATE: 08/31/15 LICENSE: 21210

SHEET NO. _____



EXISTING 80,000 GALLON AND 101,000 GALLON LEACHATE TANKS



- LEGEND**
- EXISTING CONTOURS
 - EXISTING TREELINE
 - EXISTING FENCELINE
 - EXISTING RAILROAD
 - EXISTING POLE
 - - - EXISTING PROPERTY LINE
 - BM-11A EXISTING GROUNDWATER MONITORING WELL
 - Δ CMP 4 EXISTING METHANE MONITORING PROBE
 - Δ CMP 25 EXISTING METHANE MONITORING PROBE
 - I-3 EXISTING GROUNDWATER INJECTION WELL
 - EXISTING LANDFILL GAS SYSTEM
 - - - PHASE/CELL BOUNDARY
 - - - CLOSURE BOUNDARY
 - == ZONING BOUNDARIES
- ZONING DESIGNATIONS**
- I-1 LIMITED INDUSTRIAL
 - I-2 GENERAL INDUSTRIAL
 - A AGRICULTURAL
 - B3 GENERAL BUSINESS

BM-1
N 10,031.12
E 7,581.32
ELEV. 850.70
P.K. NAIL @ 117th
ST. EAST & RR TRACKS

NOTE:
EXISTING CONDITIONS PROVIDED BY
COOPER AERIAL SURVEYS CO.
DATE OF FLIGHT APRIL 14, 2015.

PROJECT: 15099/PINEBEND/2015 PERMIT/2015 PERMIT MOD2A.DGN



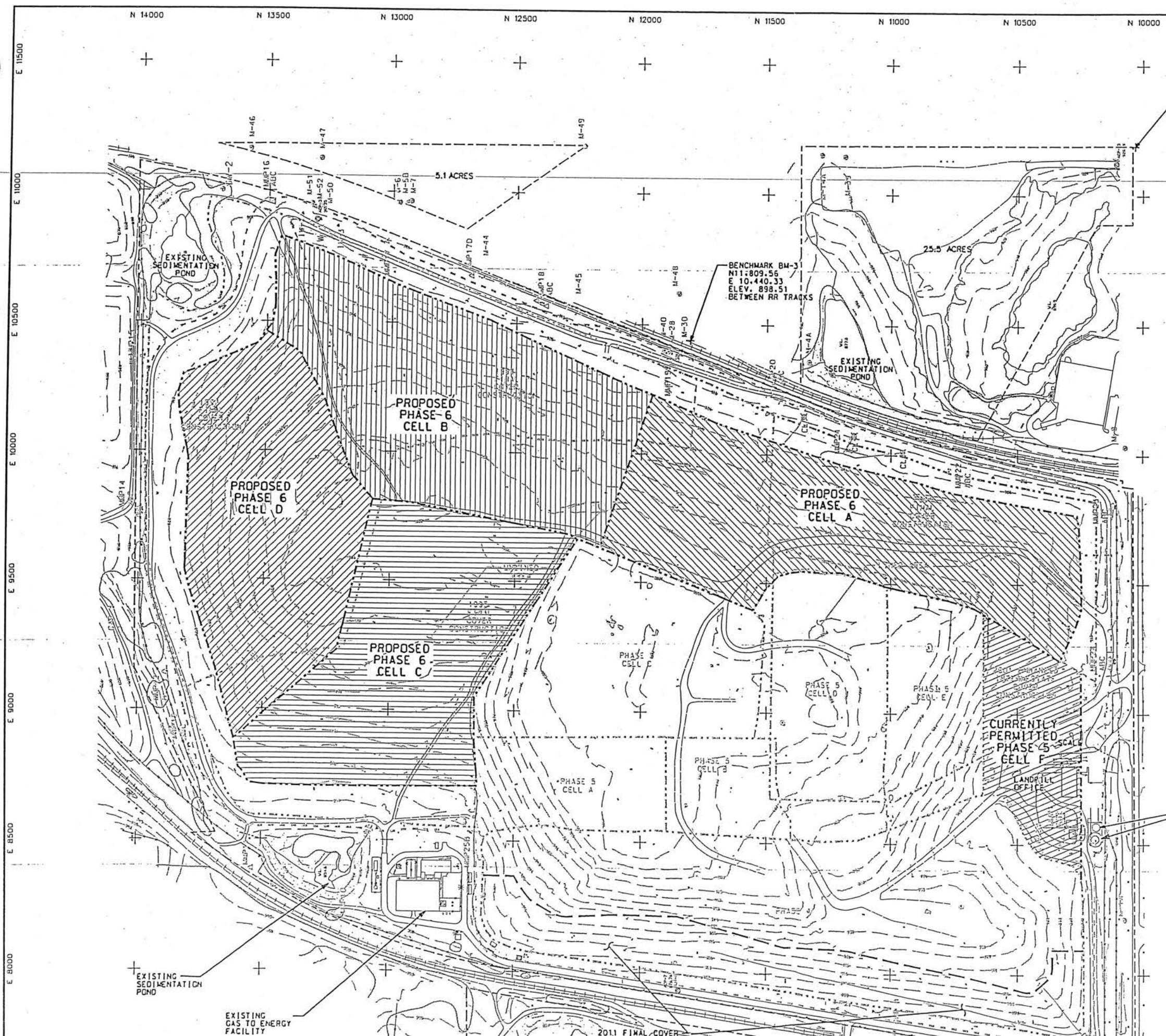
Responsive partner. Exceptional outcomes.
1800 PIONEER CREEK CENTER
MAPLE PLAIN, MN 55357
PHONE: 763-479-4200
FAX: 763-479-4242

2015 MAJOR PERMIT MODIFICATION
BFI WASTE SYSTEMS
OF NORTH AMERICA, LLC
PINE BEND LANDFILL
INVER GROVE HEIGHTS, MINNESOTA

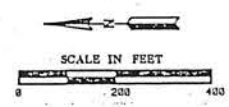
SHEET TITLE
EXISTING CONDITIONS MAP
(WEST SIDE)

DATE: _____
REVISIONS: _____
DWN: JMT CHK'D: SWH APP'D: JVS
DATE: AUGUST, 2015

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
PRINT NAME: THOMAS J. SHUSTARICH
SIGNATURE: *Thomas J. Shustarich*



BENCHMARK BM-2
N 10.033.01
E 11.189.7
ELEV. 924.63
IRON PIPE 117in
ST. EAST



- LEGEND
- EXISTING CONTOURS
 - EXISTING TREELINE
 - EXISTING FENCELINE
 - EXISTING RAILROAD
 - EXISTING POLE
 - EXISTING PROPERTY LINE
 - EXISTING GROUNDWATER MONITORING WELL
 - EXISTING METHANE MONITORING PROBE
 - EXISTING METHANE MONITORING PROBE
 - EXISTING GROUNDWATER INJECTION WELL
 - PHASE LIMITS

NOTE:
EXISTING CONDITIONS PROVIDED BY
COOPER AERIAL SURVEYS CO.
DATE OF FLIGHT APRIL 14, 2015.

NOTE:
FOR THE PURPOSES OF THIS MAJOR PERMIT
MODIFICATION, THE FOCUS OF THE PLAN
DRAWINGS WILL BE FOR PHASE 6. DETAILS
FOR PHASE 5 WERE RECENTLY PROVIDED
AS PART OF A PERMIT RENEWAL APPLICATION
WITH THE PERMIT BEING REISSUED ON JULY 30,
2015 AND WILL NOT BE HIGHLIGHTED WITHIN.

EXISTING 80,000
GALLON AND 101,000
GALLON LEACHATE TANKS

DATE

REVISIONS

SHEET TITLE

2015 MAJOR PERMIT MODIFICATION

PROJECT

2015 MAJOR PERMIT MODIFICATION

DATE/AUGUST, 2015

SHEET NO.

PHASING PLAN

BFL WASTE SYSTEMS
OF NORTH AMERICA, LLC
PINE BEND LANDFILL
INVER GROVE HEIGHTS, MINNESOTA

WENCK
ASSOCIATES

Responsive partner. Exceptional outcomes.
1800 PIONEER CREEK CENTER
MAPLE PLAIN, MN 55357
PHONE: 763-479-4200
FAX: 763-479-4242

DATE

REVISIONS

SHEET TITLE

2015 MAJOR PERMIT MODIFICATION

PROJECT

2015 MAJOR PERMIT MODIFICATION

DATE/AUGUST, 2015

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INVER GROVE HEIGHTS, MINNESOTA

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1800 PIONEER CREEK CENTER
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PHONE: 763-479-4200
FAX: 763-479-4242

DATE

REVISIONS

SHEET TITLE

2015 MAJOR PERMIT MODIFICATION

PROJECT

2015 MAJOR PERMIT MODIFICATION

DATE/AUGUST, 2015

SHEET NO.

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BFL WASTE SYSTEMS
OF NORTH AMERICA, LLC
PINE BEND LANDFILL
INVER GROVE HEIGHTS, MINNESOTA

WENCK
ASSOCIATES

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1800 PIONEER CREEK CENTER
MAPLE PLAIN, MN 55357
PHONE: 763-479-4200
FAX: 763-479-4242

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OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT
SUPERVISION AND THAT I AM A duly LICENSED
PROFESSIONAL ENGINEER UNDER THE LAWS OF THE
STATE OF MINNESOTA.

PRINT NAME: THOMAS J. SHUSTARICH
SIGNATURE: [Signature]
DATE: 08/31/15 LICENSE # 21210



- SCALE IN FEET
0 200 400
- LEGEND
- EXISTING CONTOURS
 - EXISTING SPOT ELEVATION
 - EXISTING TREELINE
 - EXISTING FENCELINE
 - EXISTING RAILROAD
 - EXISTING POLE
 - EXISTING PROPERTY LINE
 - EXISTING GROUNDWATER MONITORING WELL
 - EXISTING METHANE MONITORING PROBE
 - EXISTING METHANE MONITORING PROBE
 - EXISTING GROUNDWATER INJECTION WELL
 - PROPOSED CONTOURS
 - PROPOSED SLOPE DIRECTION
 - EXISTING PHASE 4 AND 5 BASE GRADES
 - PHASE 5F PERMITTED BASE GRADES
 - LIMIT OF EXPANSION LINER

NOTE:
EXISTING CONDITIONS PROVIDED BY
COOPER AERIAL SURVEYS CO.
DATE OF FLIGHT APRIL 14, 2015.

CURRENTLY PERMITTED
PHASE 5 CELL F

EXISTING 80,000
GALLON AND 101,000
GALLON LEACHATE TANKS

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SUPERVISION AND THAT I AM A DULY LICENSED
PROFESSIONAL ENGINEER UNDER THE LAWS OF THE
STATE OF MINNESOTA.

PRINT NAME: THOMAS J. SHUSTARICH
SIGNATURE: *Thomas J. Shustarich*
DATE: 07-27-2015

PROJECT: 2015 MAJOR PERMIT MODIFICATION



Responsive partner. Exceptional outcomes.
1808 PIONEER CREEK CENTER
MAPLE PLAIN, MN 55357

2015 MAJOR PERMIT MODIFICATION
BFI WASTE SYSTEMS
OF NORTH AMERICA, LLC
PINE BEND LANDFILL
INVER GROVE HEIGHTS, MINNESOTA

SHEET TITLE
BASE GRADING PLAN

REVISIONS

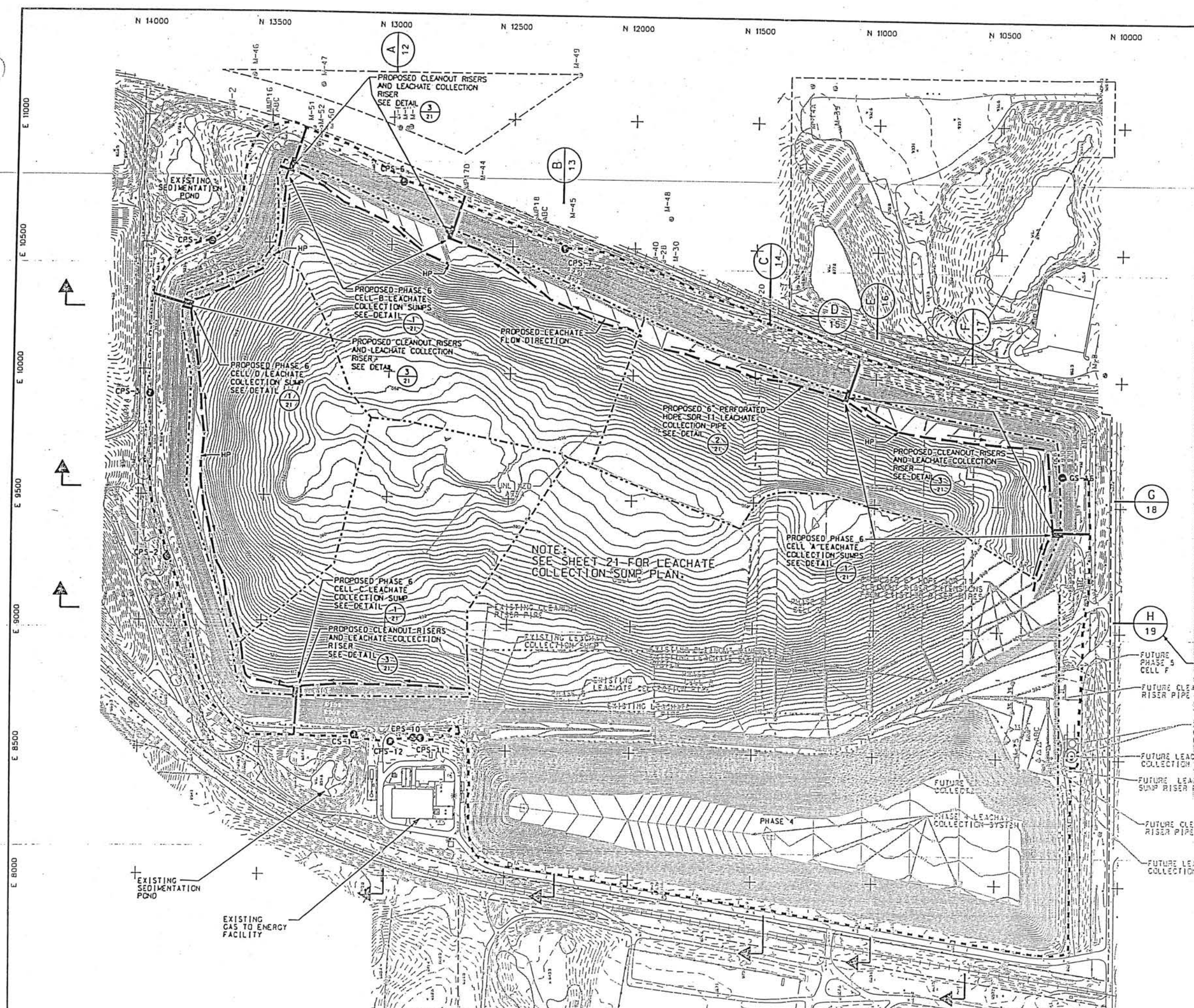
DATE

PHONE: 763-479-4203
FAX: 763-479-4242

DATE: AUGUST, 2015

DWG: JMT CHK'D: SKH APP'D: JJS

SHEET NO.



SCALE IN FEET
0 200 400

LEGEND

- EXISTING CONTOURS
- EXISTING SPOT ELEVATION
- EXISTING TREELINE
- EXISTING FENCELINE
- EXISTING RAILROAD
- EXISTING POLE
- EXISTING PROPERTY LINE
- EXISTING GROUNDWATER MONITORING WELL
- EXISTING METHANE MONITORING PROBE
- EXISTING METHANE MONITORING PROBE
- EXISTING GROUNDWATER INJECTION WELL
- PROPOSED CONTOURS
- PROPOSED SLOPE DIRECTION
- EXISTING PHASE 4 AND 5 BASE GRADES
- CURRENTLY PERMITTED PHASE 5F BASE GRADES
- PROPOSED PERFORATED LEACHATE COLLECTION PIPE
- PROPOSED SOLID LEACHATE COLLECTION PIPE
- EXISTING CONDENSATE SUMP/PUMPING STATION
- EXISTING LEACHATE FORCEMAIN
- LIMIT OF LINER
- HP HIGH POINT

NOTE:
EXISTING CONDITIONS PROVIDED BY
COOPER AERIAL SURVEYS CO.
DATE OF FLIGHT APRIL 14, 2015.

CROSS-SECTION LOCATION (TYP.)

FUTURE PHASE 5 CELL F

FUTURE CLEANOUT RISER PIPE

EXISTING 80,000 GALLON AND 101,000 GALLON LEACHATE TANKS

FUTURE LEACHATE COLLECTION PIPE

FUTURE LEACHATE SUMP RISER PIPE

FUTURE CLEANOUT RISER PIPE

FUTURE LEACHATE COLLECTION SUMP



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MAPLE PLAIN, MN 55357

PHONE: 763-479-4208
FAX: 763-479-4242

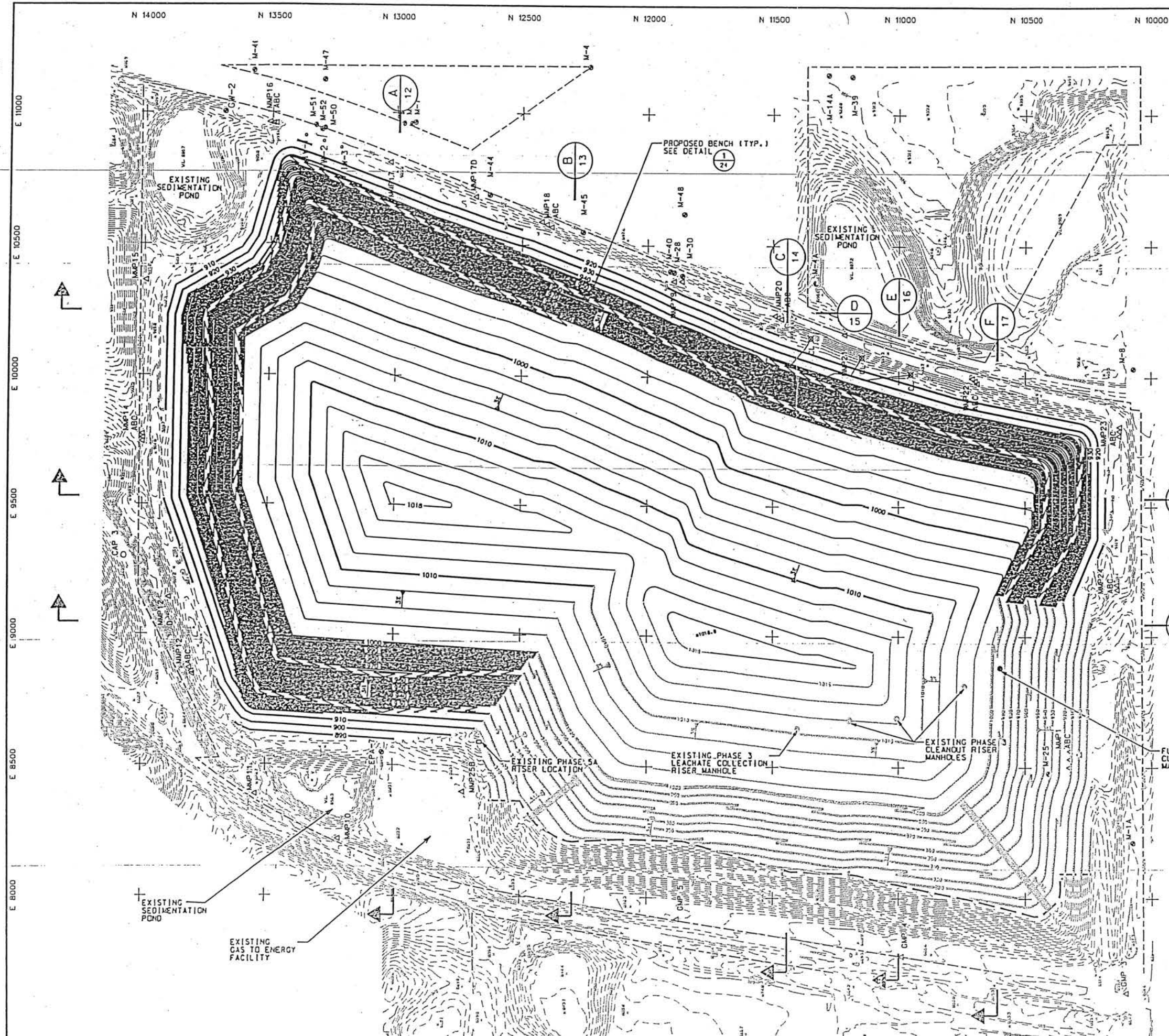
2015 MAJOR PERMIT MODIFICATION
BFI WASTE SYSTEMS
OF NORTH AMERICA, LLC
PINE BEND LANDFILL
INVER GROVE HEIGHTS, MINNESOTA

SHEET TITLE
LEACHATE PIPING PLAN

REVISIONS	DATE
DWN	JWT
CHKD	SKH
APPRO	LJS

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PRINT NAME: THOMAS J. SHUSTARICH
SIGNATURE: [Signature]



- SCALE IN FEET
0 200 400
- LEGEND
- EXISTING CONTOURS
 - EXISTING SPOT ELEVATION
 - EXISTING TREELINE
 - EXISTING FENCELINE
 - EXISTING RAILROAD
 - EXISTING POLE
 - EXISTING PROPERTY LINE
 - EXISTING GROUNDWATER MONITORING WELL
 - EXISTING METHANE MONITORING PROBE
 - EXISTING METHANE MONITORING PROBE
 - EXISTING GROUNDWATER INJECTION WELL
 - PROPOSED CONTOURS
 - PROPOSED SLOPE DIRECTION
 - CURRENTLY PERMITTED FUTURE GRADES

NOTE:
EXISTING CONDITIONS PROVIDED BY
COOPER AERIAL SURVEYS CO.
DATE OF FLIGHT APRIL 14, 2015

NOTE:
ONLY 10' CONTOURS SHOWN
ON 3:1 SLOPES FOR CLARITY

CROSS-SECTION LOCATION (TYP.)

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION,
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PROFESSIONAL ENGINEER UNDER THE LAWS OF THE
STATE OF MINNESOTA.

PRINT NAME: THOMAS J. SHUSTARICH
SIGNATURE: [Signature]
DATE: 08/31/15 LICENSE # 21210

NAME: M/0831/PINEBEND/2015 PERMIT 2015 PERMIT 0006.DGN

WENCK
ASSOCIATES

Responsive partner. Exceptional outcomes.
1008 PIONEER CREEK CENTER PHONE: 763-479-4200
MAPLE PLAIN, MN 55357 FAX: 763-479-4242

2015 MAJOR PERMIT MODIFICATION
BFI WASTE SYSTEMS
OF NORTH AMERICA, LLC
PINE BEND LANDFILL
INVER GROVE HEIGHTS, MINNESOTA

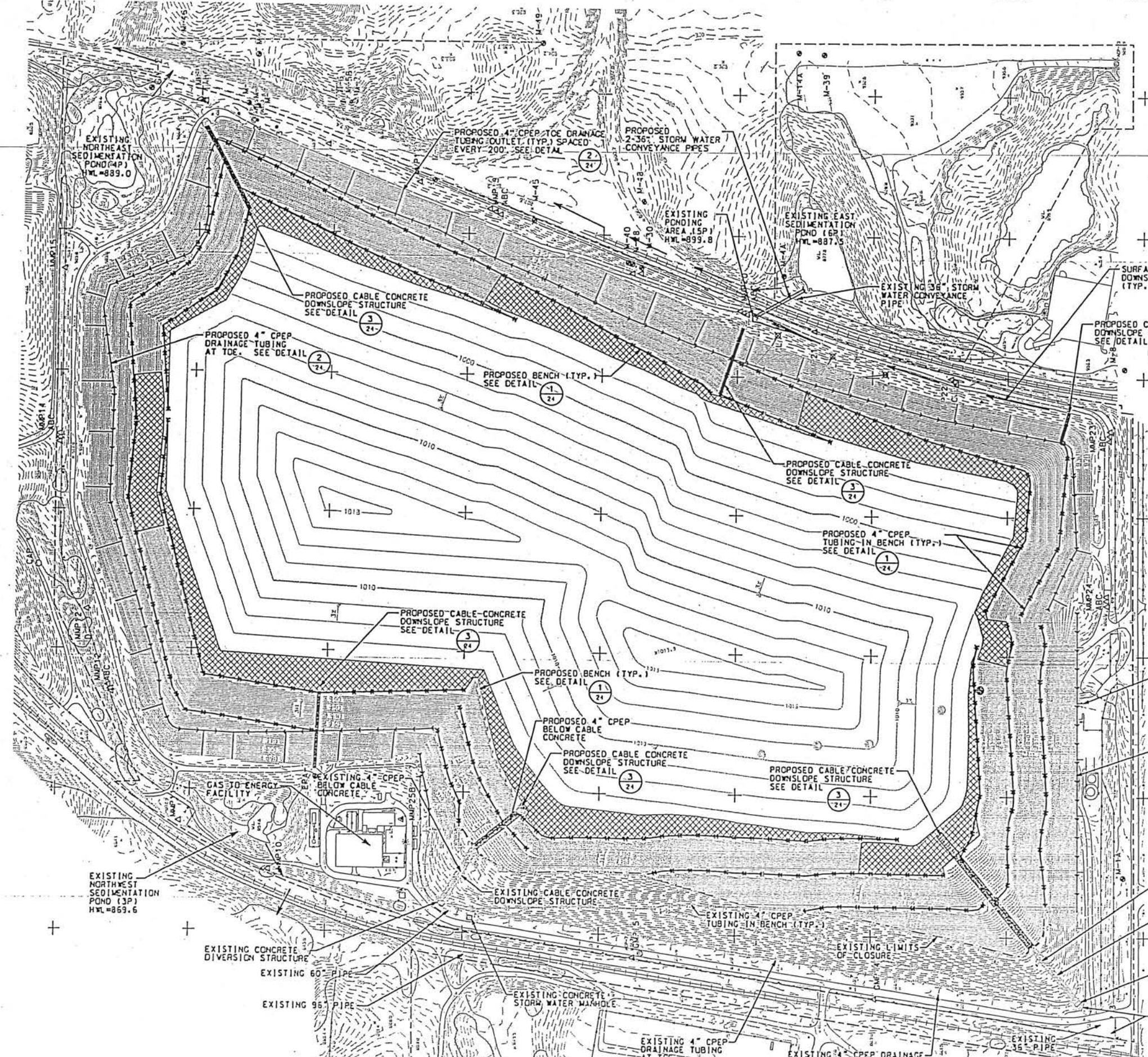
SHEET TITLE
FINAL COVER GRADING PLA

REVISIONS
DATE
7/26/16
REVISED BENCHES
DWG. JMT CHK'D SKH APP'D TJS

SHEET NO.

N 14000 N 13500 N 13000 N 12500 N 12000 N 11500 N 11000 N 10500 N 10000

E 10000 E 10500 E 11000 E 11500 E 12000 E 12500 E 13000 E 13500 E 14000



- LEGEND
- EXISTING CONTOURS
 - EXISTING SPOT ELEVATION
 - EXISTING TREELINE
 - EXISTING FENCELINE
 - EXISTING RAILROAD
 - EXISTING POLE
 - EXISTING PROPERTY LINE
 - EXISTING GROUNDWATER MONITORING WELL
 - EXISTING METHANE MONITORING PROBE
 - EXISTING METHANE MONITORING PROBE
 - EXISTING GROUNDWATER INJECTION WELL
 - PROPOSED SLOPE DIRECTION
 - PROPOSED TURF REINFORCEMENT MATTING
 - PROPOSED CPEP BENCH DRAINAGE PIPE
 - EXISTING CPEP BENCH DRAINAGE PIPE
 - PROPOSED CPEP TOE DRAINAGE PIPE
 - EXISTING CPEP TOE DRAINAGE PIPE
 - PROPOSED APPROXIMATE LOCATION OF MANHOLE FOR EXISTING LEACHATE COLLECTION SYSTEM
 - EXISTING MANHOLES FOR EXISTING LEACHATE COLLECTION SYSTEM
 - SURFACE WATER FLOW

NOTE:
EXISTING CONDITIONS PROVIDED BY
COOPER AERIAL SURVEYS CO.
DATE OF FLIGHT APRIL 14, 2015.
NORTHEAST CONTOURS ARE FROM
APRIL 2009 AERIAL BY THE BASE
MAPPING CO. LTD.

141/0991/PINEBEND/2015 PERMIT/2015 PERMIT U0007.DGN

WENCK
CONSOCIATES

Responsive partner. Exceptional outcomes.
1800 PIONEER CREEK CENTER
MAPLE PLAIN, MN 55357

PHONE: 763-479-4200
FAX: 763-479-4242

PROJECT

2015 MAJOR PERMIT MODIFICATION
BFI WASTE SYSTEMS
OF NORTH AMERICA, LLC
PINE BEND LANDFILL
INVER GROVE HEIGHTS, MINNESOTA

SHEET TITLE
SURFACE WATER
MANAGEMENT PLAN

DATE: AUGUST, 2015

REVISIONS

DATE

SED POND LEVEL & FLOW ARROWS

05/11/16

DWN

JWT

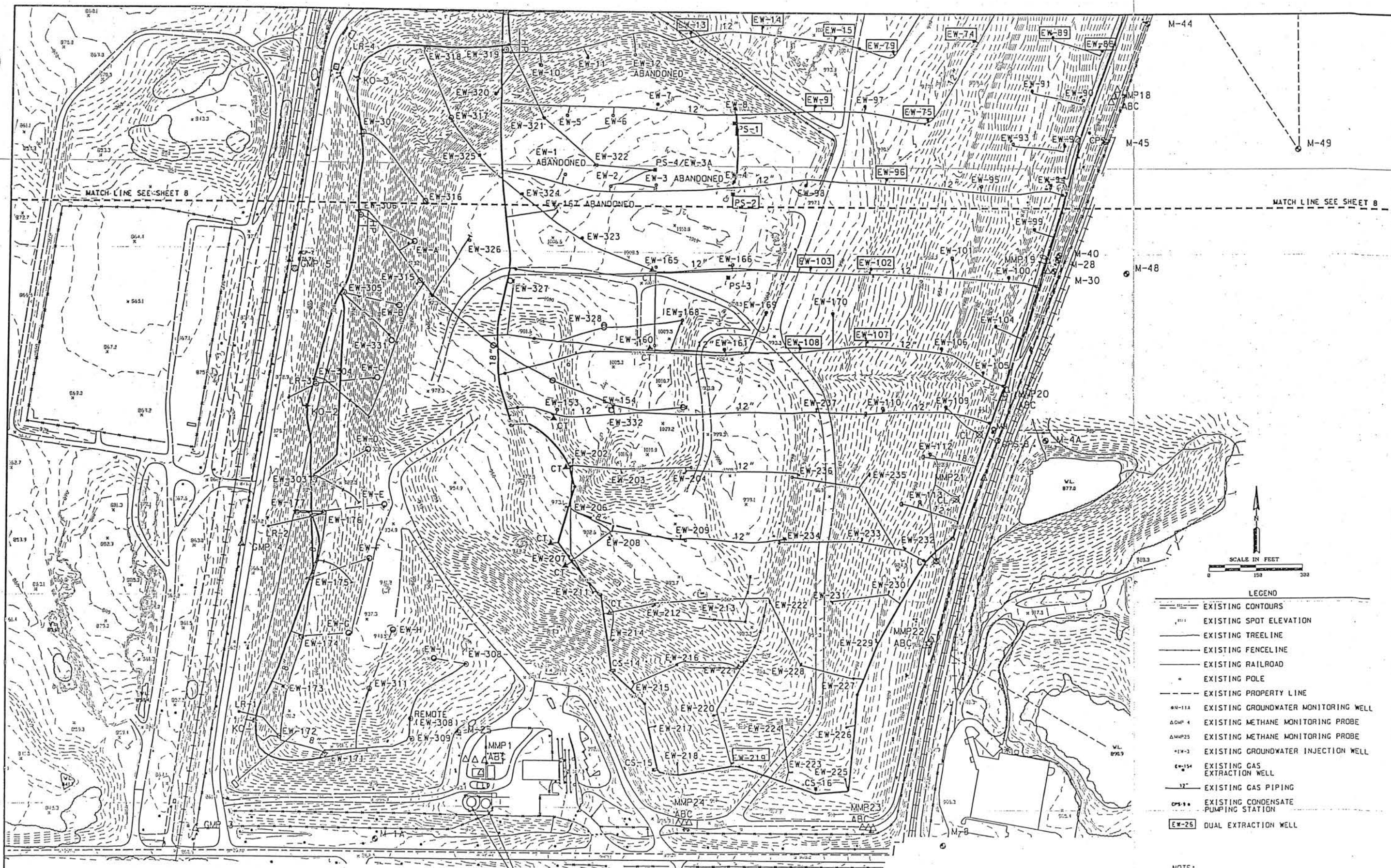
CHK'D

SKH

APP'D

TJS

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION,
OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT
SUPERVISION AND THAT I AM A DULY LICENSED
PROFESSIONAL ENGINEER UNDER THE LAWS OF THE
STATE OF MINNESOTA.
PRINT NAME: THOMAS J. SHUSTARICH



- LEGEND
- EXISTING CONTOURS
 - EXISTING SPOT ELEVATION
 - EXISTING TREELINE
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 - EXISTING POLE
 - EXISTING PROPERTY LINE
 - EXISTING GROUNDWATER MONITORING WELL
 - EXISTING METHANE MONITORING PROBE
 - EXISTING METHANE MONITORING PROBE
 - EXISTING GROUNDWATER INJECTION WELL
 - EXISTING GAS EXTRACTION WELL
 - EXISTING GAS PIPING
 - EXISTING CONDENSATE PUMPING STATION
 - DUAL EXTRACTION WELL

NOTE:
EXISTING CONDITIONS PROVIDED BY
COOPER AERIAL SURVEYS CO.
DATE OF FLIGHT APRIL 14, 2015

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

PRINT NAME: THOMAS J. SHUSTARICH
SIGNATURE: [Signature]
DATE: 08/31/15



Responsive partner. Exceptional outcomes.
1800 PIONEER CREEK CENTER
MAPLE PLAIN, MN 55357
PHONE: 763-479-4200
FAX: 763-479-4242

2015 MAJOR PERMIT MODIFICATION
BFI WASTE SYSTEMS
OF NORTH AMERICA, LLC
PINE BEND LANDFILL
INVER GROVE HEIGHTS, MINNESOTA

SHEET TITLE	DATE
EXISTING GAS PIPING PLAN SOUTH HALF	
DATE: AUGUST, 2015	
DWN: JMT	CHKD: SKH
APPD: JLS	

HORIZONTAL COLLECTION SYSTEM TRENCH POINT	APPROXIMATE DEPTH (FT)
①	8
②	14
③	8
④	7
⑤	7
⑥	7
⑦	9
⑧	8



- LEGEND**
- EXISTING CONTOURS
 - EXISTING SPOT ELEVATION
 - EXISTING TREELINE
 - EXISTING FENCELINE
 - EXISTING RAILROAD
 - EXISTING POLE
 - EXISTING PROPERTY LINE
 - EXISTING GROUNDWATER MONITORING WELL
 - EXISTING METHANE MONITORING PROBE
 - EXISTING METHANE MONITORING PROBE
 - EXISTING GROUNDWATER INJECTION WELL
 - EXISTING GAS EXTRACTION WELL
 - EXISTING GAS PIPING
 - EXISTING CONDENSATE PUMPING STATION
 - PROPOSED CONTOURS
 - PROPOSED 18" HEADER @ 3% MIN. SLOPE
 - PROPOSED 6" SUBHEADER
 - PROPOSED GAS WELLS
 - PROPOSED CONTROL VALVE
 - PROPOSED HORIZONTAL COLLECTOR WELLHEAD
 - PROPOSED HORIZONTAL COLLECTOR PIPING (6" HOPE SDR 17)
 - PROPOSED LATERAL GAS SUBHEADER (18" HOPE SDR 17)
 - PROPOSED CONDENSATE SUMP
 - PROPOSED PUMPING STATION

PUMPING STATIONS WELL SCHEDULE

Well ID	Northing	Eastng	Existing Ground Elevation ⁽¹⁾	Bottom of Waste Elevation ⁽²⁾	Depth of Boring ⁽²⁾	Top of Well Elevation	Bottom of Well Elevation	Length of Perforated Pipe	Length of Solid Pipe below grade (Above Well Screen)	Stick-up Above Grade	Total Length of Solid Pipe for Well Construction
PS-5	11753.53	9784.91	973.8	900	63	976.8	910	51	12	3	15
PS-6	12415.51	9956.25	983.18	833	85	986.18	898	73	12	3	15
PS-7	12736.73	9615.75	994.01	904	80	997.01	914	68	12	3	15
PS-8	12788.82	9388.03	983.91	908	65	986.91	918	53	12	3	15
PS-9	13116.55	10127.58	986.54	883	93	989.54	893	81	12	3	15
PS-10	12710.68	10431.09	924.64	875	39	927.67	885	27	12	3	15

⁽¹⁾ Existing ground elevation taken from April 17, 2017 aerial survey by Cooper Aerial Surveys Company.
⁽²⁾ Bottom of waste elevations are estimated.

NOTE:
 EXISTING CONDITIONS PROVIDED BY
 COOPER AERIAL SURVEYS CO.
 DATE OF FLIGHT APRIL 14, 2015

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 PRINT NAME: THOMAS J. SHUSTARICH
 SIGNATURE: *Thomas Shustarich*

REVISIONS

DATE

RESPONSE TO COMMENTS

PUMP STATION WELL SCHEDULE

DWN

JMT

CHK'D

SMH

APP'D

TJS

SHEET TITLE

PROPOSED GAS PIPING PLAN

NORTH HALF

DATE: AUGUST, 2015

PROJECT

2015 MAJOR PERMIT MODIFICATION

BFI WASTE SYSTEMS OF NORTH AMERICA, LLC

PINE BEND LANDFILL

INVER GROVE HEIGHT, MINNESOTA

WENCK

ENGINEERS

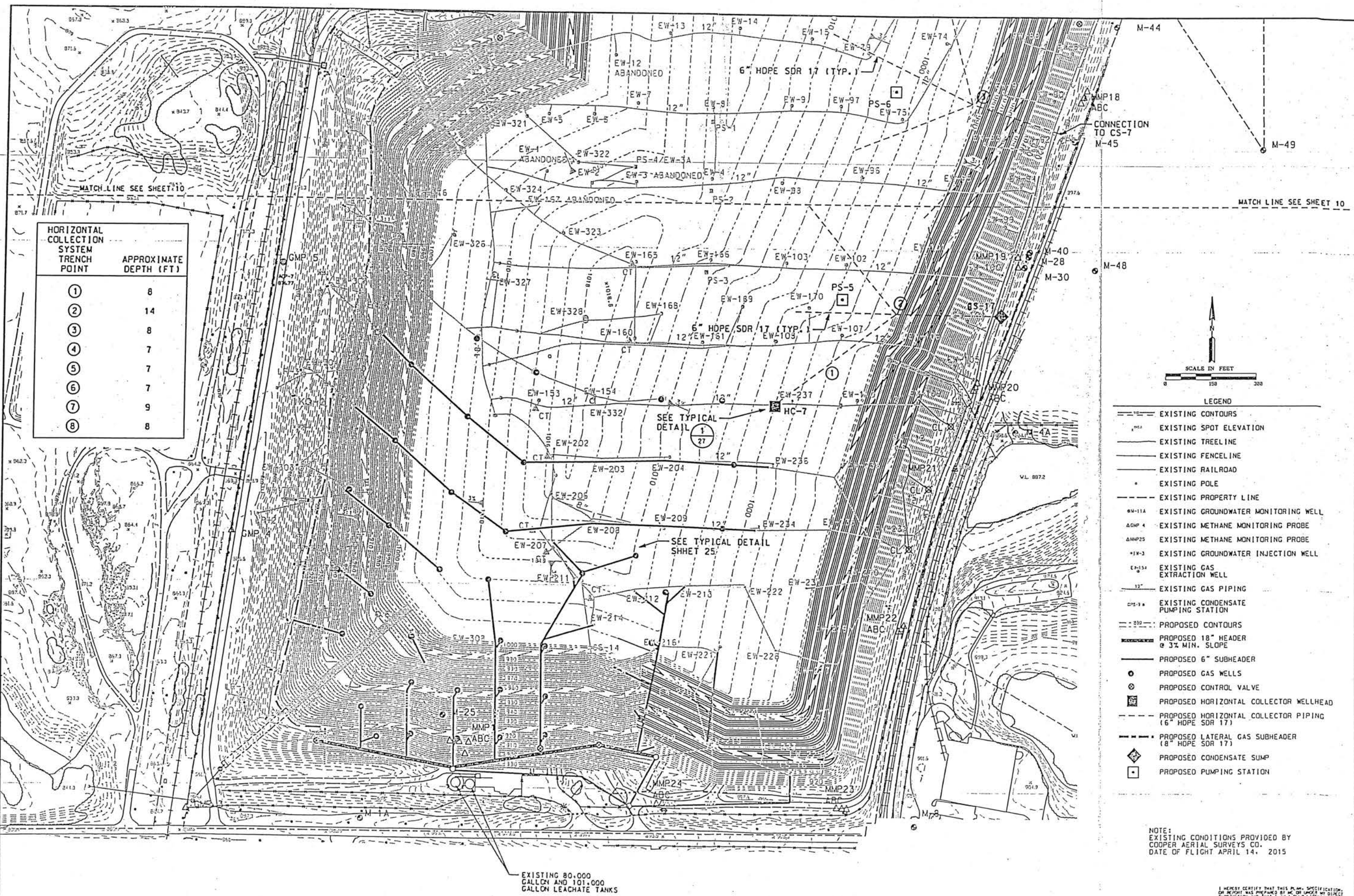
Responsive partner. Exceptional outcomes.

1808 PIONEER CREEK CENTER

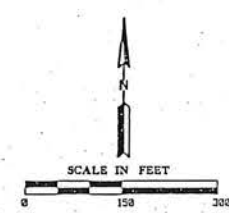
MAPLE PLAIN, MN 55357

PHONE: 763-479-4208

FAX: 763-479-4242



HORIZONTAL COLLECTION SYSTEM TRENCH POINT	APPROXIMATE DEPTH (FT)
①	8
②	14
③	8
④	7
⑤	7
⑥	7
⑦	9
⑧	8



- LEGEND
- EXISTING CONTOURS
 - EXISTING SPOT ELEVATION
 - EXISTING TREELINE
 - EXISTING FENCELINE
 - EXISTING RAILROAD
 - EXISTING POLE
 - EXISTING PROPERTY LINE
 - EXISTING GROUNDWATER MONITORING WELL
 - EXISTING METHANE MONITORING PROBE
 - EXISTING METHANE MONITORING PROBE
 - EXISTING GROUNDWATER INJECTION WELL
 - EXISTING GAS EXTRACTION WELL
 - EXISTING GAS PIPING
 - EXISTING CONDENSATE PUMPING STATION
 - PROPOSED CONTOURS
 - PROPOSED 18" HEADER @ 3% MIN. SLOPE
 - PROPOSED 6" SUBHEADER
 - PROPOSED GAS WELLS
 - PROPOSED CONTROL VALVE
 - PROPOSED HORIZONTAL COLLECTOR WELLHEAD
 - PROPOSED HORIZONTAL COLLECTOR PIPING (6" HOPE SDR 17)
 - PROPOSED LATERAL GAS SUBHEADER (8" HOPE SDR 17)
 - PROPOSED CONDENSATE SUMP
 - PROPOSED PUMPING STATION

NOTE:
EXISTING CONDITIONS PROVIDED BY
COOPER AERIAL SURVEYS CO.
DATE OF FLIGHT APRIL 14, 2015

EXISTING 80,000
GALLON AND 101,000
GALLON LEACHATE TANKS

DATE

REVISIONS

SHEET TITLE

PROPOSED GAS PIPING PLAN
SOUTH HALF

DATE: AUGUST, 2015

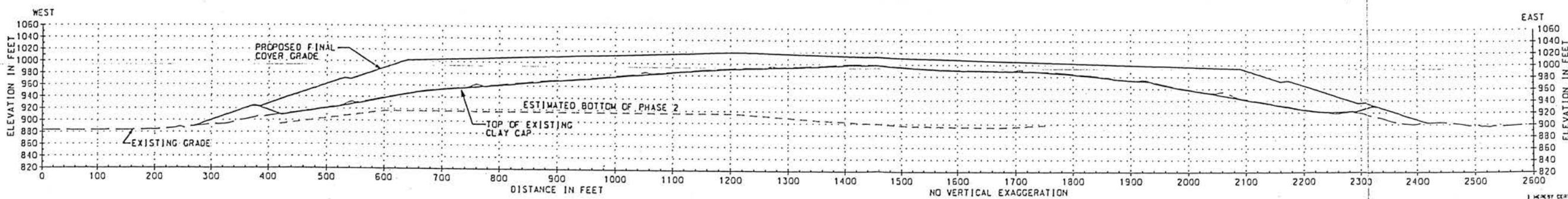
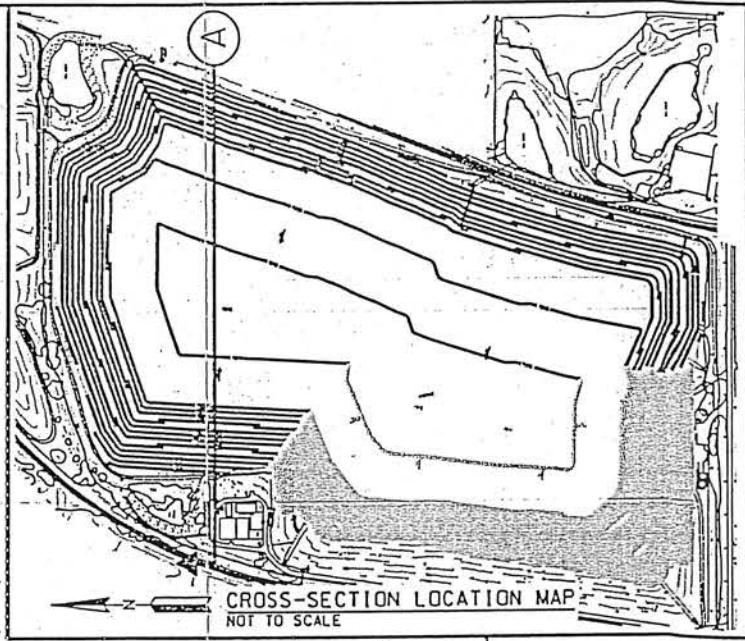
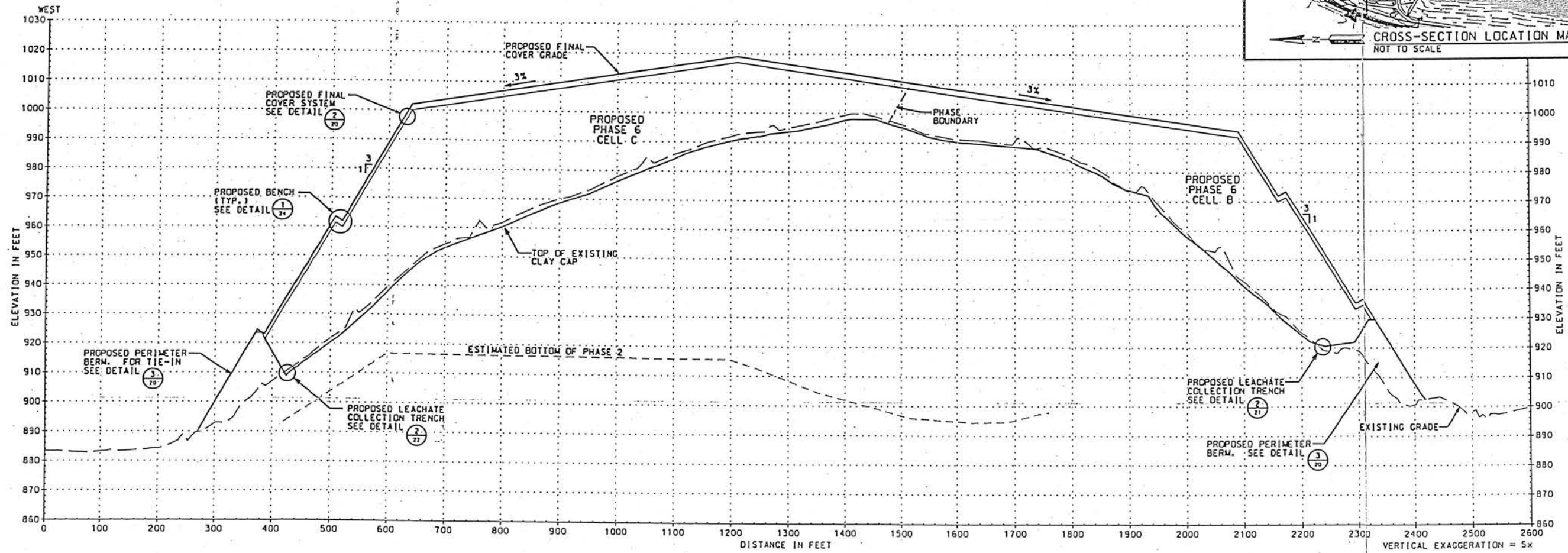
2015 MAJOR PERMIT MODIFICATION
BFI WASTE SYSTEMS
OF NORTH AMERICA, LLC
PINE BEND LANDFILL
INVER GROVE HEIGHT, MINNESOTA

WENCK
ASSOCIATES

Responsive partner. Exceptional outcomes.
1808 PIONEER CREEK CENTER
MAPLE PLAIN, MN 55357
PHONE: 763-479-4208
FAX: 763-479-4242

PROJ: 0991/PINEBEND/2015 PERMIT/2015 PERMIT MOD/LOGN

THOMAS J. SHUSTARICH



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THOMAS J. SHUSTARICH

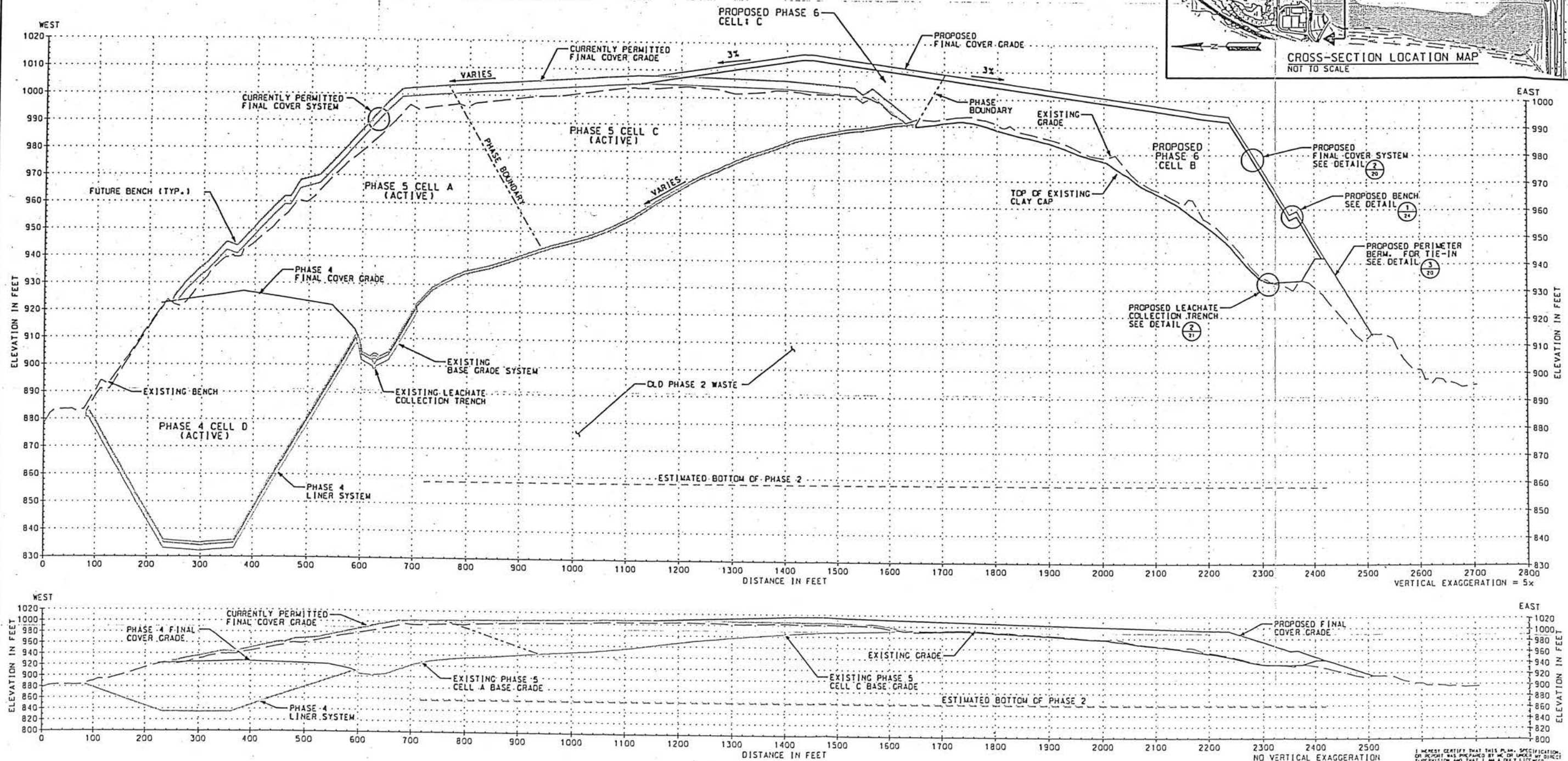


Responsive partner. Exceptional outcomes.
1803 PIONEER CREEK CENTER
MAPLE PLAIN, MN 55357
PHONE: 763-479-4203
FAX: 763-479-4242

2015 MAJOR PERMIT MODIFICATION
BFI WASTE SYSTEMS
OF NORTH AMERICA, LLC
PINE BEND LANDFILL
INVER GROVE HEIGHTS, MINNESOTA

SHEET TITLE	CROSS-SECTION A
REVISIONS	
DATE	
DWN	JMT
CHKD	SKH
APP'D	JVS
DATE/AUGUST, 2015	

PROJECT: E:\M\0591\PINEBEND\2015 PERMIT\2015 PERM MOD12.DGN



REVISIONS	DATE
DWN	JWT
CHK'D	SKH
APP'D	JJS

SHEET TITLE	CROSS-SECTION B
DATE/AUGUST, 2015	

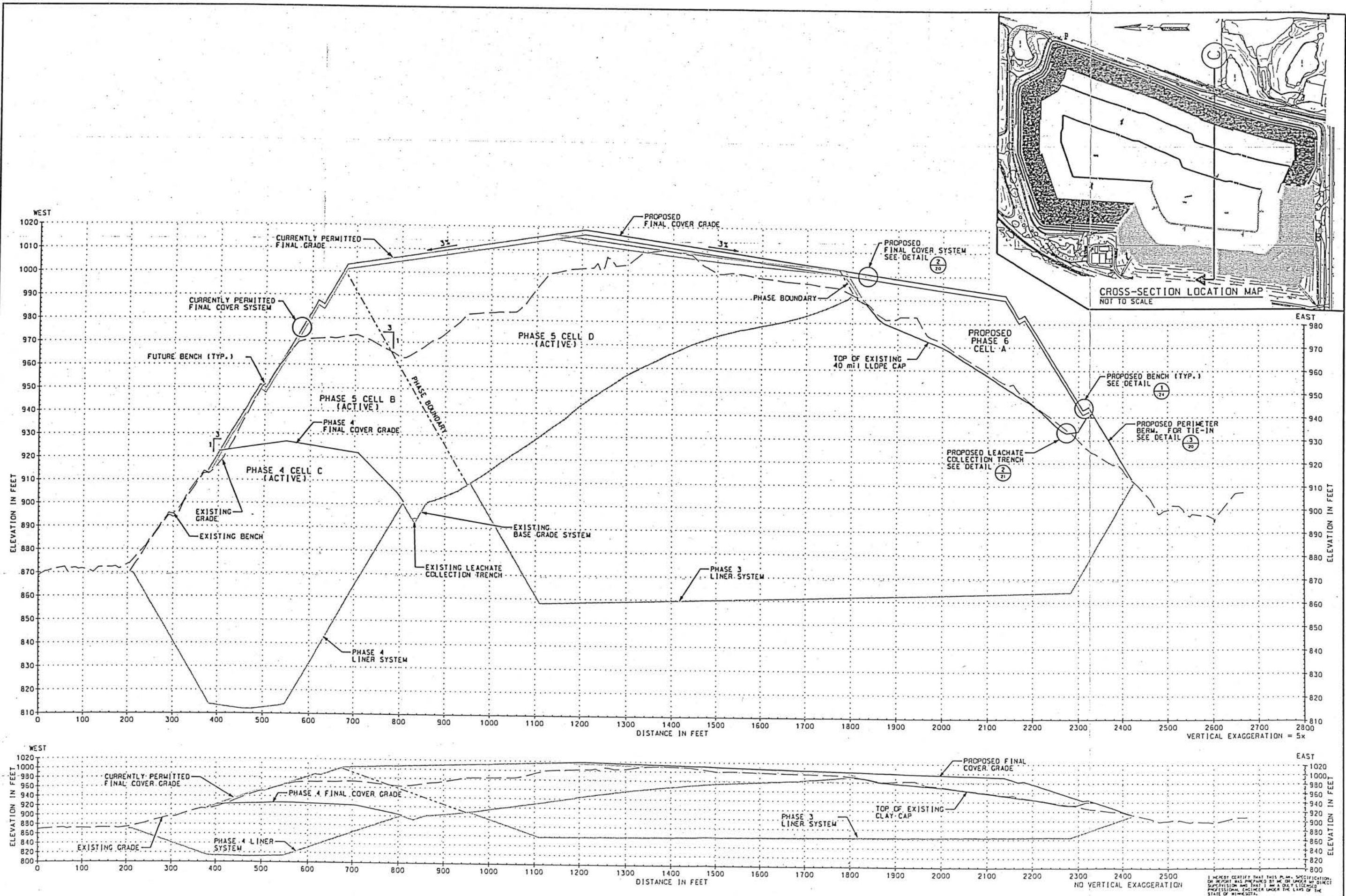
2015 MAJOR PERMIT MODIFICATION
BFL WASTE SYSTEMS
OF NORTH AMERICA, LLC
PINE BEND LANDFILL
INVER GROVE HEIGHTS, MINNESOTA

PROJECT

WENCK ASSOCIATES
Responsive partner. Exceptional outcomes.
1808 PIONEER CREEK CENTER
MAPLE PLAIN, MN 55357
PHONE: 763-479-4200
FAX: 763-479-4242

FILE: 0901/PNEBEND/2015 PERMIT/2015 PERM MOD13.DGN

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THOMAS J. SHUSTARICH
PRINT NAME



DATE

REVISIONS

SHEET TITLE

CROSS-SECTION C

DATE: AUGUST, 2015

DWN

JWT

CHK'D

SKH

APP'D

TJS

PROJECT

2015 MAJOR PERMIT MODIFICATION

BFI WASTE SYSTEMS
OF NORTH AMERICA, LLC
PINE BEND LANDFILL
INVER GROVE HEIGHTS, MINNESOTA

WENCK
ASSOCIATES

Responsive partner. Exceptional outcomes.

1808 PIONEER CREEK CENTER
MAPLE PLAIN, MN 55557

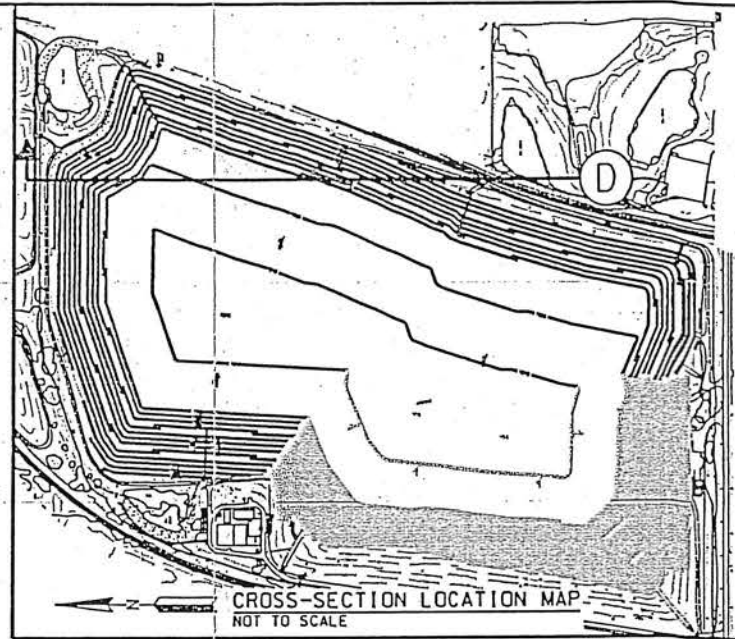
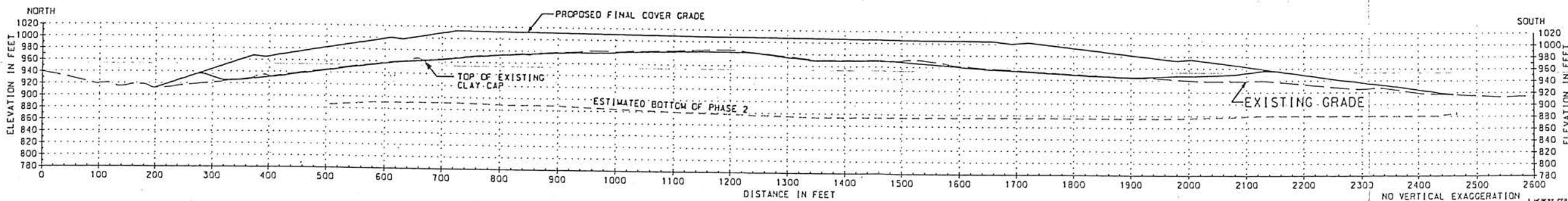
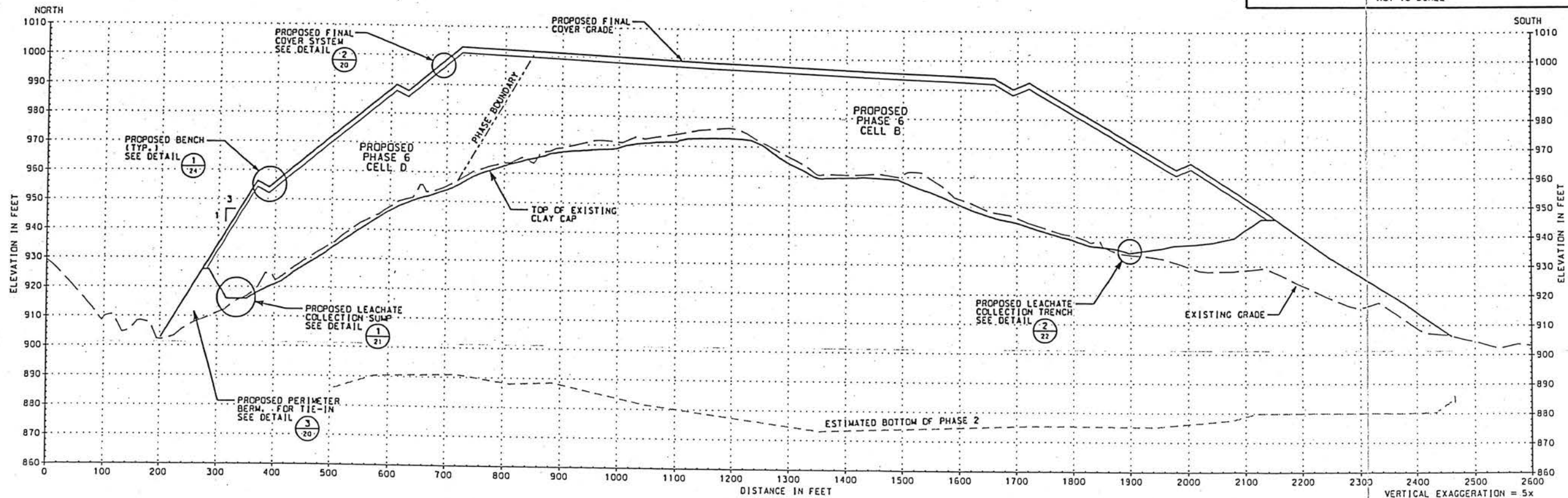
PHONE: 763-479-4200
FAX: 763-479-4242

NAME: 14/0901/PINEBEND/2015 PERMIT/2015 PERM MOD14.DGN

SHEET NO.

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINT NAME: THOMAS J. SHUSTARICH
SIGNATURE: *Thomas J. Shustarich*
DATE: 08/31/15 LICENSE NO.: 21210



WENCK ASSOCIATES
Responsive partner. Exceptional outcomes.
1888 PIONEER CREEK CENTER
MAPLE PLAIN, MN 55357
PHONE: 763-479-4200
FAX: 763-479-4242

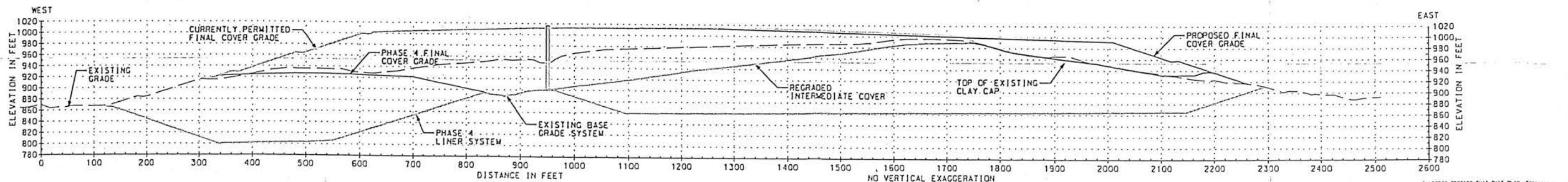
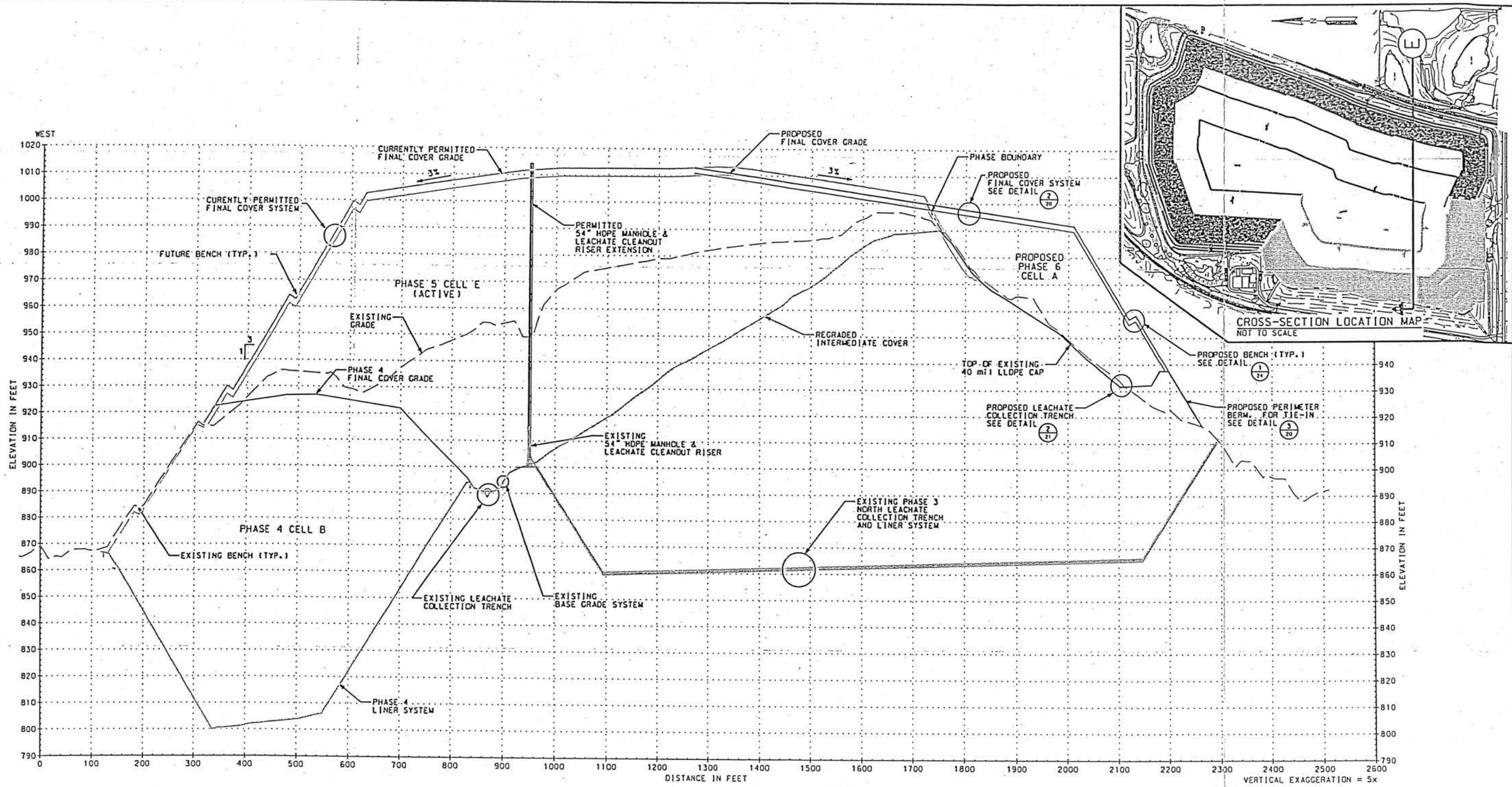
PROJECT
2015 MAJOR PERMIT MODIFICATION
BFI WASTE SYSTEMS
OF NORTH AMERICA, LLC
PINE BEND LANDFILL
INVER GROVE HEIGHTS, MINNESOTA

SHEET TITLE
CROSS-SECTION D

REVISIONS

DATE

DWN **JWT** **CHK'D** **SKH** **APP'D** **TJS**



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PROJECT NAME: THOMAS J. SHUSTARICH

PROJECT: 2015 MAJOR PERMIT MODIFICATION
BFI WASTE SYSTEMS
OF NORTH AMERICA, LLC
PINE BEND LANDFILL
INVER GROVE HEIGHTS, MINNESOTA

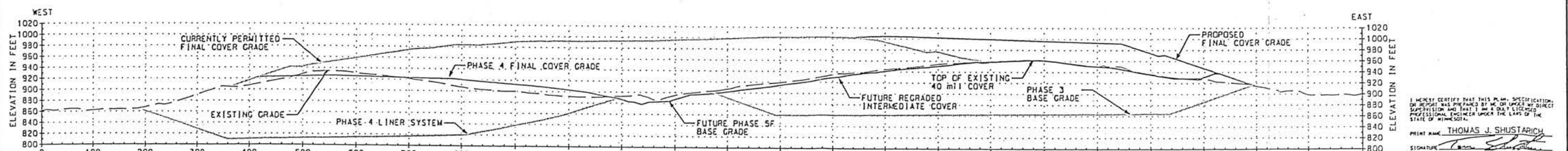
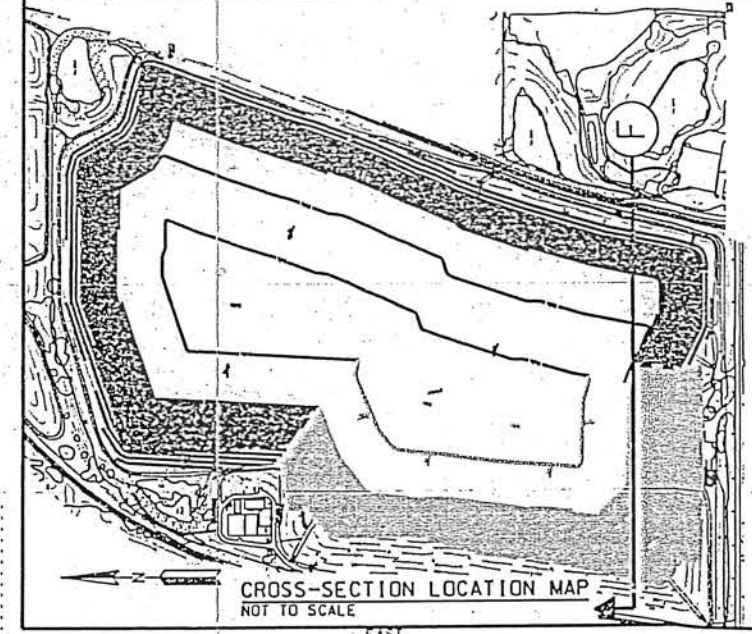
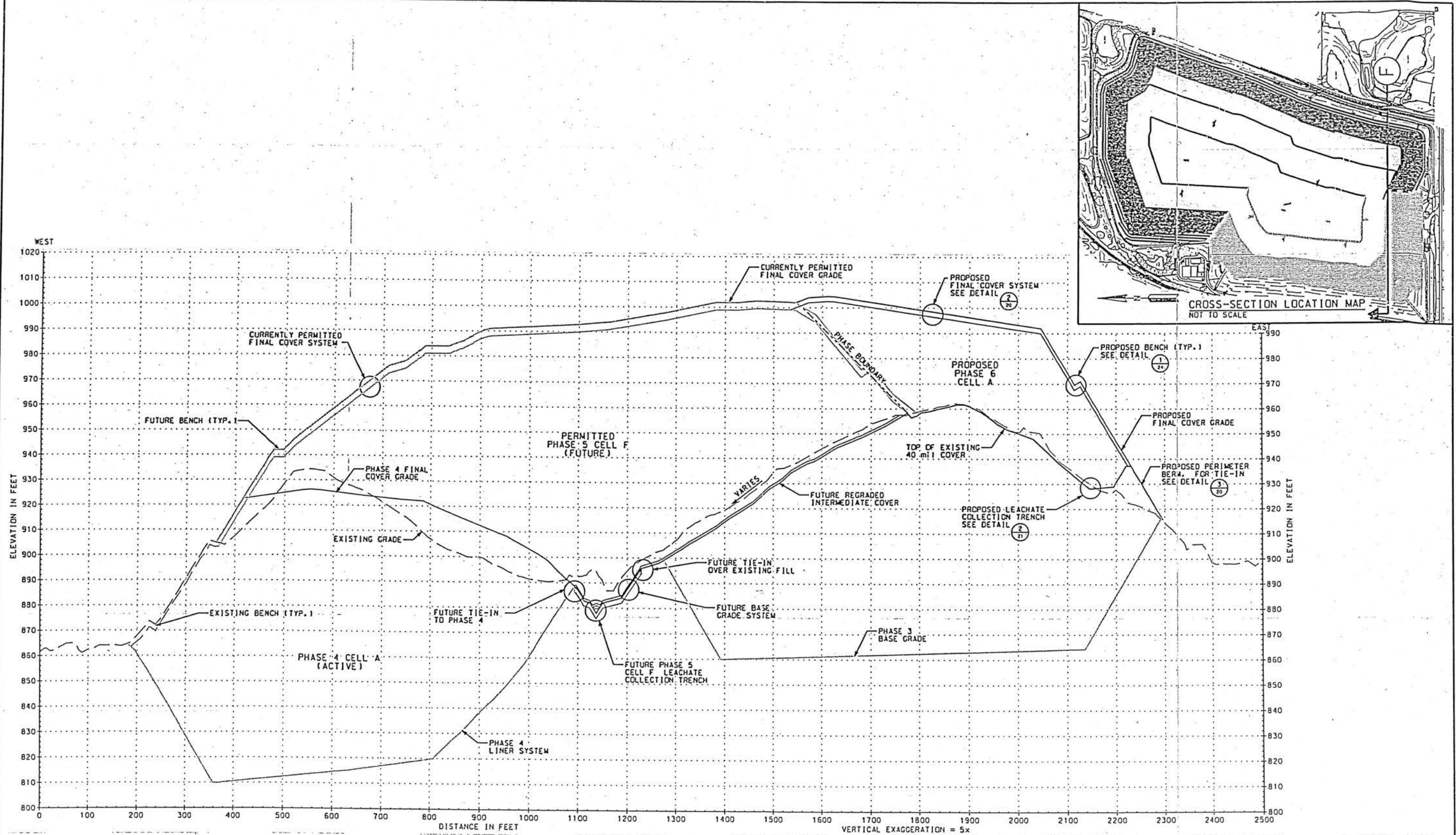
DATE: _____
REVISIONS: _____
SHEET TITLE: CROSS-SECTION E
DATE: AUGUST, 2015
DWN: JMT
CHK'D: SKH
APP'D: TJS

WENCK ASSOCIATES

Responsive partner. Exceptional outcomes.

1800 PIONEER CREEK CENTER
MAPLE PLAIN, MN 55357

PHONE: 763-479-4208
FAX: 763-479-4242



PROJECT

2015 MAJOR PERMIT MODIFICATION

DATE: AUGUST, 2015

REVISIONS

CROSS-SECTION F

DATE: AUGUST, 2015

SHEET TITLE

CROSS-SECTION F

DATE: AUGUST, 2015

DATE

CHK'D

SKD

APP'D

BY

WENCK

ASSOCIATES

Responsive partner. Exceptional outcomes.

1808 PIONEER CREEK CENTER

MAPLE PLAIN, MN 55357

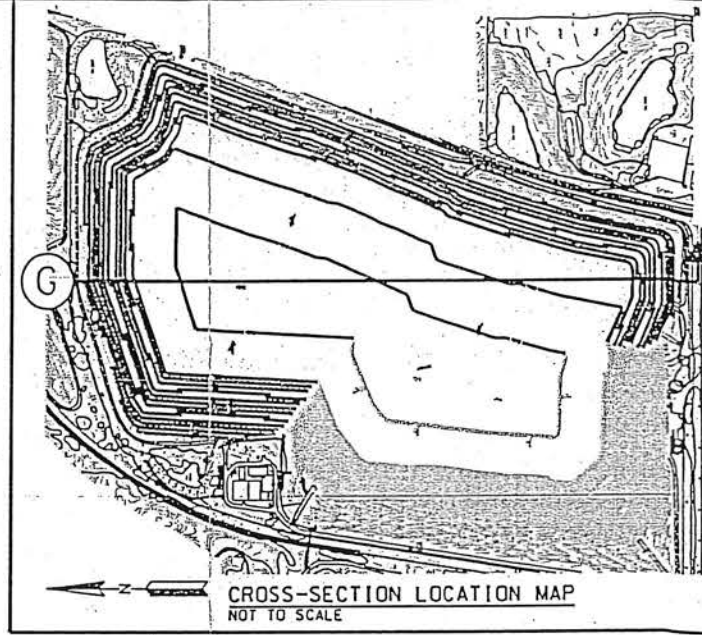
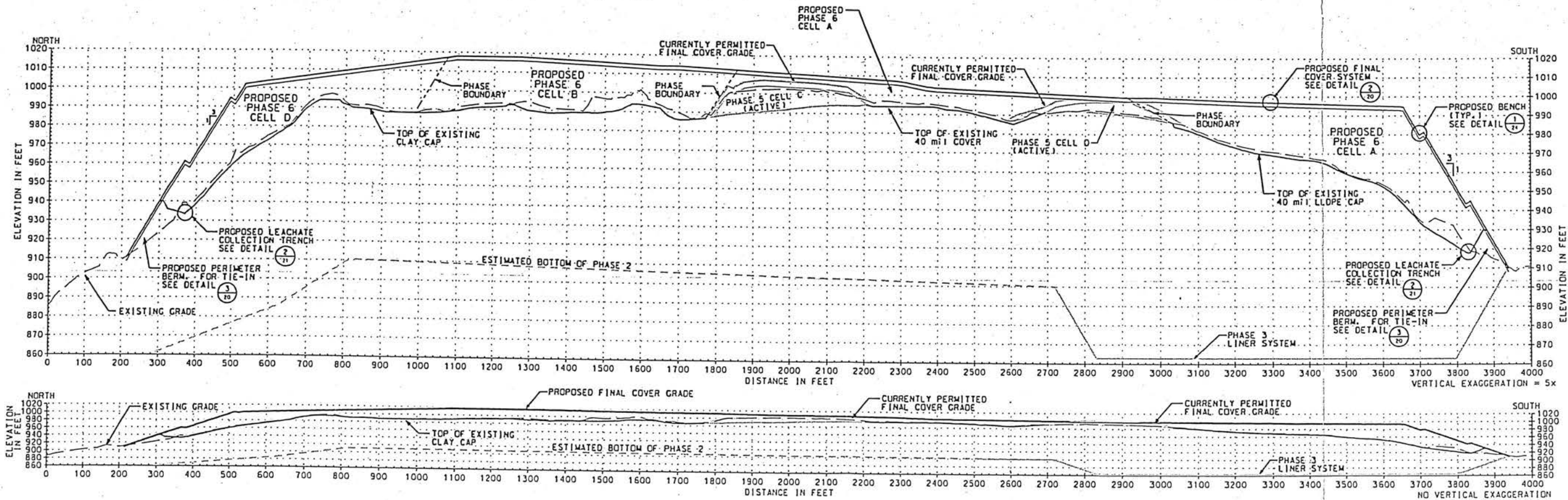
PHONE: 763-479-4200

FAX: 763-479-4242

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PRINT NAME: THOMAS J. SHUSTARICH

SIGNATURE:

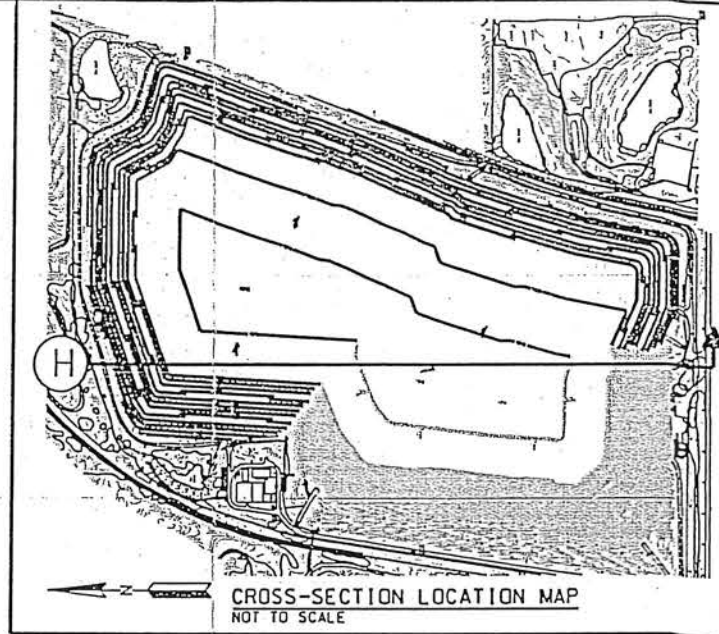
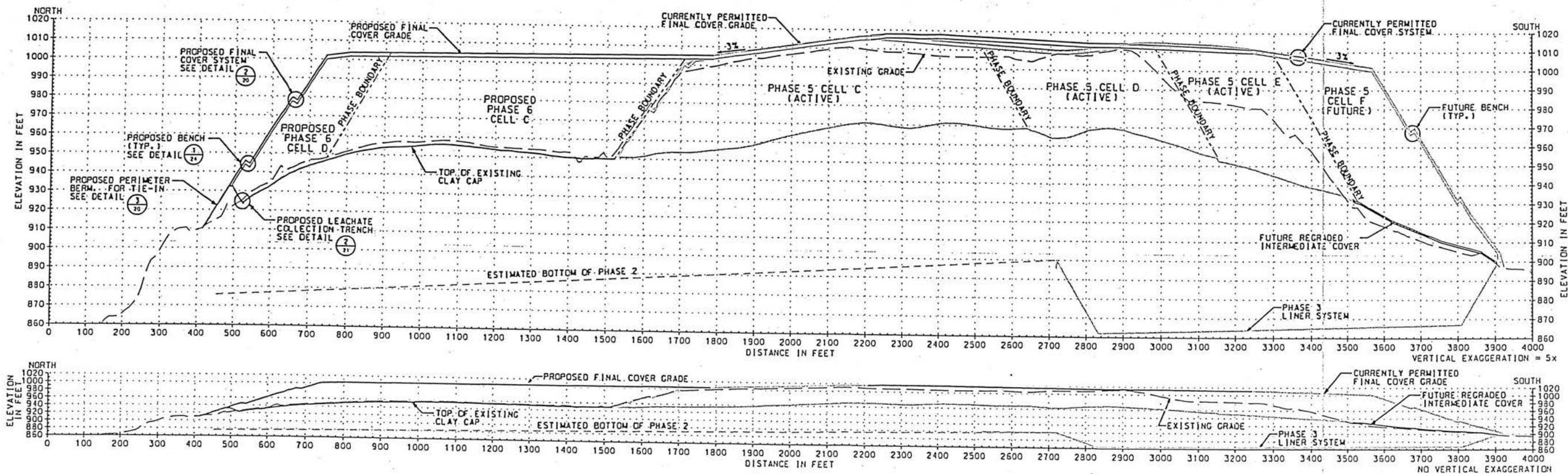


DATE	
REVISIONS	
SHEET TITLE	CROSS-SECTION G
DATE/AUGUST, 2015	
DWN	JWT
CHK'D	SKH
APP'D	TJS

2015 MAJOR PERMIT MODIFICATION
BFI WASTE SYSTEMS
OF NORTH AMERICA, LLC
PINE BEND LANDFILL
INVER GROVE HEIGHTS, MINNESOTA

WENCK ASSOCIATES
Responsive partner. Exceptional outcomes.
1808 PIONEER CREEK CENTER
MAPLE PLAIN, MN 55357
PHONE: 763-479-4200
FAX: 763-479-4242

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PRINT NAME: THOMAS J. SHUSTARICH



NOTE:
FUTURE LINER GRADES TO BE FIELD
MODIFIED PRIOR TO CONSTRUCTION TO
MATCH EXISTING CONDITIONS

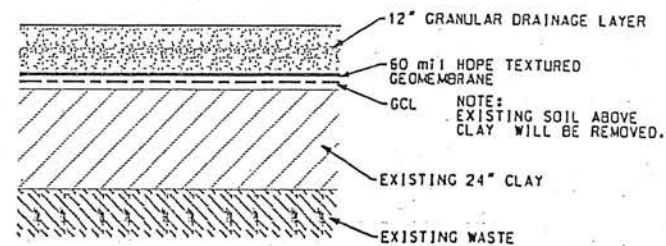
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PRINT NAME: THOMAS J. SHUSTARICH

PROJECT: 2015 MAJOR PERMIT MODIFICATION
BFI WASTE SYSTEMS
OF NORTH AMERICA, LLC
PINE BEND LANDFILL
INVER GROVE HEIGHTS, MINNESOTA

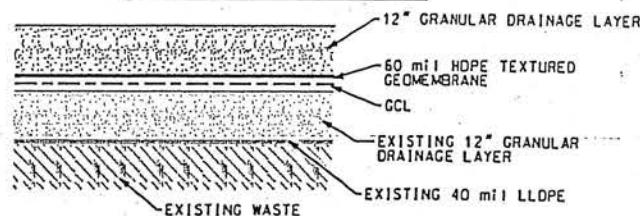
DATE: _____
REVISIONS: _____
SHEET TITLE: CROSS-SECTION H
DATE/AUGUST, 2015
DWN: JMT CHK'D: SKH APP'D: JJS

Responsive partner. Exceptional outcomes.
1808 PIONEER CREEK CENTER
MAPLE PLAIN, MN 55357

PHONE: 763-479-4208
FAX: 763-479-4242



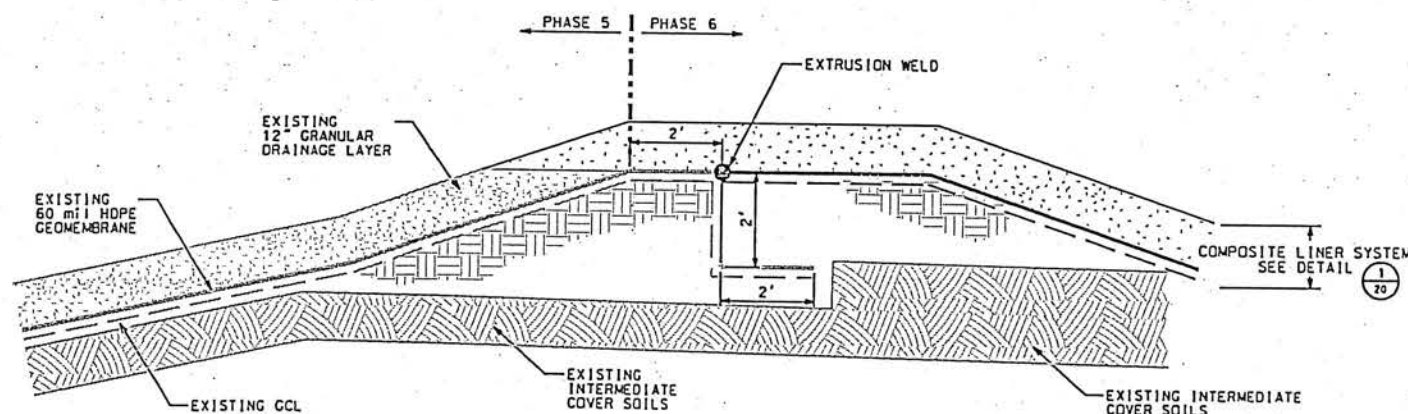
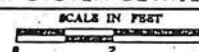
OVER EXISTING CLAY CAP



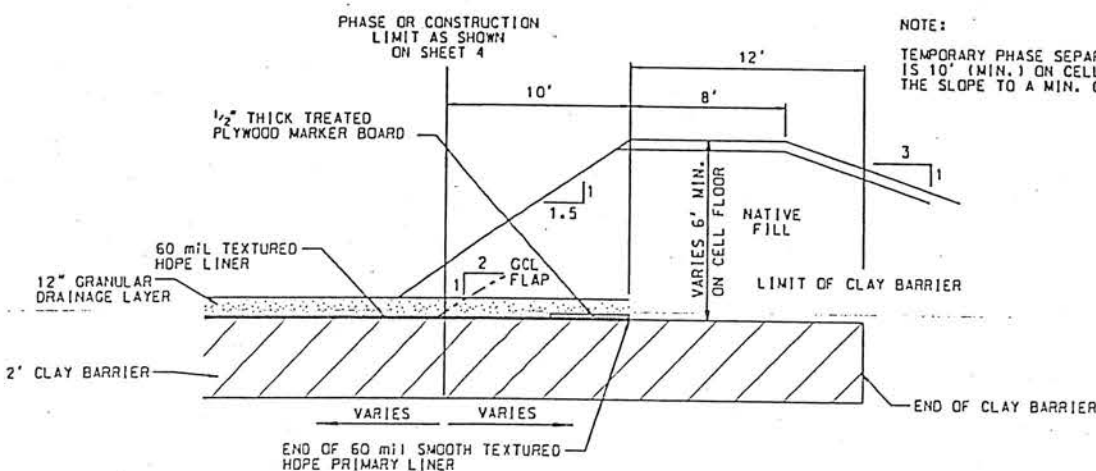
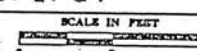
OVER EXISTING 40 mil LLOPE

NOTE:
EXISTING SOIL ABOVE
GRANULAR DRAINAGE
LAYER WILL BE REMOVED.

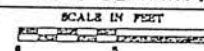
BASE LINER SYSTEM DETAIL



TIE-IN TO PHASE 5
CELL C, D, E, & F

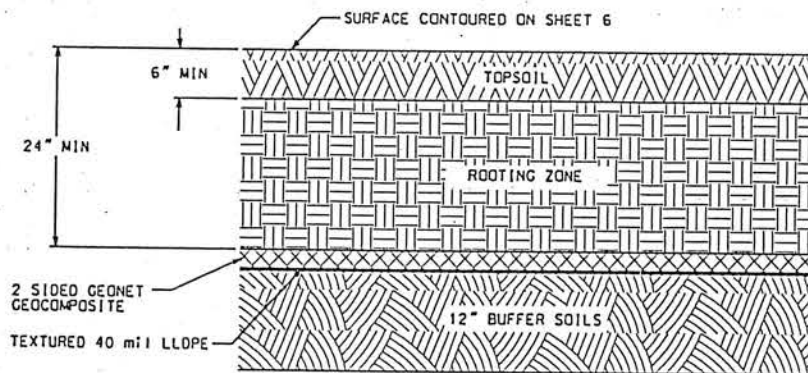


TEMPORARY CELL SEPARATION BERM

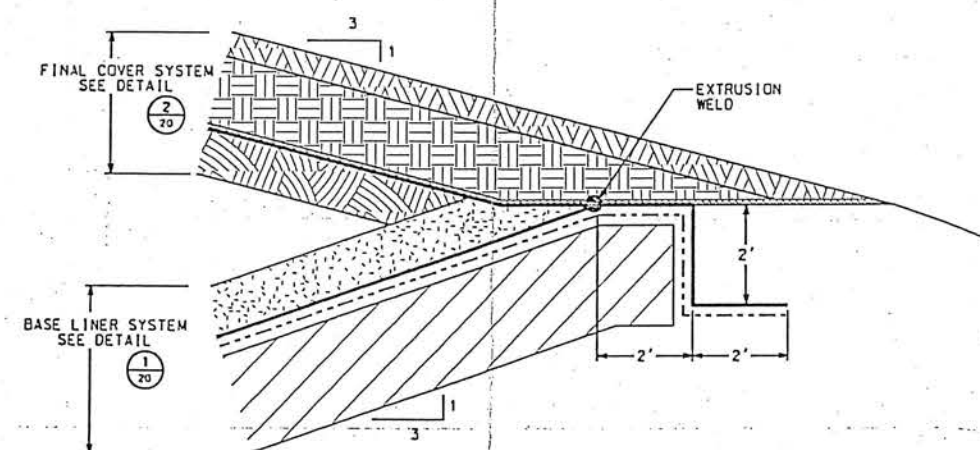
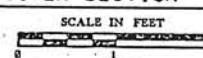


NOTE:

TEMPORARY PHASE SEPARATION BERM HEIGHT
IS 10' (MIN.) ON CELL FLOOR AND TAPERS UP
THE SLOPE TO A MIN. OF 2'.

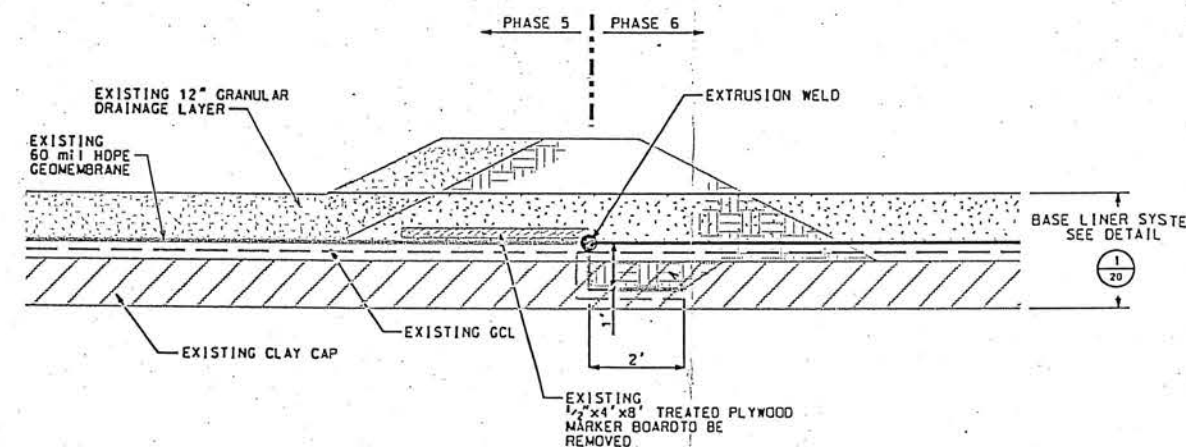


FINAL COVER SECTION

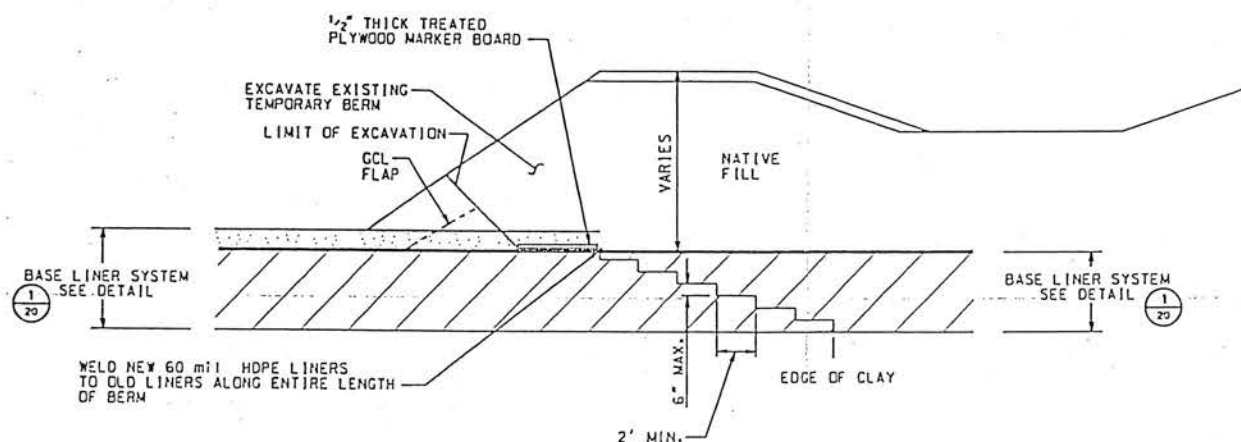
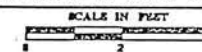


PERIMETER SECTION

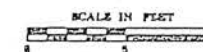
NOT TO SCALE



TIE-IN TO PHASE 5 CELL A



PERIMETER BERM
LINER TIE-IN DETAIL



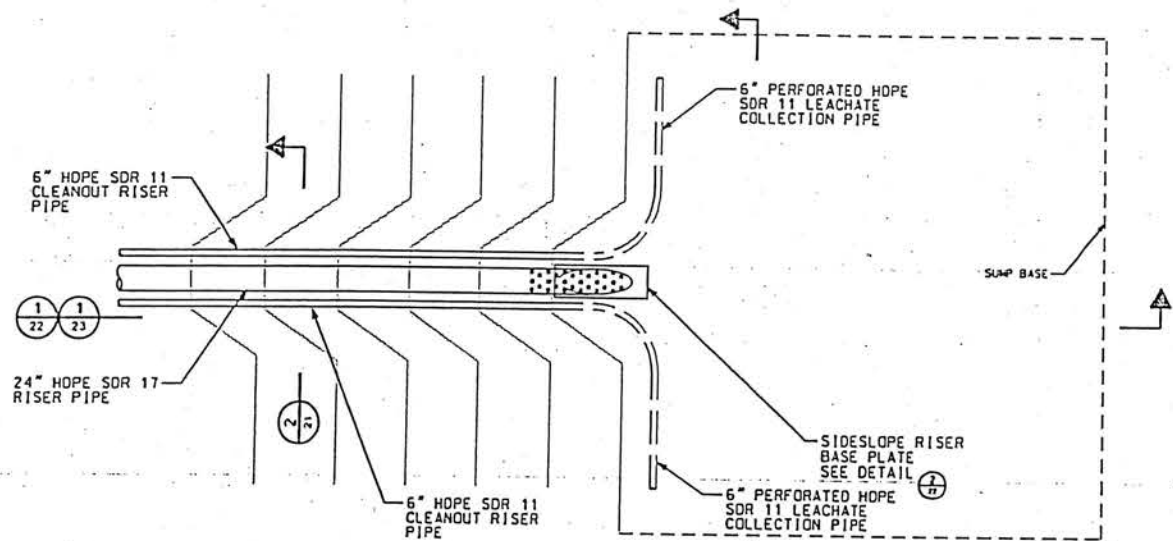
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION,
OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT
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STATE OF MINNESOTA.
PRINT NAME: THOMAS J. SHUSTARICH
SIGNATURE: *Thomas J. Shustarich*



Responsive partner. Exceptional outcomes.
1800 PIONEER CREEK CENTER
MAPLE PLAIN, MN 55557
PHONE: 763-479-4288
FAX: 763-479-4242

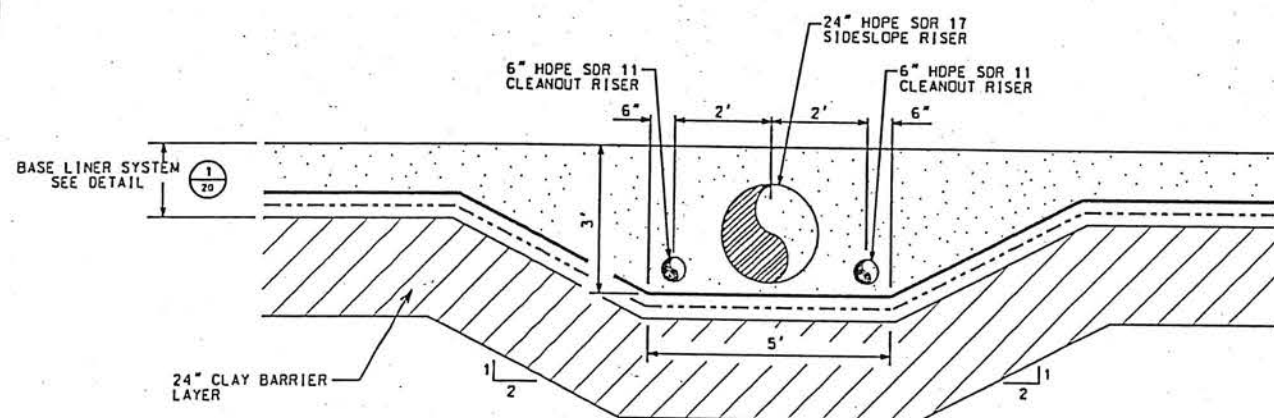
2015 MAJOR PERMIT MODIFICATION
BFI WASTE SYSTEMS
OF NORTH AMERICA, LLC
PINE BEND LANDFILL
INVER GROVE HEIGHTS, MINNESOTA

SHEET TITLE	DATE
LINER DETAILS	REVISIONS
DATE: AUGUST, 2015	DWN JMT CHK'D SKH APP'D LJS



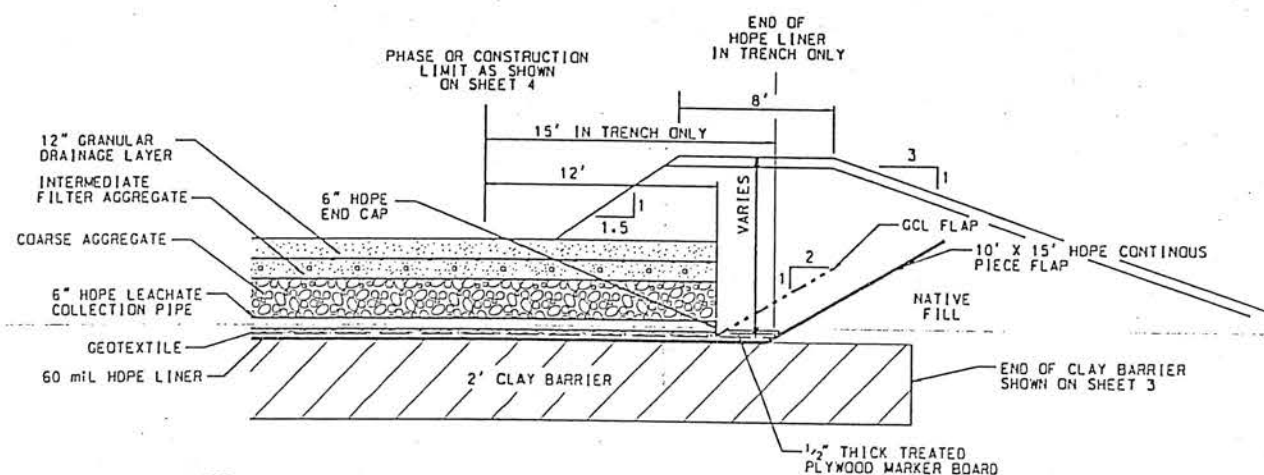
TYPICAL LEACHATE COLLECTION SUMP PLAN

SCALE IN FEET
0 5 10



SIDESLOPE RISER TRENCH

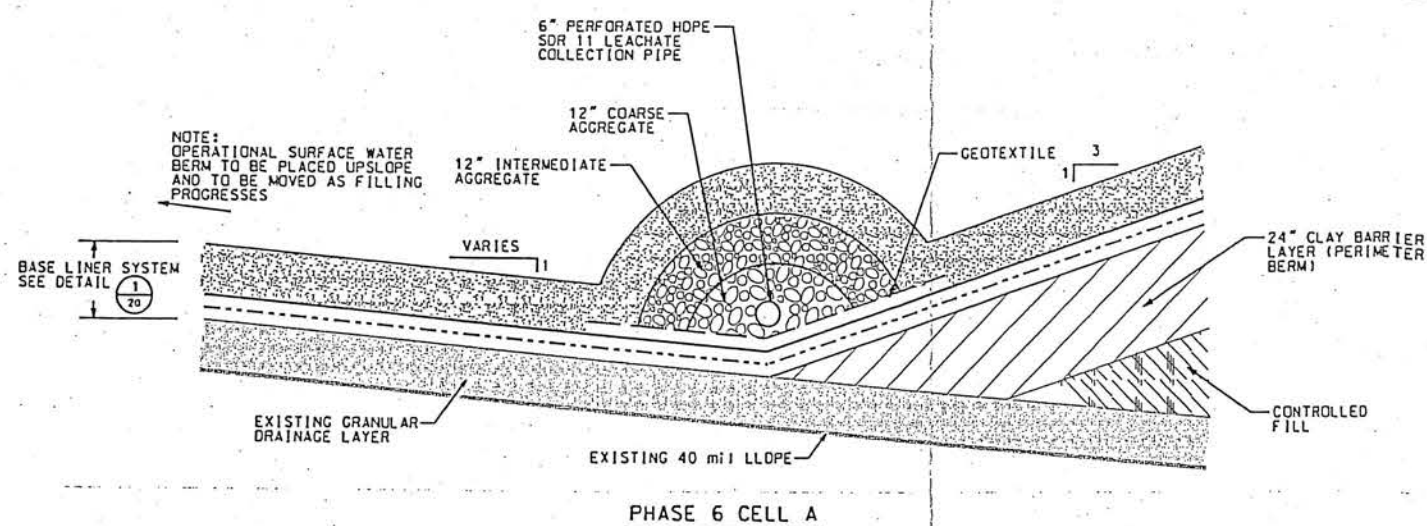
SCALE IN FEET
0 2 4



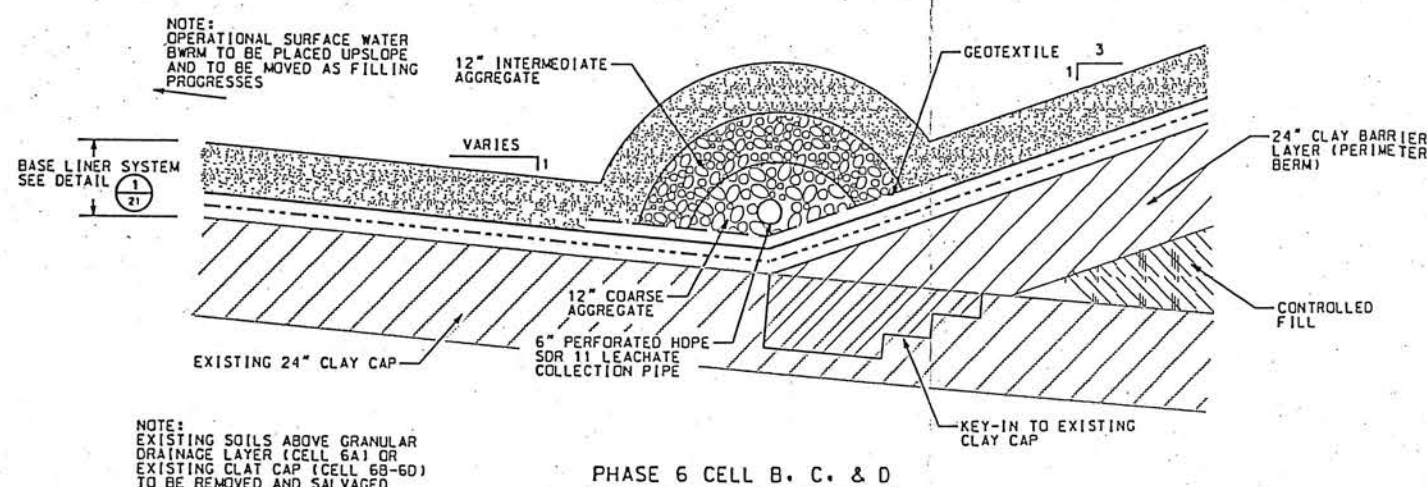
NOTE:
6" WIDE GCL FLAP
PANEL PLACED AT 2:1.

TEMPORARY PHASE SEPARATION BERM
AT LEACHATE COLLECTION TRENCH

SCALE IN FEET



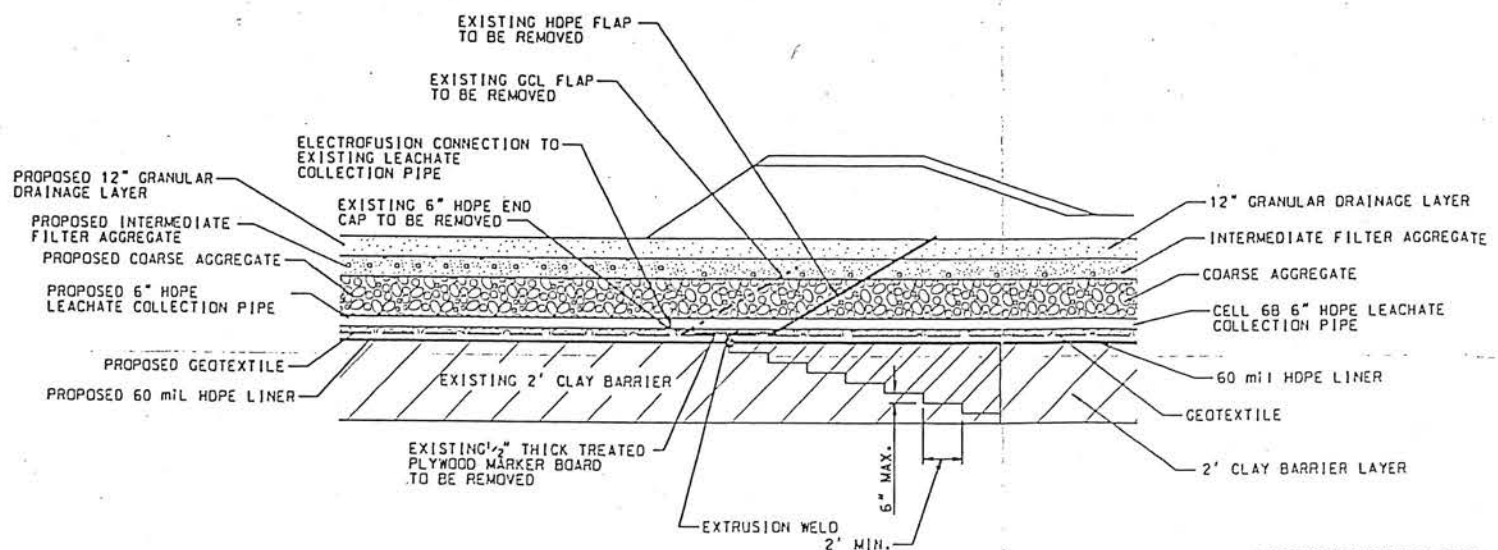
PHASE 6 CELL A



PHASE 6 CELL B, C, & D

LEACHATE COLLECTION TRENCH

NOT TO SCALE



TIE-IN AT TEMPORARY PHASE
SEPARATION BERM WITH PROPOSED
LEACHATE COLLECTION TRENCH

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PRINT NAME: THOMAS J. SHUSTARICH
SIGNATURE: *Thomas J. Shustarich*

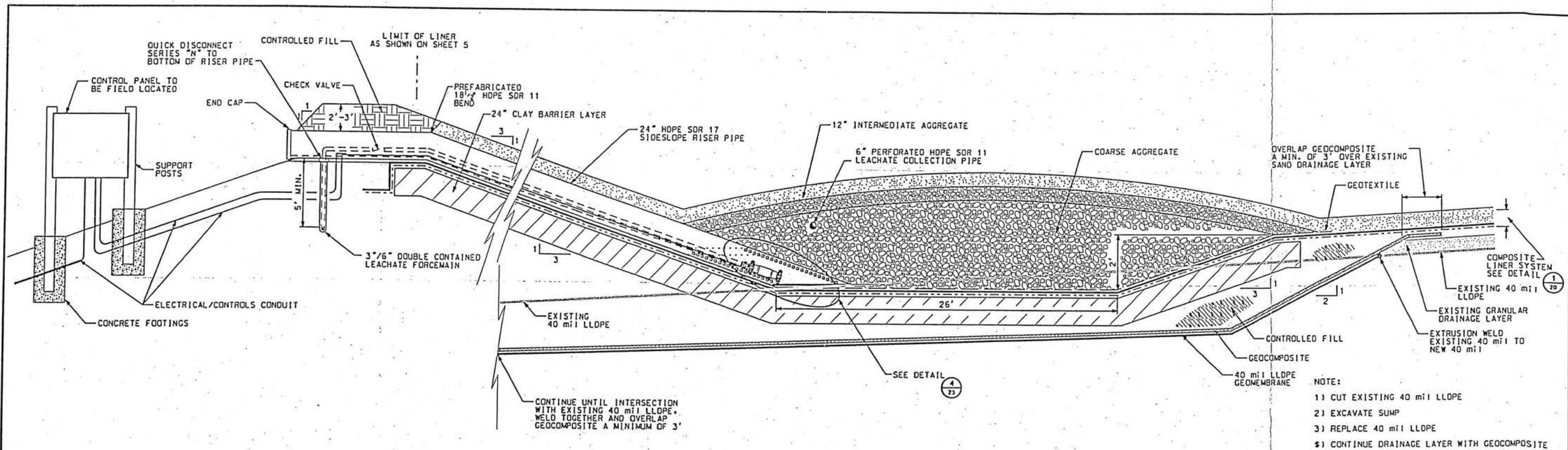
DATE	
REVISIONS	
SHEET TITLE	LEACHATE COLLECTION DETAILS
DATE: AUGUST, 2015	
DWN: JMT	CHKD: SKH
APPD: TJS	

PROJECT
2015 MAJOR PERMIT MODIFICATION
BFI WASTE SYSTEMS
OF NORTH AMERICA, LLC
PINE BEND LANDFILL
INVER GROVE HEIGHTS, MINNESOTA

WENCK
ENGINEERS

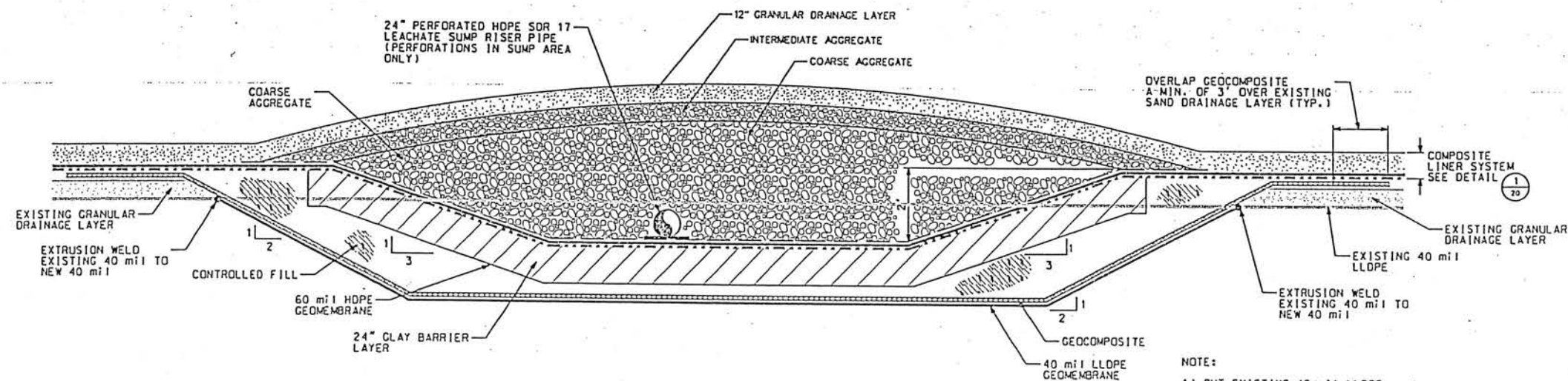
Responsive partner. Exceptional outcomes.
1800 PIONEER CREEK CENTER
MAPLE PLAIN, MN 55357
PHONE: 763-479-4200
FAX: 763-479-4242

PROJECT
2015 MAJOR PERMIT MODIFICATION
BFI WASTE SYSTEMS
OF NORTH AMERICA, LLC
PINE BEND LANDFILL
INVER GROVE HEIGHTS, MINNESOTA



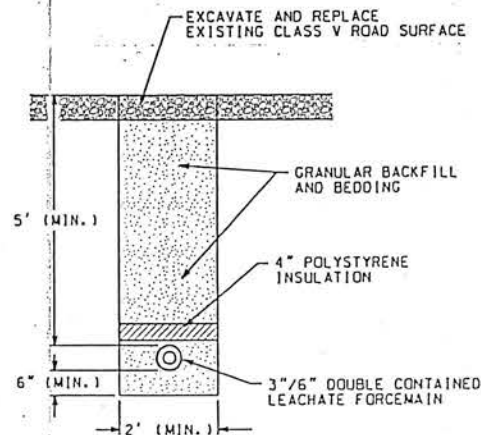
LEACHATE COLLECTION SUMP AND RISER PIPE PROFILE
PHASE 6 CELL A
NOT TO SCALE

1
22



LEACHATE COLLECTION SUMP
SECTION
PHASE 6 CELL A
NOT TO SCALE

2
22



LEACHATE FORCEMAIN TRENCH SECTION

3
22

SCALE IN FEET
1 2 4

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A duly LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINT NAME: THOMAS J. SHUSTARICH

SIGNATURE: *Thomas J. Shustarich*

WENCK
RESOURCES

Responsive partner. Exceptional outcomes.
1808 PIONEER CREEK CENTER
MAPLE PLAIN, MN 55357
PHONE: 763-479-4203
FAX: 763-479-4242

PROJECT: BFI WASTE SYSTEMS OF NORTH AMERICA, LLC OF PINE BEND LANDFILL INVER GROVE HEIGHTS, MINNESOTA

MAJOR PERMIT MODIFICATION
BFI WASTE SYSTEMS OF NORTH AMERICA, LLC OF PINE BEND LANDFILL INVER GROVE HEIGHTS, MINNESOTA

SHEET TITLE: LEACHATE COLLECTION DETAILS

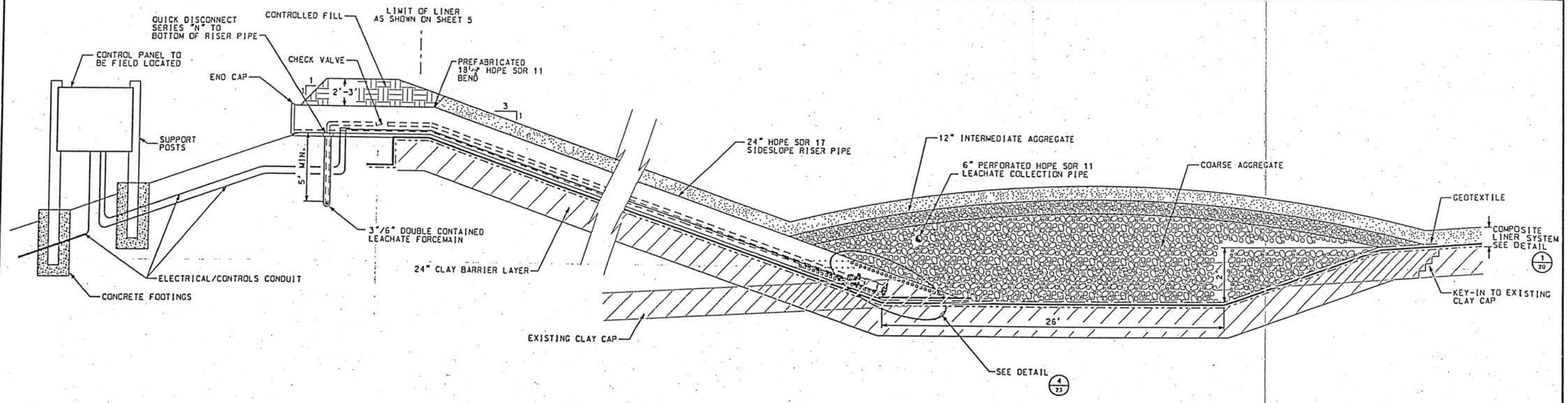
REVISIONS

DATE

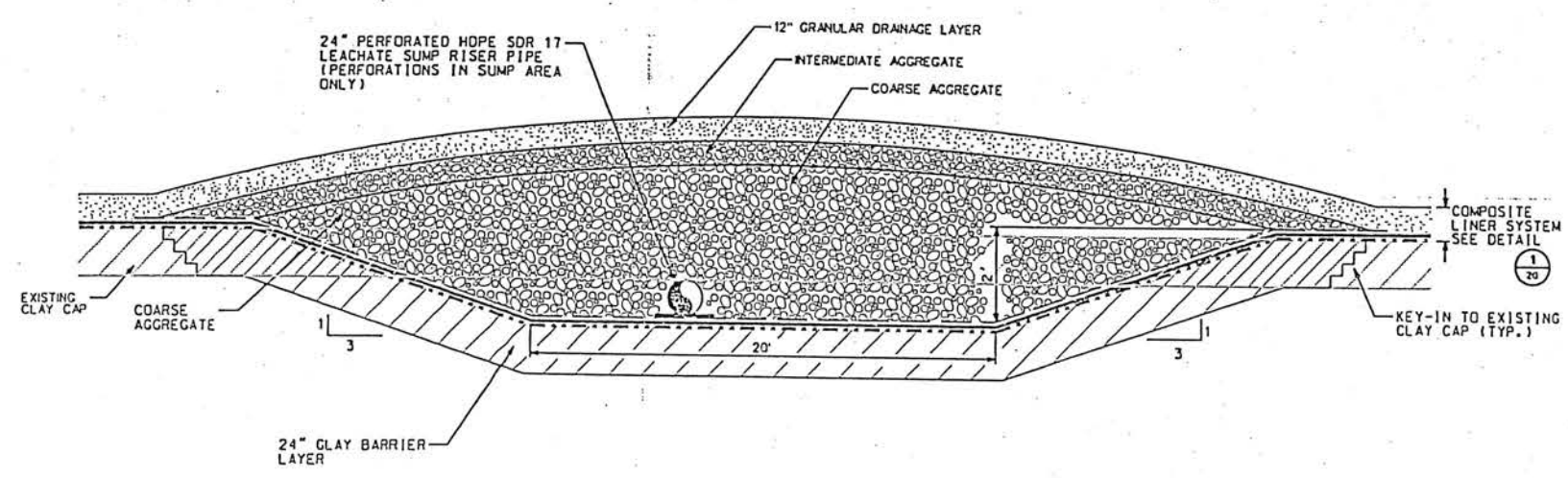
DWN: JMT

CHK'D: SKH

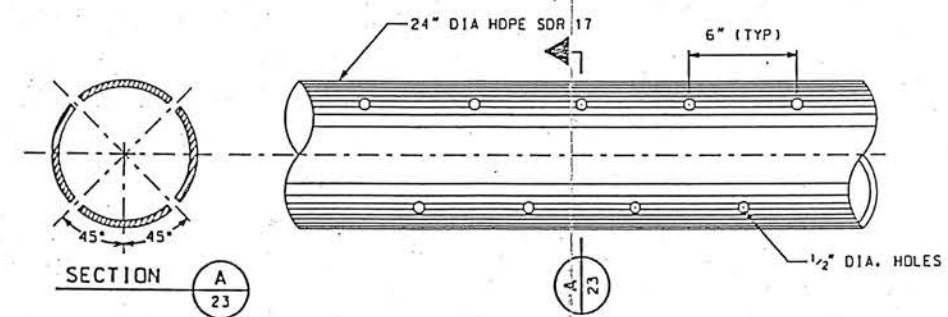
APP'D: TJS



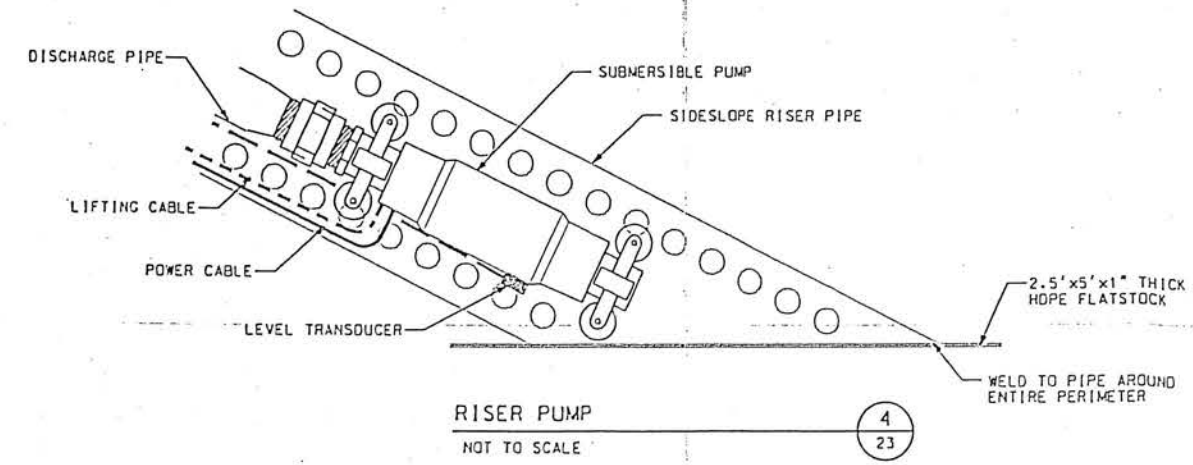
LEACHATE COLLECTION SUMP AND RISER PIPE PROFILE
PHASE 6 CELLS B, C, AND D
NOT TO SCALE



LEACHATE COLLECTION SUMP
SECTION
PHASE 6 CELLS B, C, AND D
NOT TO SCALE



SIDESLOPE RISER PIPE
PERFORATION DETAIL
NOT TO SCALE



RISER PUMP
NOT TO SCALE

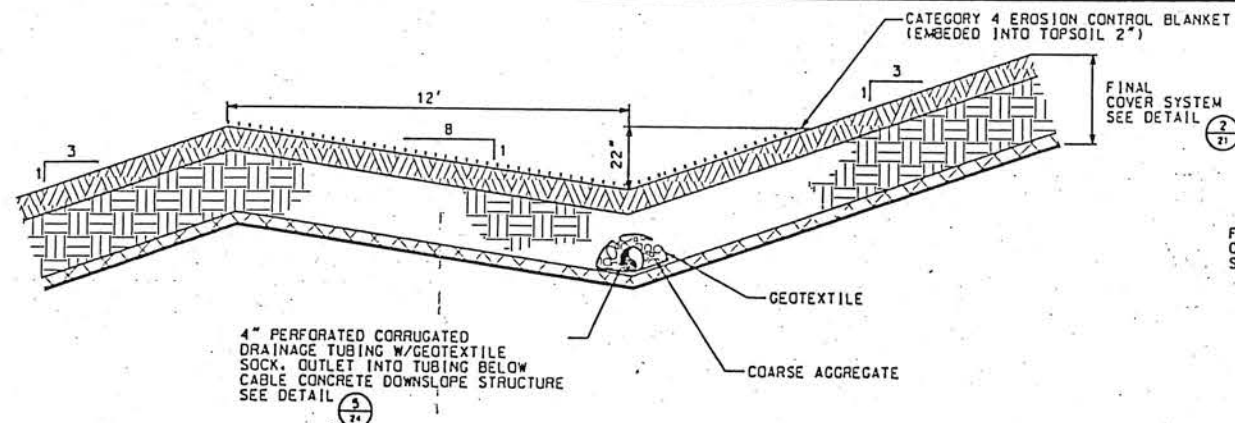
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A QUALIFIED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

THOMAS J. SHUSTARICH

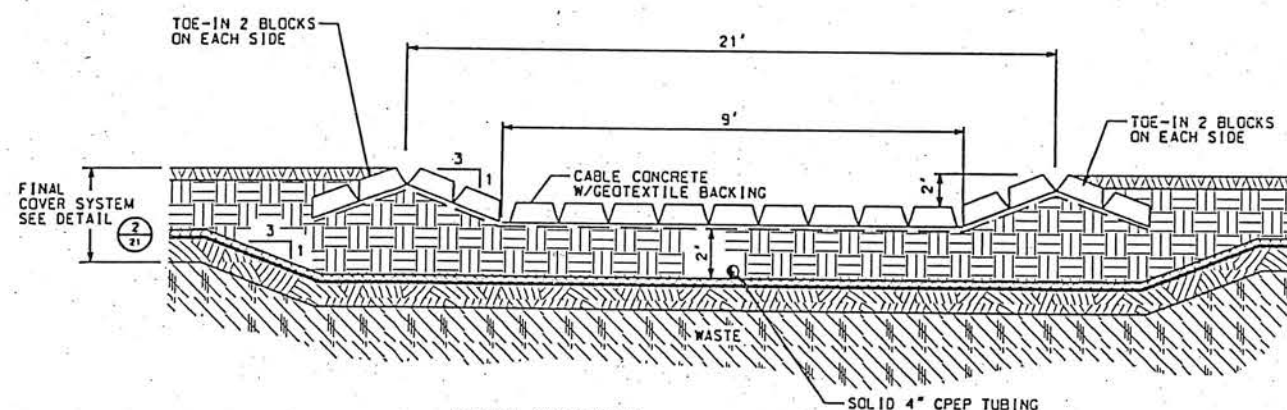
DATE	
REVISIONS	
SHEET TITLE	LEACHATE COLLECTION DETAILS
DATE: AUGUST, 2015	
DWN	JMT
CHK'D	SKH
APP'D	TJS

MAJOR PERMIT MODIFICATION	BFI WASTE SYSTEMS OF NORTH AMERICA, LLC
PROJECT	PINE BEND LANDFILL
	INVER GROVE HEIGHTS, MINNESOTA

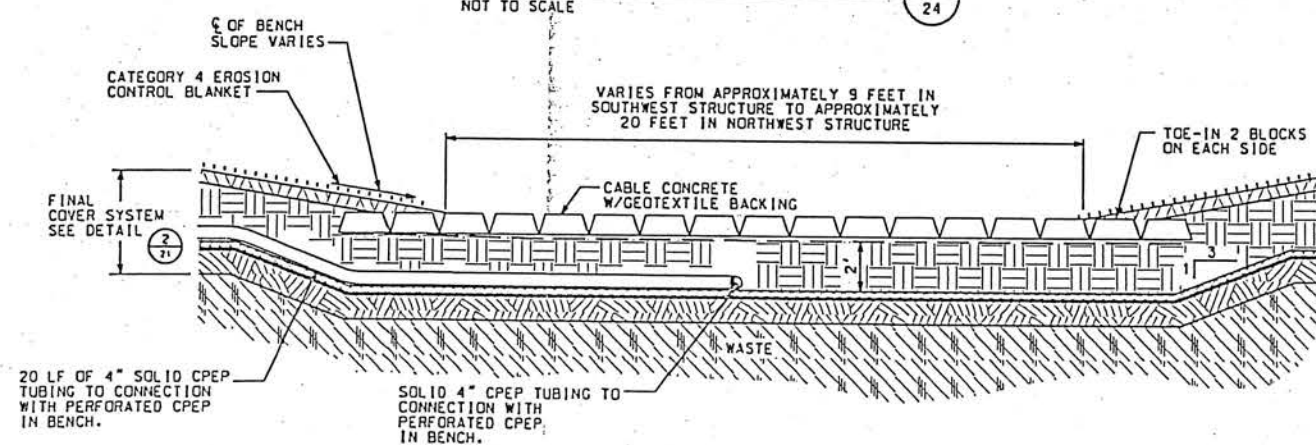
WENCK ASSOCIATES	Responsive partner. Exceptional outcomes.
1800 PIONEER CREEK CENTER	PHONE: 763-479-4200
MAPLE PLAIN, MN 55357	FAX: 763-479-4242



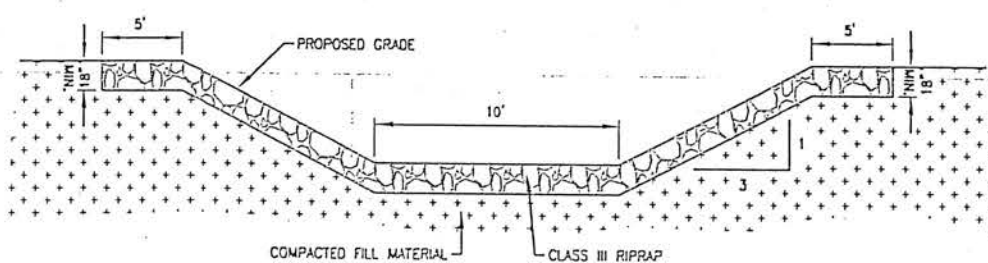
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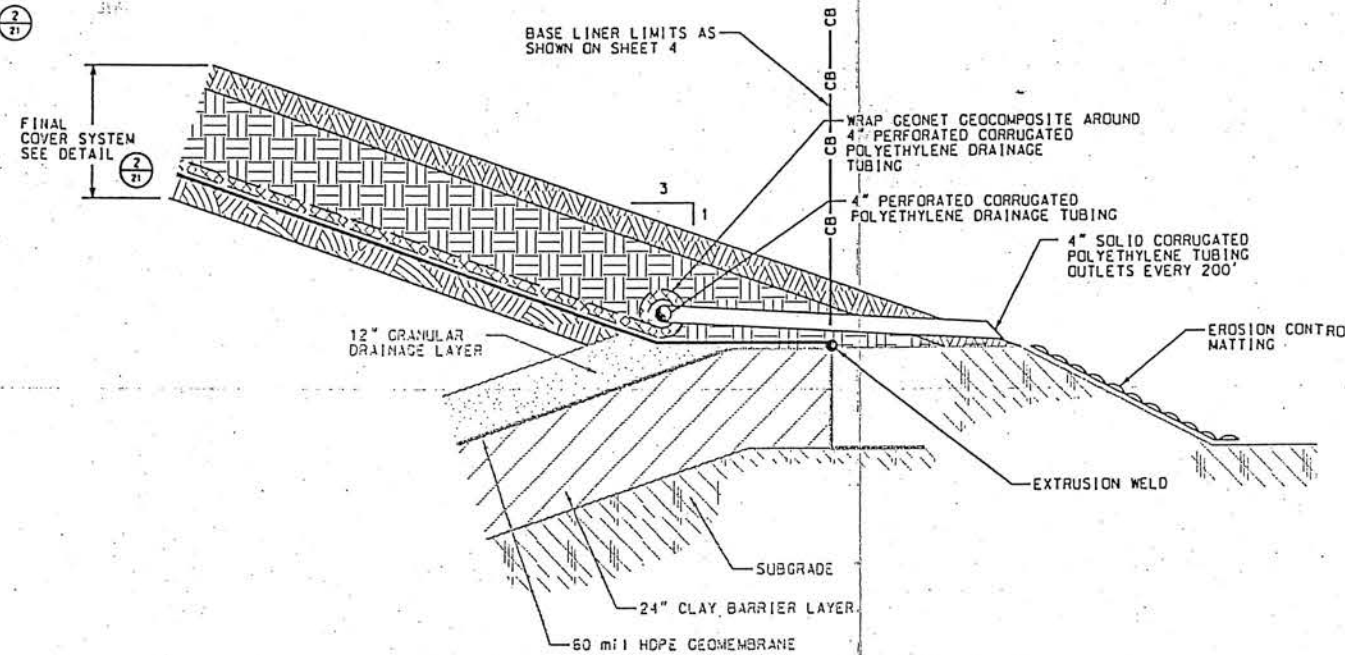
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NOT TO SCALE



BENCH TO DOWNSLOPE STRUCTURE SECTION
NOT TO SCALE

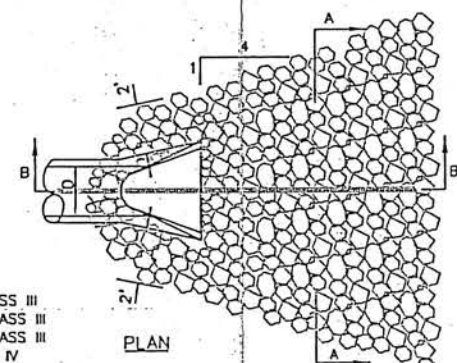


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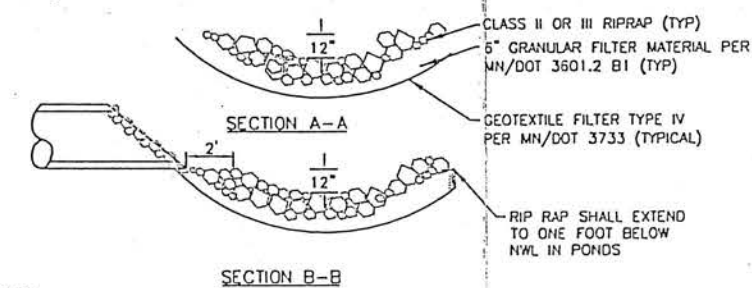


FINAL COVER TIE-IN

SCALE IN FEET



PIPE DIAMETER	RIPRAP
12"-24"	8-12 CY CLASS III
27"-33"	12-20 CY CLASS III
36"-48"	23-38 CY CLASS III
54" AND UP	62 CY CLASS IV



NOTES:

1. THE RIPRAP FOUNDATION SHALL BE EXCAVATED AND SHAPED TO THE CROSS-SECTIONS INDICATED IN PLANS.
2. FOUNDATION MATERIAL SHALL BE COMPACTED BEFORE PLACEMENT OF RIPRAP OR FILTER MATERIAL.
3. 6" OF FILTER MATERIAL SHALL COVER THE ENTIRE AREA ON WHICH RIPRAP WILL BE PLACED.
4. THE GEOTEXTILE FABRIC SHALL BE PLACED SMOOTHLY AND BE FREE OF DEBRIS THAT COULD PUNCTURE FABRIC.
5. PLACE FABRIC WITH LONGEST DIMENSION PARALLEL TO DIRECTION OF WATER FLOW.
6. OVERLAP FABRIC SEAMS BY 18".
7. OVERLAP UNDERWATER FABRIC SEAMS BY 36".

RIPRAP APRON
NOT TO SCALE

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

THOMAS J. SHUSTARICH

PROJECT: 2015 MAJOR PERMIT MODIFICATION

CLIENT: BFI WASTE SYSTEMS OF NORTH AMERICA, LLC

LOCATION: PINE BEND LANDFILL

ADDRESS: INVER GROVE HEIGHTS, MINNESOTA

DATE: 07/10/17

REVISIONS: ADDED DETAILS 5 AND 6

DESIGNER: DWN

CHECKED: CHK'D

APPROVED: APP'D

SHEET TITLE: SURFACE WATER MANAGEMENT DETAILS

DATE: AUGUST, 2015

WENCK ASSOCIATES

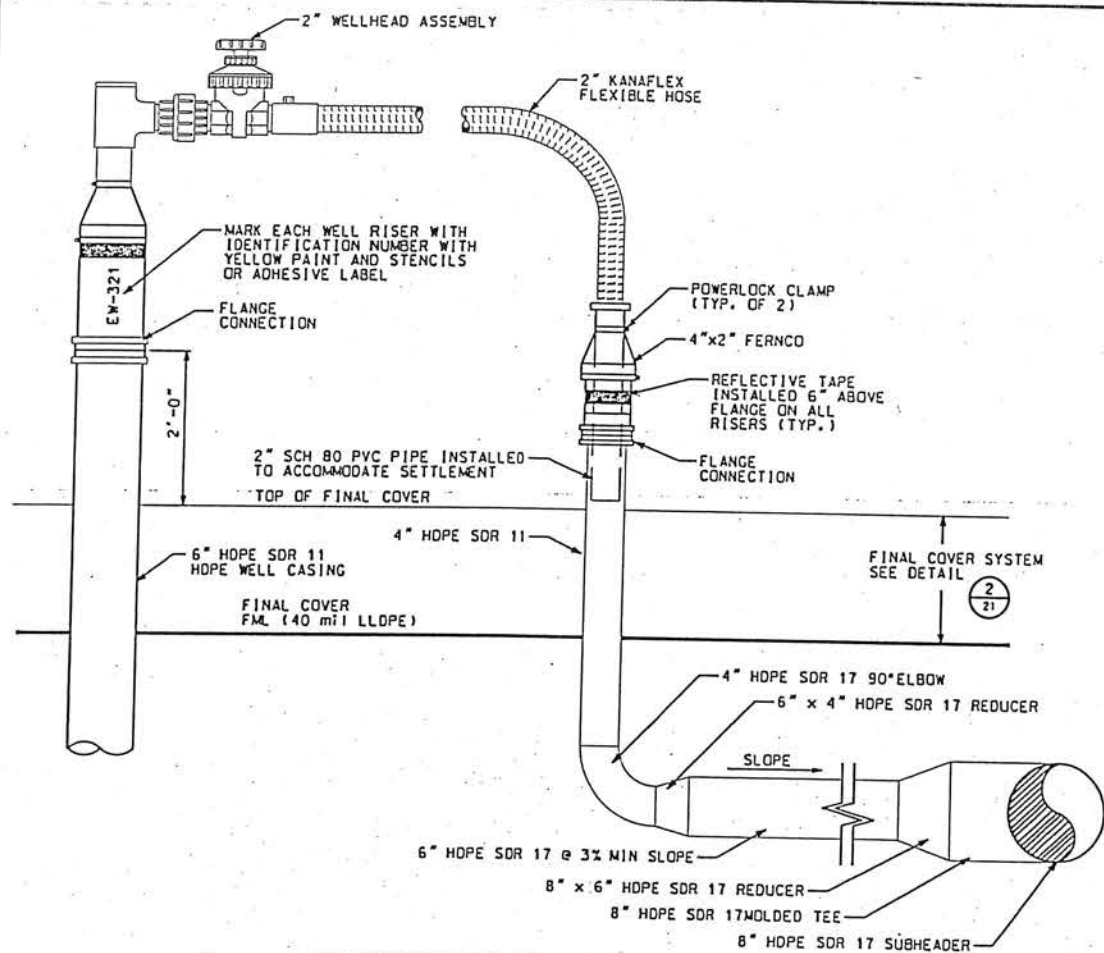
Responsive partner. Exceptional outcomes.

1800 PIONEER CREEK CENTER

MAPLE PLAIN, MN 55357

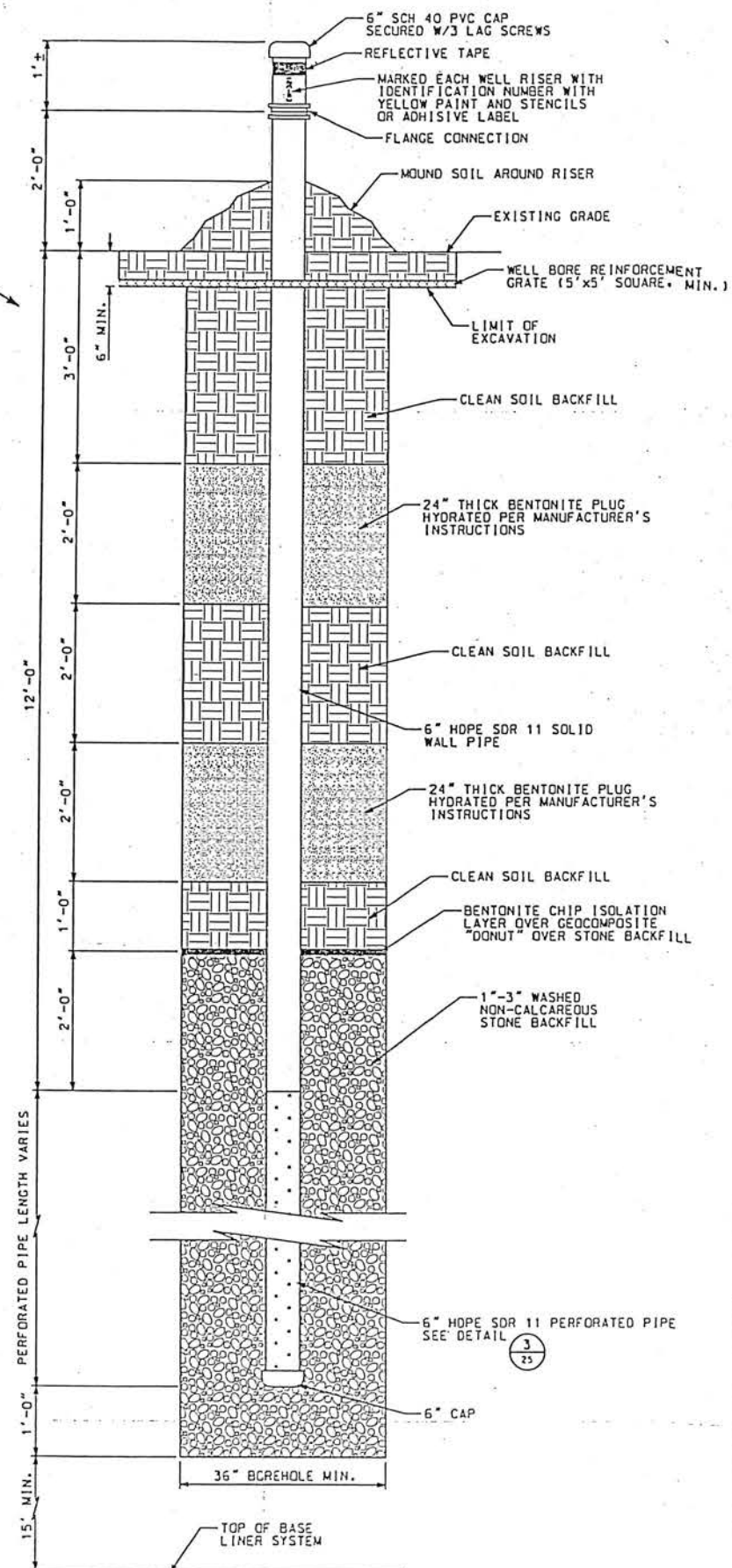
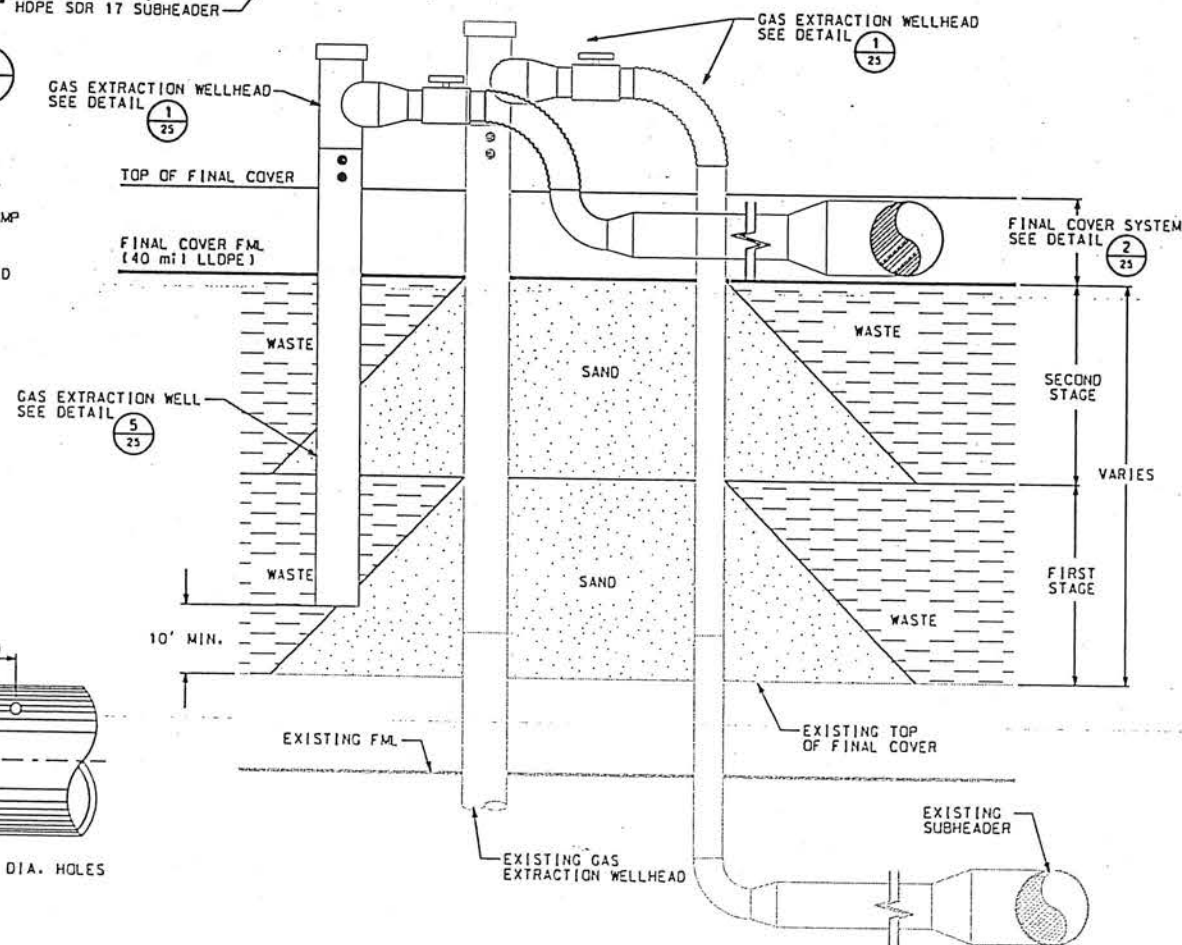
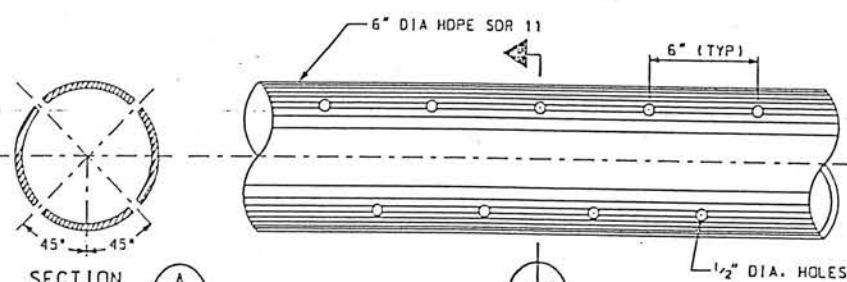
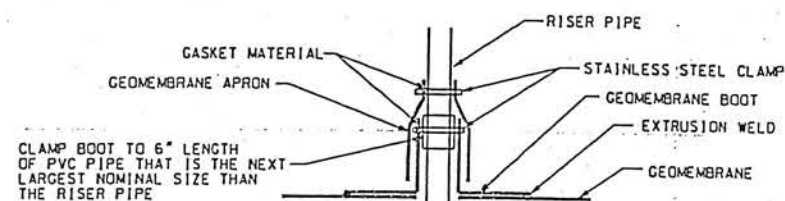
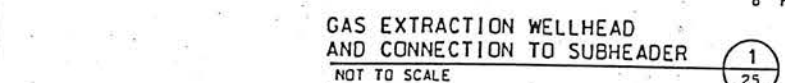
PHONE: 763-479-4200

FAX: 763-479-4242



NOTE:

PUMPING STATIONS OF SIMILAR DESIGN
W/10" HDPE SDR 11. PUMPING CONTROL
BOX TO BE INSTALLED. PUMP TO BE
PLACED WITHIN 5' OF BOTTOM OF WELL.
ONE BENTONITE SEAL AND A LONGER
SCREEN LENGTH MAY ALSO BE INCORPORATED.



LANDFILL GAS
EXTRACTION WELL DETAIL
NOT TO SCALE

I HEREBY CERTIFY THAT THIS P.L.M. SPECIFICATION ON REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINT NAME THOMAS J. SHUSTARICH

PRINT NAME THOMAS J. SHUSTARICH

SHEET TITLE	REVISIONS	DATE
GAS SYSTEM DETAILS	RESPOND TO COMMENTS	03/02/17
DATE: AUGUST, 2015	DWN	JWT
	CHK'D	SWH
	APP'D	IJS

2015 MAJOR PERMIT MODIFICATION
BFI WASTE SYSTEMS
OF NORTH AMERICA, LLC
PINE BEND LANDFILL
UNVER GROVE HEIGHTS, MINNESOTA

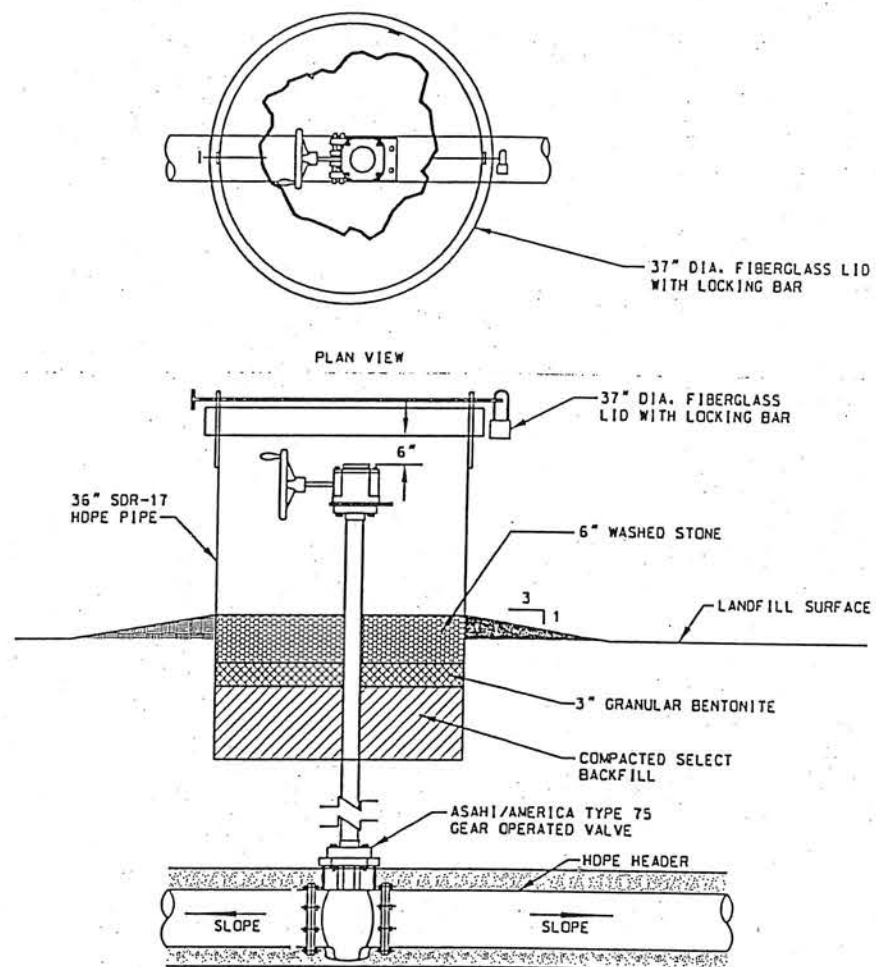
WENCK
LABORATORIES

Responsive partner. Exceptional outcomes.

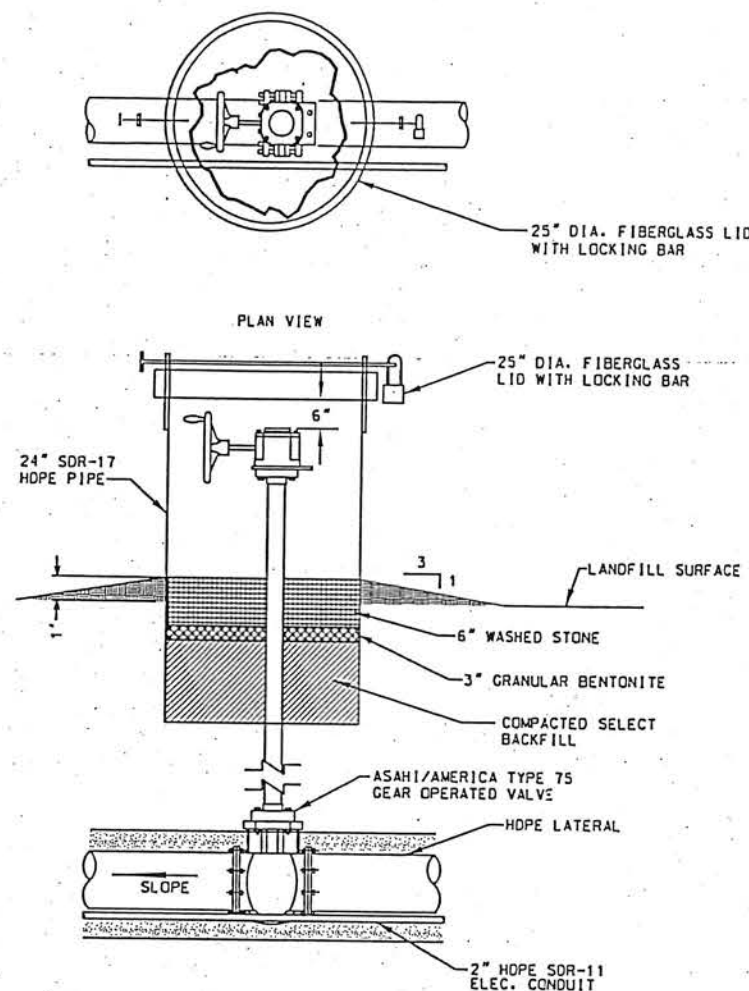
800 PIONEER CREEK CENTER
 APPLE PLAIN, MN 55357

PHONE: 763-479-4200
 FAX: 763-479-4242

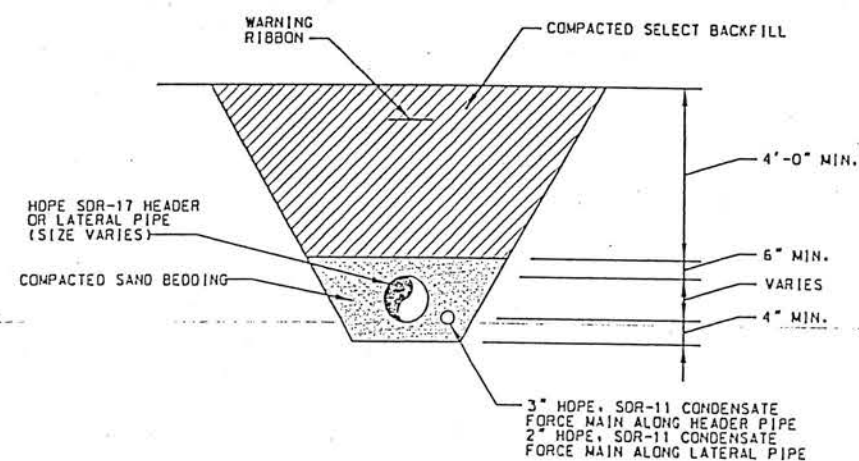
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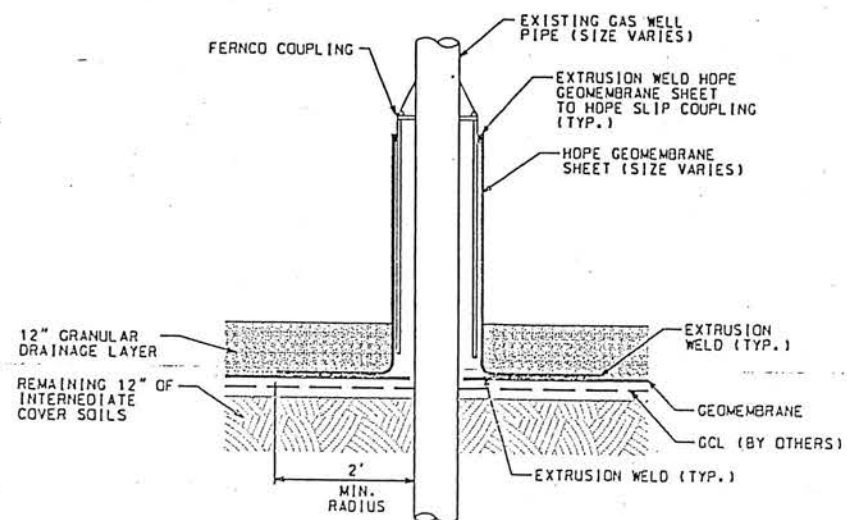
CONTROL VALVE DETAIL (GAS HEADER)
NOT TO SCALE



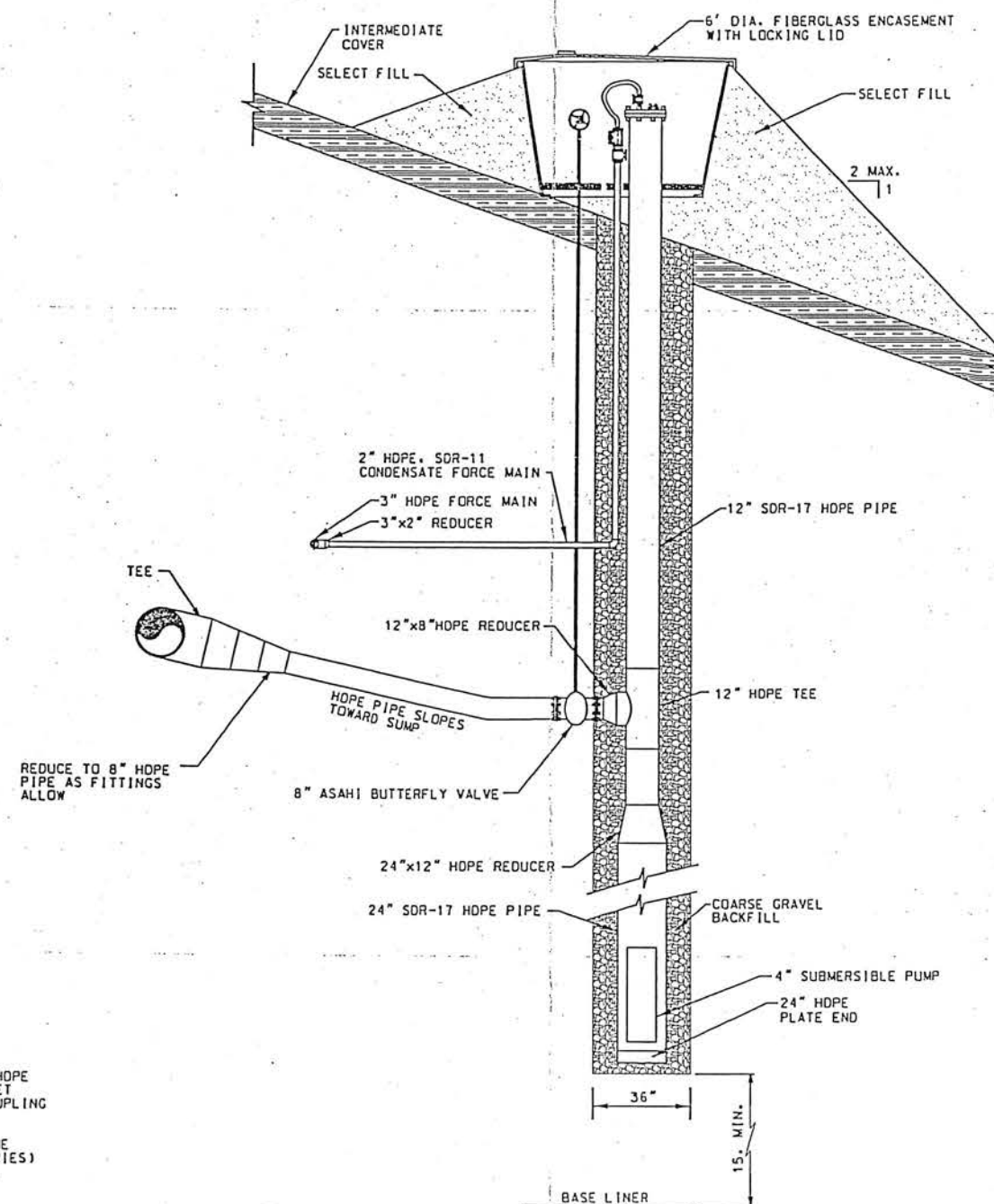
ISOLATION VALVE DETAIL (LATERAL)
NOT TO SCALE



TYPICAL PIPE TRENCH DETAIL
NOT TO SCALE



EXISTING GAS WELL EXTENSION
NOT TO SCALE



CONDENSATE SUMP DETAIL
NOT TO SCALE

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

PRINT NAME: THOMAS J. SHUSTARICH
SIGNATURE: *Thomas J. Shustarich*

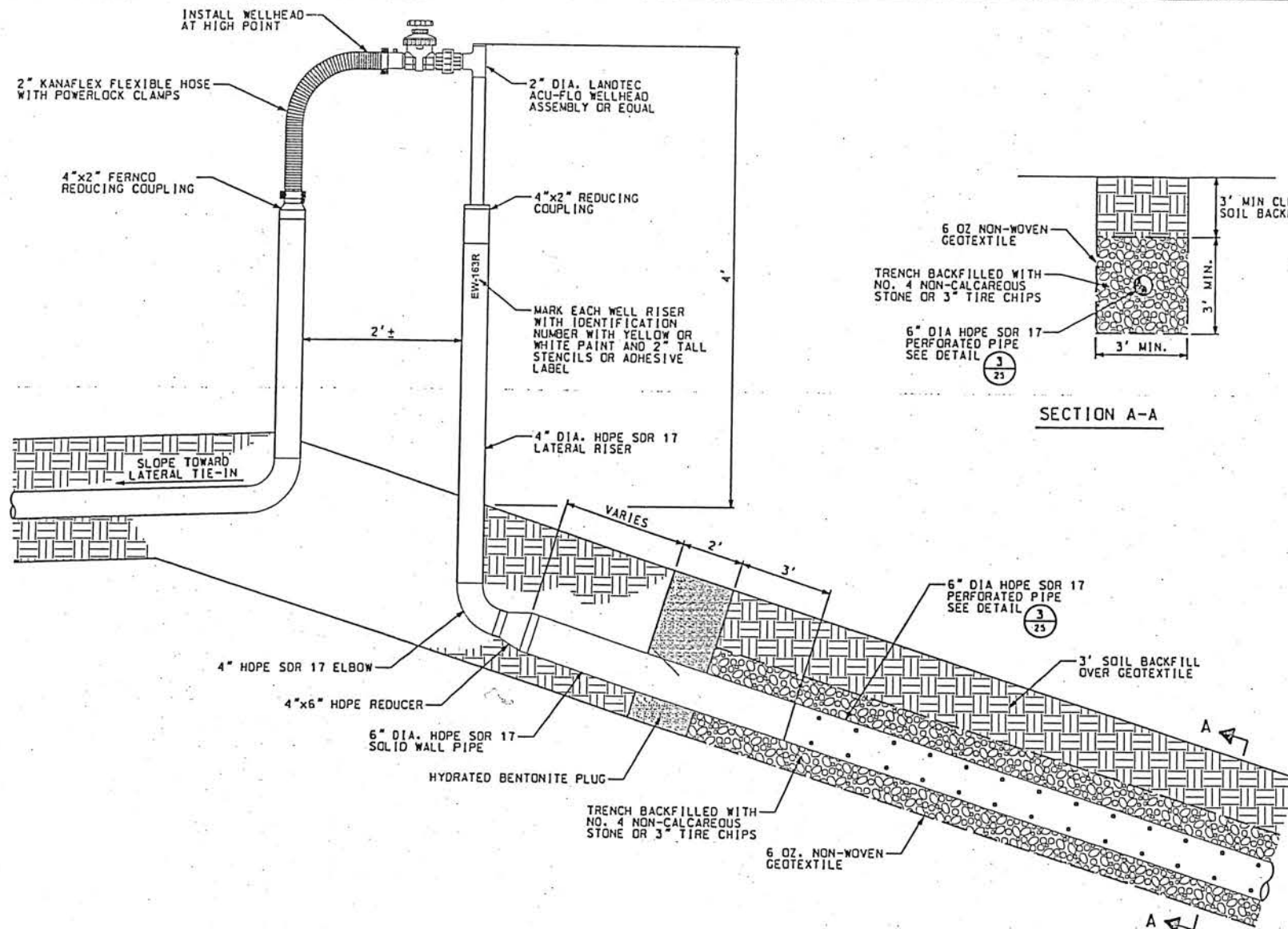
WENCK ASSOCIATES, INC.

2015 MAJOR PERMIT MODIFICATION
BFI WASTE SYSTEMS
OF NORTH AMERICA, LLC
PINE BEND LANDFILL
INVER GROVE HEIGHTS, MINNESOTA

Responsive partner. Exceptional outcomes.
1808 PIONEER CREEK CENTER
MAPLE PLAIN, MN 55557
PHONE: 763-479-4208
FAX: 763-479-4242

SHEET TITLE: GAS SYSTEM DETAILS
DATE/AUGUST, 2015
DWG: JMT CHKD: SKH APPD: JUS
REVISIONS: RESPOND TO COMMENTS
DATE: 03/02/17

SHEET NO.



HORIZONTAL LFG COLLECTOR DETAIL 1
27
NOT TO SCALE

SECTION A-A

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
PRINT NAME: THOMAS J. SHUSTARICH
SIGNATURE: *Thomas J. Shustarich*

WENCK
ENGINEERING

Responsive partner. Exceptional outcomes.
1800 PIONEER CREEK CENTER PHONE: 763-479-4200
MAPLE PLAIN, MN 55357 FAX: 763-479-4242

PROJECT: 2015 MAJOR PERMIT MODIFICATION
OF NORTH AMERICA, LLC
PINE BEND LANDFILL
INVER GROVE HEIGHTS, MINNESOTA

SHEET TITLE: GAS SYSTEM DETAILS

DATE: AUGUST, 2015

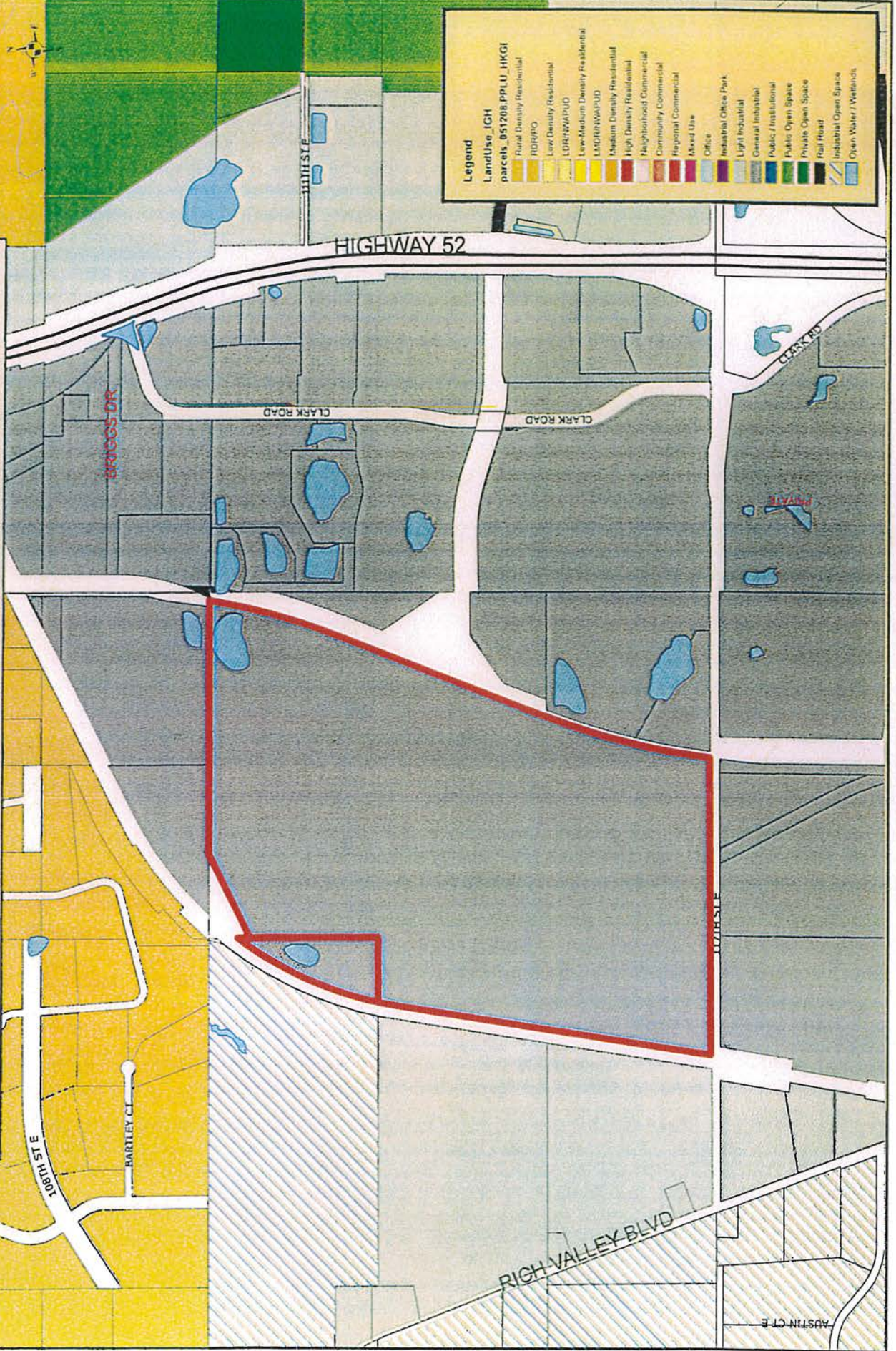
REVISIONS

NO.	DATE	DESCRIPTION
1		

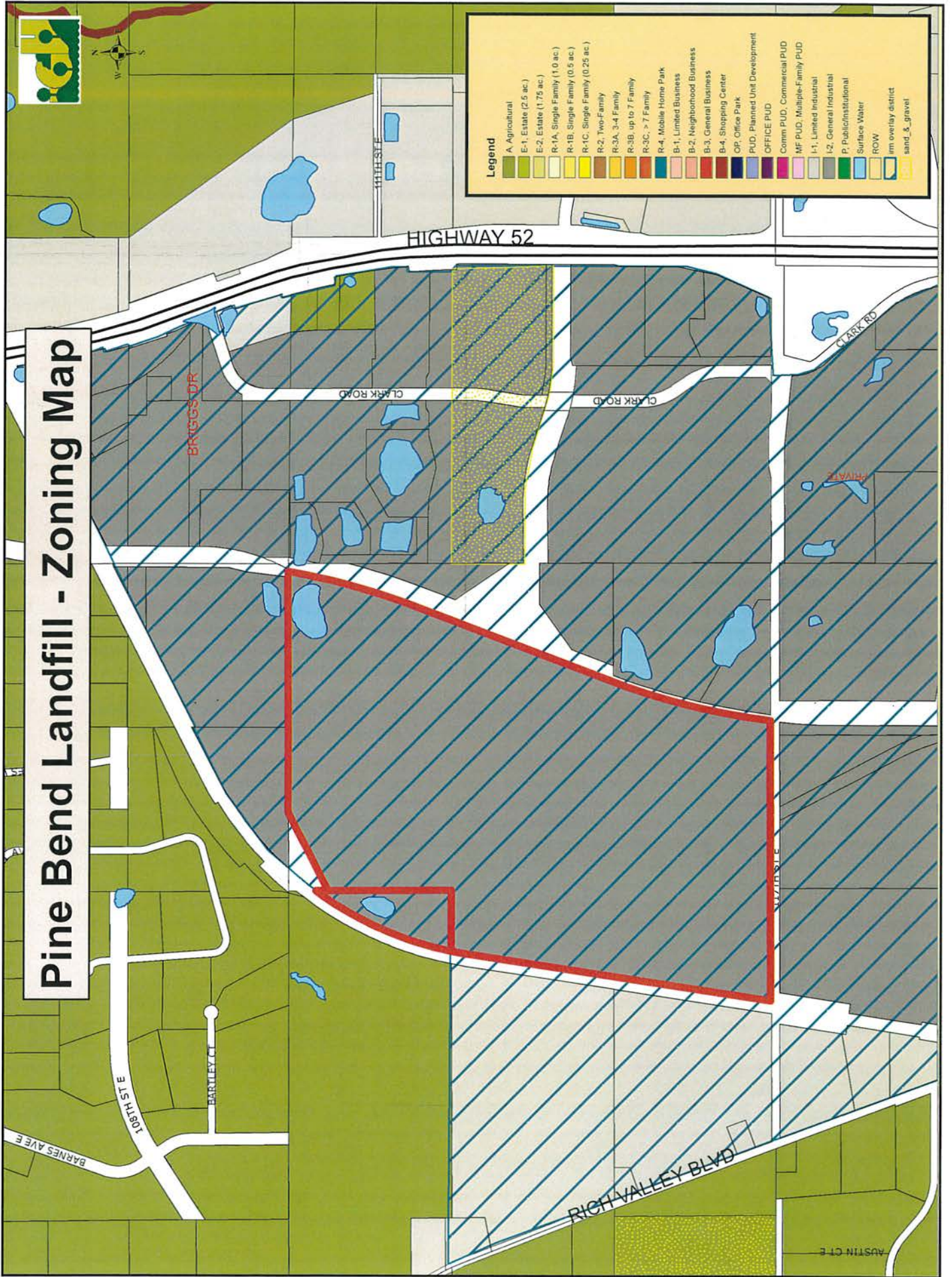
DATE: _____

DWN: _____ JMT: _____ CHK'D: _____ APP'D: _____

Pine Bend Landfill - Future Land Use Map



Pine Bend Landfill - Zoning Map





Pine Bend Landfill - Aerial Map



February 13, 2018

Mr. Tom Link
Director of Community Development
City of Inver Grove Heights
8150 Barbara Avenue
Inver Grove Heights, MN 55077-3412

Re: Pine Bend Landfill (PBL) Sideslope Expansion – City Application Review

Dear Mr. Link:

This letter presents Barr Engineering Co.'s (Barr's) review of the Pine Bend Landfill (PBL) "Application Submittal to the City of Inver Grove Heights for the Pine Bend Landfill – Phase 6 Development," prepared by Wenck Associates, Inc., dated revised February 2018 (revised February 2018 City Application).

This letter includes:

- brief summaries of the revised February 2018 City Application and the City's regulatory history of PBL,
- a history of recent requests and approval regarding PBL,
- City technical review of PBL's permit application to the MPCA including key technical issues and associated recommended modifications to the Non-Conforming Use Certificate (NCUC) and Conditional Use Permit (CUP),
- a discussion of potential environmental benefits from the proposed sideslope expansion, and
- summary and conclusions

Summary of revised February 2018 City Application

The revised February 2018 City Application contains information regarding the proposed sideslope expansion at PBL including general project description, facility and design information, operational information, a discussion of potential environmental and land use impacts, and additional information regarding the host community fee, compliance history, and status of non-City permits and approvals.

The revised February 2018 City Application also includes the site lease agreement, permit-level plan sheets, a geotechnical analysis, stormwater management calculations and model results, and financial assurance cost estimates for closure, postclosure, and contingency action.

The revised February 2018 City Application proposes an increase to the capacity of PBL but does not propose changes to the aerial footprint of the waste or the maximum elevation.

City Regulatory History of PBL

In general City Resolution No. 6465 (1995 NCUC) established, among other things, limits to the waste capacity and maximum elevation of PBL. City Resolution No. 04-48 (2004 CUP) allowed an increase to the capacity of PBL. Below is a brief summary of the City's past regulation of PBL.

Ordinance History

- City Ordinance No. 721. On April 22, 1991 the City adopted Ordinance No. 721, which amended the City Zoning Code, Section 515.43, "I-2" General Industry District, and made mixed municipal solid waste disposal facilities (among others) prohibited uses. Ordinance No. 721 permitted prohibited uses that existed prior to April 22, 1991.
- City Ordinance No. 850. On November 27, 1995 the City adopted Ordinance 850 - "An Ordinance Establishing a Procedure for the Consideration of Nonconforming Use Certificates", amended the City Zoning Code to permit owners of a prohibited use to apply for a NCUC.
- City Ordinances No. 851 and 852. On November 27, 1995 the City adopted Ordinance 851 - "An Ordinance Establishing City Code Section 550 Integrated Resource Management Overlay Zoning District" and Ordinance 852 - "An Ordinance Rezoning Property to "IRM", Integrated Resource Management Overlay District", amended the City Zoning Code to create an Integrated Resource Management Overlay District which included PBL.
- City Ordinance No. 1084 (2004 Ordinance Amendment) - "An Ordinance Amending Inver Grove Heights City Code Section 515.80. Subd. 33 (E) by Adding a Conditional Use Permit for the Expansion of the Airspace of an Existing Sanitary Landfill", dated March 22, 2004.

NCUC History

- City Resolution No. 6465 (1995 NCUC) - "A Resolution Granting a Non-Conforming Use Certificate for Pine Bend Sanitary Landfill for a Compost Facility and a Sanitary Landfill," dated November 27, 1995. The 1995 NCUC was granted to PBL subject to terms, conditions, and qualifications contained in the 1995 NCUC.
- City Resolution No. 02-32 - "Resolution Amending Resolution No. 6465, Granting a Non-Conforming Use Certificate for Pine Bend Landfill by Modifying the Phasing Plan, Maximum Elevation, and Final Grading and Stormwater Plans", dated March 11, 2002.

- City Resolution 04-49 (2004 NCUC Amendment)– “A Resolution Amending Resolution No. 6465 Granting a Non-Conforming Use Certificate for Pine Bend Sanitary Landfill for a Sanitary Landfill”, dated March 22, 2004. The resolution established the remaining airspace capacity as of October 1994 and limited the maximum elevation of PBL to an elevation of 1,019 feet.

CUP History

- City Resolution 6330 – “Approving a Conditional Use Permit for an Energy Recovery Facility for the Generation of Electricity in the General Industry (I-2) Zoning District,” dated May 30, 1995.
- City Resolution 04-48 (2004 CUP) - “Resolution Approving a Conditional Use Permit to Allow an Airspace Capacity Expansion of the Pine Bend Sanitary Landfill,” dated March 22, 2004. The resolution granted an airspace expansion which brought the total airspace (not including final cover) to 28.6 million cubic yards.

Brief History of Recent Requests and Approvals

PBL was first issued a permit by the MPCA in 1971. Since then, the MPCA permit has been reissued numerous times and most recently on July 30, 2015. The July 30, 2015 permit did not include any major design changes from the previous permit. Below is a brief history of recent MPCA- and City-related requests and actions related to PBL.

MPCA Sideslope Expansion Permit Re-issuance Request

PBL submitted a “Request for Major Modification of Permit #SW-45,” prepared by Wenck Associates, Inc., dated August 2015 (August 2015 Application).

The August 2015 Application proposes an airspace capacity expansion over the existing landfill footprint by developing 3:1 (horizontal:vertical) sideslopes around the northwest, north, east, and southeast sides of the existing landfill footprint including installation of a new liner and leachate collection system mostly over old unlined waste. The southwest portion of the landfill footprint is currently permitted for 3:1 sideslopes.

The City, with Barr’s assistance, performed a technical review of the August 2015 Application and PBL subsequently modified the August 2015 Application via a number of review responses prepared by Wenck Associates, Inc. as shown below:

- October 25, 2016 response letter and attachments,
- March 6, 2017 response letter and attachments,
- July 14, 2017 response letter and attachments, and
- September 27, 2017 response letter and attachments.

The MPCA is waiting for the City and County to complete their application processes prior to reissuing the MPCA solid waste permit.

MPCA EAW

The MPCA prepared a draft Environmental Assessment Worksheet (EAW) for public review on June 27, 2016 that evaluated the current proposed sideslope expansion. The City provided extensive review and numerous comments on the draft EAW in a letter dated July 26, 2016. Subsequently, the MPCA issued a final EAW and response to comments dated November 10, 2016. The final EAW concluded that there was no potential significant effects reasonably expected to occur from the PBL sideslope expansion and that there is no need for an Environmental Impact Statement.

City NCUC, CUP, and Zoning Amendment Request

PBL is requesting that the City amend its NCUC, CUP, and zoning ordinance to allow the proposed sideslope expansion. The request is included in the revised February 2018 City Application discussed above.

City Review of PBL Permit Application to the MPCA

As discussed above, the City, with Barr's assistance, performed an extensive review of PBL's August 2015 Application and subsequent PBL modification submittals to the MPCA. Four rounds of City/Barr review were performed and responses provided by PBL. All City/Barr review recommendations have been adequately addressed by PBL.

The City/Barr review focused on these twelve technical topics.

- I. Waste Acceptance
- II. Groundwater Monitoring System
- III. Leachate Recirculation
- IV. Solid Waste Composting
- V. Groundwater Quality
- VI. Surface Water Management
- VII. Waste Capacity
- VIII. Liner and Leachate Collection System Design
- IX. Gas Monitoring and Gas Extraction/Treatment Systems
- X. Final Cover Design
- XI. Closure, Post Closure, Contingency Action, and Operations and Maintenance Plans
- XII. Financial Assurance Cost Estimates

More detailed information regarding the review of these topics is contained in the four rounds of City/Barr review letters and PBL responses and can be provided if requested.

Key Technical Issues and Recommended NCUC/CUP Modifications

From the above twelve technical topics included in the City/Barr review, there were five topics that were of particular importance. These five topics are discussed in detail below. Recommendations for changes to the NCUC and/or CUP and a discussion regarding environmental impacts are provided at the end of each topic.

Waste Acceptance

The types of waste that PBL can accept are described in the 2014 Solid Waste Management Plan which is approved in the July 2015 MPCA Solid Waste Permit. The 2014 Solid Waste Management Plan is referenced in the August 2015 Application and revised February 2018 City Application. There are no changes being proposed in the August 2015 Application regarding waste acceptance.

The 2014 Solid Waste Management Plan describes the procedures that PBL uses to manage its mixed municipal and non-hazardous industrial solid waste. More specifically, the 2014 Solid Waste Management Plan describes:

- A customer notification procedure for review and acceptance of waste
- A list of acceptable and unacceptable wastes plus a list of wastes that PBL does not accept
- Waste categorization
- Waste evaluation procedures
- Use of waste as daily cover
- Waste inspection and rejection procedures
- Numerous appendices including Dakota County Ordinance 110 and a Household Hazardous Waste Management Plan

Current NCUC/CUP: The 1995 NCUC, the 2004 Ordinance Amendment, and the 2004 CUP contain information regarding acceptable and unacceptable wastes and all three apply.

The 2004 Ordinance Amendment and the 2004 CUP contain nearly identical lists of waste types that are allowed for disposal at PBL. The description includes construction and demolition debris waste and also includes solid wastes approved by the MPCA for use as cover material. Neither of these lists mentions asbestos.

Section 2.2.2 of the 1995 NCUC contains a list of acceptable wastes that is nearly identical to the above 2004 lists except that asbestos-containing waste is specifically allowed in the 1995 NCUC but is not included in the 2004 Ordinance Amendment, 2004 NCUC Amendment, or 2004 CUP.

The 2014 Solid Waste Management Plan indicates that asbestos is not accepted at PBL.

The 2014 Solid Waste Management Plan appears to be in compliance with the 1995 NCUC, the 2004 Ordinance Amendment, and 2004 CUP.

Recommended NCUC/CUP modification:

- None

Environmental Impacts:

- There is no change in waste acceptance associated with the proposed sideslope expansion therefore there appear to be no environmental impacts.

Waste Capacity

PBL is permitted by the MPCA for a capacity of 29.8 million cubic yards which includes waste and cover material. The remaining capacity (including final cover) of PBL was approximately 1.95 million cubic yards as of January 2017.

The August 2015 Application proposes an airspace capacity expansion of 4,137,400 cubic yards over the existing landfill footprint by developing 3:1 (horizontal:vertical) sideslopes around the northwest, north, east, and southeast sides of the existing landfill footprint including installation of a new liner and leachate collection system mostly over old unlined waste. This quantity includes the bottom liner drainage layer, waste, and final cover. The proposed expansion would increase the capacity of PBL to 33,937,400 cubic yards of waste and cover material.

The City-approved capacity of 28.6 million cubic yards is slightly different than the MPCA's because it excludes the final cover material. The proposed expansion would increase capacity by 3,529,172 cubic yards which would bring the total capacity to 32,129,172 cubic yards excluding final cover material.

The maximum height of PBL would remain at elevation 1,019 feet as approved in City Resolution 04-09, dated March 22, 2004.

The estimated final closure date of the PBL is proposed to be extended from approximately 2021 without the sideslope expansion to approximate 2029 with the

sideslope expansion. This final closure date is based on an assumed fill rate of 450,000 cubic yards per year.

A review of the design drawings was completed to verify the accuracy of the capacity information for the proposed expansion. Based on review of the design drawings in AutoCAD Civil3D software, it appears that the volumes shown in the August 2015 Application and the revised February 2018 City Application are accurate.

Recommended NCUC/CUP modification:

- Amend the 2004 CUP or issue a new CUP allowing the requested 4,137,400 cubic yards of additional airspace capacity for a new total capacity of 33,937,400 cubic yards of waste and cover material.

Environmental Impacts:

- Because more waste will be disposed of at PBL with the proposed sideslope expansion, there would be associated potential negative environmental impacts related to groundwater and air emissions. These potential impacts would be mitigated by the proposed sideslope expansion, liner, cover, and gas collection systems.

Groundwater Quality and Trends

Based on our review, there are no changes being proposed in the August 2015 Application or the revised February 2018 City Application relating to the groundwater monitoring system.

Groundwater samples are collected from 18 monitoring wells located upgradient and downgradient from the landfill. Groundwater monitoring of flow direction and quality has been ongoing since the landfill began operating in 1971. Routine monitoring is conducted on a quarterly basis to facilitate the detection of releases to groundwater from the landfill in accordance with a sampling and analysis plan (SAP). The SAP establishes sampling methodologies, analytes, and quality assurance/quality control procedures. The SAP also provides for contingencies to increase monitoring intervals if certain water-quality levels are exceeded. Based on the contingency monitoring results, corrective action may be required.

Groundwater flows approximately southwest to northeast underneath the landfill, becoming primarily easterly along the northeast edge of the Crosby-American demolition landfill area located immediately north of PBL. The depth to the groundwater is considerable (over 100 feet in some locations). The water table is in glacial drift. Monitoring wells are completed both shallow and deep in the glacial drift and in the

Prairie du Chien Group (limestone). Groundwater underneath the site eventually discharges into the Mississippi River, east of PBL.

Groundwater samples are analyzed for volatile organic compounds (VOCs), metals, polyfluoroalkyl substances (PFAS, also known as PFCs), and general geochemical parameters, such as temperature, specific conductance, and pH. As has been the case for many years, groundwater intervention limits (ILs) concentrations are occasionally exceeded for some VOC chlorinated organic compounds that are common in municipal waste (e.g., trichloroethylene, tetrachlorethylene, and biogenic breakdown products of these chlorinated compounds). Microbial reduction of the chlorinated compounds takes place in the groundwater and the geochemical indicators of this process are part of the monitoring program. The final reductive (low oxygen) breakdown product is vinyl chloride, which is oxidized to carbon dioxide and water in the more oxidizing conditions that likely exists a further distance downgradient of the landfill. Total concentrations of VOCs have generally shown a downward trend over the past several years. Some temporal (sequential) increases are observed for individual parameters as breakdown occurs, which are expected.

Manganese concentrations have exceeded the IL at many groundwater wells and in the two springs for many years. These elevated manganese concentrations may be due, in part, to low oxygen concentrations in the groundwater (i.e. reduced conditions) that could cause the manganese to be converted to its soluble form and become mobile in groundwater. However, the manganese concentrations appear to be stable (i.e. neither an increasing nor decreasing trend). No further action is recommended at this time but the trends in concentrations of manganese and other metals should continue to be monitored to determine if remedial efforts downgradient from PBL should be performed.

PFAS compounds (i.e. perfluorocarbon compounds associated with Teflon, Scotchguard, etc.) have been monitored in the groundwater on a regular basis at PBL starting in 2011. The IL concentrations for three PFAS compounds (PFBA, PFOS, and PFOA) are 1,750 parts per trillion (ppt), 75 ppt, and 75 ppt respectively, and have routinely been exceeded at numerous monitoring wells and at the two springs.

In May 2017 the MDH established reduced Health-Based Values for PFOA (35 ppt) and PFOS (27 ppt). Many of the monitoring wells have concentrations that are 10 times higher than these values (particularly for PFOA). The downgradient Pipeline Spring had a PFOA concentration in 2017 of 820 ppt and the Ravine Spring had a concentration of 490 ppt in the 2017 sampling event. Furthermore, there are new analytical methods and new PFAS compounds that should be included in the list for future monitoring. Temporal trends in PFAS compounds are very hard to quantify for a variety of reasons but the overall pattern is one of continuing presence of these constituents in groundwater and in the springs. It should be noted that remediation of PFAS compounds in groundwater is

difficult because they do not biodegrade or otherwise react with the soil—they are very persistent. The need for the landfill to respond to the PFAS occurrences will largely be dependent on whether or not there are potential environmental and human health exposures.

Current NCUC/CUP: Section 5.6.1 of the 1995 NCUC requires approval by the City Council if certain percentages of the number of groundwater monitoring wells, monitoring frequency, or sampling parameters are proposed to be reduced. The baseline for determining these percentages is the June 1995 Permit Reissuance Application.

However, Item 10 of the 2004 CUP also describes the requirements for the groundwater monitoring system and sampling parameters based on the EnecoTech Report dated October 2003. Because the 2004 CUP was developed subsequent to the 1995 NCUC, it appears that the intent of the 2004 CUP monitoring system requirements was to supersede the 1995 NCUC requirements.

Recommended NCUC/CUP modification:

- The 2004 CUP should be amended to make it clear that Section 5.6.1 of the 1995 NCUC, which refers to the June 1995 Permit Reissuance Application baseline, is no longer valid and is superseded by the Natural Attenuation and Groundwater Quality Report, EnecoTech, October, 2003, which is referenced in the 2004 CUP.

Environmental Impacts:

- Because the proposed sideslope expansion is proposed to be located mostly over existing unlined waste, the liner and final cover included with the proposed sideslope expansion will likely reduce the amount of precipitation that infiltrates into the unlined waste which will reduce the quantity of leachate that could migrate to groundwater. Therefore, there would likely be a potential environmental benefit to groundwater quality from the proposed sideslope expansion.

Surface Water

Barr reviewed the surface water management plan (August 2015 Application, Design Report, Section 4.6 and Appendix C). The proposed design uses benches placed generally at 40-foot (vertical) intervals along the 3:1 sideslopes to direct runoff from the build-out expansion area to cable-concrete-lined trapezoidal channels, which discharge through existing and proposed junction vaults, pipes, and culverts to existing stormwater ponds. HydroCAD version 10 was used to simulate rainfall-runoff from the site.

According to the proposed plan, the existing ponds would not overflow from the site during the 100-year, 24-hour runoff event.

Current NCUC/CUP: The 1995 NCUC allowed PBL to construct stormwater management facilities as provided in Exhibit D to the 1995 NCUC and requires PBL to meet Federal, State, Regional, and County requirements and to obtain City Council approval for modifications that don't meet Minnesota Rules.

Subsequently, City Resolution No. 02-32, dated March 11, 2002 amended the 1995 NCUC, Exhibit D to allow the south slope of Phase III PBL to be 5:1 (H:V) slopes. In addition, the 2004 NCUC Amendment further amended the 1995 NCUC, Exhibit D which included PBL permit application drawings dated 2002 and 2003. The 2004 CUP required PBL to operate the landfill in conformance with the same permit application drawings dated 2002 and 2003.

Recommended NCUC/CUP modification:

- Update or issue a new CUP that approves the stormwater information in the revised February 2018 City Application that would supersede the 1995 NCUC and 2002 and 2004 resolutions.

Environmental Impacts:

- There is a potential negative environmental impact to surface water because the proposed sideslope expansion includes an increase in the amount of 3:1 (H:V) sideslopes that will increase the rate of surface water runoff and potentially increase the amount of erosion on the sideslopes. However, these potential negative environmental impacts are mitigated with the proposed final cover and stormwater management systems that are designed to accommodate the steeper sideslopes.

Gas Migration and Trends

Landfill gas (primarily methane and carbon dioxide) is produced by the decomposition of solid waste under the anaerobic conditions that exist in landfills such as PBL. Methane can be a major concern at landfills due to its potential to migrate in the soil subsurface and accumulate in structures at explosive concentrations.

Minnesota Rule 7035.2815 Subp. [sic] 11 requires that the concentration of any explosive gas not exceed the Lower Explosive Limit (LEL) at the property boundary or 25 percent of the LEL in or around facility structures.

The existing gas management system at PBL consists of:

- Gas collection wells and piping

- The gas-to-energy generating plant
- The gas monitoring system

Based on the review of the Operations and Maintenance Plan in the August 2015 Application, the gas extraction system currently includes 190 gas extraction wells at the site and additional gas extraction wells are planned for Phases 5 and 6. The construction and installation of the additional gas extraction wells will be in accordance with the MPCA-approved design and PBL design standards. Extracted gas is currently piped through laterals, sub-headers, and header piping to a gas-to-energy plant and/or a flare. Fortistar (previously known as Gas Recovery Systems, Inc.) operates the gas-to-energy plant at the site, but PBL is ultimately responsible for all operations at the landfill.

The gas monitoring system is comprised of the three continuous electronic monitoring devices located in occupied buildings at PBL and 39 methane (gas) monitoring probes completed at varying depths around the perimeter of the landfill. The Gas Management and Monitoring Plan indicates the probes are monitored quarterly unless a positive gas reading is recorded, in which case, monitoring is increased to monthly. In recent years, the gas probes have been monitored on a monthly or weekly basis, as a result of methane detections at multiple probes around the facility.

Historically, elevated concentrations of methane have been detected in several of the subsurface gas monitoring probes located along the eastern, southern, and western boundaries of PBL. Methane concentrations in the gas monitoring probes around the facility exceeded the LEL on numerous occasions in 2015 and previous years. Based on these monitoring results, it does not appear that the existing controls at the PBL meet the requirements of Minnesota Rule 7035.2815 Subp. 11. PBL has been working with the MPCA and City to address gas migration concerns and has recently performed the work described below:

- Completed a geoprobe investigation in July 2015.
- Submitted the findings from the July 2015 investigation in a report titled 2015 Geoprobe Investigation Findings and Proposed 2016 Work Plan for PBL (Wenck, February 2016).
- Submitted a Gas Migration Remedial Action Report (Wenck, August 2017) which included plans to install small wind turbines on the five passive gas vents to create additional gas flow out of the vents. The report concluded that waste from the unlined portion of PBL is the likely source of the subsurface gas.

Based on review of the August 2015 Application and revised February 2018 City Application, proposed augmentations to the gas extraction systems includes:

- Vertical extension of existing gas extraction wells in the Phase 6 footprint
- Installation of eleven pumping stations (e.g., PS-5) that will be used for the extraction of leachate and may be retrofitted for gas extraction from the unlined waste beneath the Phase 6 build out
- Installation of a horizontal gas collection system beneath the final cover system in the Phase 6 build out where the proposed waste thickness is too thin for additional vertical gas wells
- Completion of a gas header (18-inch-diameter) loop around the landfill once final grades have been reached

A dual gas and leachate extraction system has been operating in unlined Phases 1 and 2 of PBL since 2002. Twenty-six of the forty-six wells originally configured for dual extraction operations, plus two new recently installed pump stations (PS-1 and PS-2), were operated as dual extraction wells in 2013. Pumps were added to PS-1 and PS-2 in 2013 in order to make them operational. Nine additional pump stations (PS-3 through PS-11) are proposed to be installed in the unlined area as part of the proposed expansion.

Current NCUC/CUP: Section 2.3.9 of the 1995 NCUC allows PBL to control gas generated at the landfill by construction of probes, gas extraction wells, etc. An energy recovery facility is not allowed unless a CUP is obtained. However, the 2004 CUP mentions that an energy recovery CUP was obtained via City Resolution No. 6330, so the energy recovery facility is allowed by the City.

Section 5.8 of the 1995 NCUC requires PBL to:

- Extend the gas collection system to areas that have been final covered
- Adhere to federal and other gas regulations
- Maintain the candle flare to obtain at least 98% destruction efficiency
- Install and operate a ground flare with at least 98% destruction efficiency by 4/1/1996
- Always treat gas to applicable standards and achieve at least 98% destruction efficiency of non-methane organic compounds unless approved by the City Council
- Obtain City Council approval if more than 10% of the gas probes are relocated or reduced or if the frequency of gas monitoring is reduced by more than 25% when compared to the 1995 Permit Application baseline
- Report any change in location of a perimeter gas probe to the City in writing

Barr believes that PBL has complied with the above NCUC requirements however it appears that the third bullet above, that requires a candle flare, is outdated and should be deleted from the NCUC because an enclosed flare is currently used.

The 2004 CUP, Condition 11, second paragraph indicates that unlined landfill Phases 1 and 2 collect leachate through a dual gas/leachate extraction system and sets four requirements. PBL compliance with these four requirements was evaluated and discussed in a memo from Jeff Ubl (Barr Engineering Co.) to Tom Link (City) dated May 20, 2010. As indicated in the 2010 memo, PBL was not in compliance with 2004 CUP Conditions 11.2 and 11.3 requiring one "dry" operation before a pump is removed and to monitor the leachate level in a well after a pump is removed. The 2010 memo provides more detail on these issues and is enclosed for reference.

It is likely that deformation (i.e., crimped, twisted) of the wells, caused by settling of the waste, made compliance with Conditions 11.2 and 11.3 impractical.

Recommended NCUC/CUP modifications:

- Revise Section 5.8 of the 1995 NCUC to delete the third bullet (above) requiring a candle flare.
- Revise the 2004 CUP, Conditions 11.2 and 11.3 that requires one full year of "dry operations" before a leachate pump is removed and replace it by adding an exemption if the well is deformed or damaged to the point where a replacement pump cannot be inserted into the well.

Environmental Impacts:

- Because existing waste in the unlined area is the likely source of the gas migrating in the subsoil, the addition of new pumping stations included in the proposed sideslope expansion could be used to increase the extraction of gas from this area, thereby potentially reducing gas migration. Therefore, the proposed sideslope expansion could have an environmental benefit related to subsurface gas migration.

Additional Recommended NCUC/CUP Modification

In addition to the recommended NCUC/CUP modifications discussed above, an additional recommended NCUC/CUP modification is recommended as discussed below.

The 2004 NCUC Amendment amended the 1995 NCUC, Exhibit D which included PBL permit application drawings dated 2002 and 2003. The 2004 CUP required PBL to operate the landfill in conformance with the same permit application drawings dated 2002 and 2003.

Recommended NCUC/CUP modification:

- Modify the NCUC and CUP to delete references to Exhibit D and the 2002 and 2003 permit application drawings and replace with a requirement that PBL install and operate the liner and leachate collection system as provided in the revised February 2018 City Application.

Potential Environmental Benefits

There are several potential environmental benefits that could result if the proposed sideslope expansion was approved and completed.

Groundwater: The current negative impact to groundwater quality caused, in part, by the waste in the unlined portion of PBL, could potentially be reduced by the proposed expansion because the improved liner and final cover systems that will be installed over the unlined waste should reduce the migration of liquid into the waste mass which should in turn reduce the amount of leachate migrating to groundwater.

Energy Generation: Gas collected and converted to electricity at PBL currently generates approximately 40,000 Megawatts annually. The disposal of additional solid waste from sideslope expansion will generate additional gas that is planned to be converted to electricity.

Reduced Landfill Gas Migration: It is understood that waste in the unlined area is the likely source of the gas that is migrating beyond the property boundary. The nine new pumping stations proposed in the unlined waste mass could be used to increase the extraction of gas from this area and thereby potentially reduce gas migration.

Summary and Conclusions

The City, with Barr's assistance, performed an extensive technical review of the August 2015 Application and revised February 2018 City Application. PBL responded to the City/Barr review with application modifications which were deemed to be adequate.

The five major technical topics (waste acceptance, waste capacity, groundwater quality and trends, surface water, and gas migration) are discussed above and require some modifications to the City NCUC and/or CUP.

Three potential environmental benefits from the proposed sideslope expansion (improved groundwater quality, energy generation, and reduced landfill gas migration) were identified as discussed above.

Given PBL's adequate application modifications in response to the City/Barr technical review and the potential environmental benefits from the sideslope expansion, Barr believes the proposed sideslope expansion is reasonable and appropriate because:

- The type of waste being accepted does not change,
- New waste capacity will include a new liner and a final cover system,
- Groundwater quality could potentially improve due to the new liner and final cover over the existing unlined waste,
- Potential negative impacts to surface water are mitigated with the final cover system and surface water management design, and
- Subsurface gas migration from the existing unlined waste could be improved by the extraction of gas from the pumping stations proposed to be installed in the existing unlined waste.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Ubl". The signature is stylized with a large, looped "J" and a cursive "Ubl".

Jeff Ubl, P.E

List of References

Sequencing Ordinance for Dakota County Ordinance 119, amended March 25, 1997 relating to need for city or township approval prior to County processing the license

Barr Memorandum date May 20, 2010 reviewing 2004 CUP conditions 10 and 11

Request for Major Modification of Permit #SW-45," prepared by Wenck Associates, Inc., dated August 2015 (August 2015 Application)

City of Inver Grove Heights review recommendations letter dated April 12, 2016

City of Inver Grove Heights comment letter on Environmental Assessment Worksheet dated July 26, 2016

City of Inver Grove Heights, draft EAW comment letter dated July 26, 2016

Wenck Associates, Inc. recommendations response letter dated October 25, 2016

MPCA Final EAW and Response to comments dated November 10, 2016

City of Inver Grove Heights review recommendations letter dated January 6, 2017

Wenck Associates, Inc. recommendations response letter dated March 6, 2017

City of Inver Grove Heights review recommendations letter dated June 7, 2017

Wenck Associates, Inc. recommendations response letter dated July 14, 2017

Application Submittal to the City of Inver Grove Heights for the Pine Bend Landfill – Phase 6 Development," prepared by Wenck Associates, Inc., dated revised February 2018 (revised February 2018 City Application)

Barr email to PBL dated September 11, 2017

Wenck Associates, Inc. recommendations response letter dated September 27, 2017

Barr letter to City of Inver Grove Heights review recommendations letter dated November 20, 2017

Minnesota Statute 116.07, Subd. 4j relating to need for local government approval prior to MPCA permit issuance

10-13E-2: PURPOSE:

The integrated resource management (IRM) overlay zoning district is created for the following purposes:

- A. Prevent the expansion of mixed municipal solid waste landfills by encouraging industrial development on adjacent properties.
- B. Encourage solid waste processing facilities, which can integrate their operations with mixed municipal solid waste landfills to locate in proximity to such landfills.
- C. Promote orderly development of other properties in the community by creating a buffer of compatible industrial development around mixed municipal solid waste landfills.
- D. Reduce the areas of the city subject to the potential adverse environmental impacts of solid waste processing facilities by encouraging them to locate in close proximity to mixed municipal solid waste landfills and each other.
- E. Delineate an area for select solid waste uses that exhibit minimal environmental impacts and are generally environmentally friendly.
- F. Provide an opportunity for solid waste uses that are consistent with the state's waste management hierarchy of encouraging reduction, reuse, recycling, composting, and discouraging incineration and landfilling.
- G. Enhance regulation and inspection of solid waste processing facilities by encouraging them to locate in proximity to one another.
- H. Enhance the tax base by encouraging development around mixed municipal solid waste landfills consistent with sound principles of municipal planning.
- I. Provide additional employment opportunities for city residents by encouraging industrial development.
- J. Establish standards and restrictions for solid waste uses to protect the environment and to promote sound land use planning. (Ord. 1098, 11-8-2004)

CITY OF INVER GROVE HEIGHTS

DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. _____

**AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE
SECTION 10-13E-6 RELATING TO EXPANSION OF THE AIR SPACE
OF AN EXISTING SANITARY LANDFILL**

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

Section One. Amendment. Section 10-13E-6 of the Inver Grove Heights City Code relating to “Expansion of the air space of an existing sanitary landfill” is hereby amended to read as follows:

Expansion of the air space of an existing sanitary landfill, provided all the following conditions are met:

- A. The existing sanitary landfill must have a nonconforming use certificate.
- B. The existing sanitary landfill must be in compliance with and must remain in compliance with the nonconforming use certificate, as amended.
- C. The layer of expanded air space on the existing sanitary landfill where disposal will occur must have a liner, leachate extraction system and landfill gas extraction system. The liner and these extraction systems must be approved by the MPCA, the county and the city before disposal can occur in the expanded air space.
- D. The landfill must also have in place an existing leachate extraction system and a leachate removal and management plan. The leachate removal and management plan must be approved by the MPCA.
- E. The landfill must also have in place an existing landfill gas extraction system and a landfill gas management plan. The landfill gas management plan must be approved by the MPCA.
- F. The final contour height of the sanitary landfill, as expanded (including the final cover system), must not be more than one percent (1%) higher than the final contour (including the final cover system) as previously approved in the nonconforming use certificate, as amended. Measurements shall be taken from mean sea level, national geodetic vertical datum of 1929.
- G. The expanded air space must not increase the parcel boundaries of the existing sanitary landfill as previously approved in the nonconforming use certificate, as amended.

- H. The volume of the expanded air space for disposal (not including the final cover system) must not be more than ~~twenty five percent (25%)~~ forty percent (40%) of the cubic yards of air space for disposal (not including the final cover system) that were allowed in the previously approved nonconforming use certificate, as amended.
- I. The types of waste to be disposed in the expanded air space may only include the following:
1. Construction debris and demolition debris;
 2. Infectious waste which has been processed so as to become noninfectious;
 3. Mixed municipal solid waste from whatever source including, but not limited to, mixed municipal solid waste material from composting, energy recovery facilities, and recycling facilities and processes;
 4. Nonhazardous industrial solid waste including, but not limited to, industrial incinerator ash, all in accord with the industrial waste management plan; and
 5. Solid wastes approved by the MPCA for use as cover material including, but not limited to, foundry sands and certain sludges.
- J. The surface square footage of the final cover system for the entire sanitary landfill, as expanded, must not be more than ~~one acre~~ 8.5 acres greater than the surface square footage of the final cover system that would have been placed if the air space of the sanitary landfill had not been expanded.

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

Passed this ____ day of _____, 2018.

CITY OF INVER GROVE HEIGHTS

By: _____
George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk

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

RESOLUTION NO. _____

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A SIDE
SLOPE CAPACITY EXPANSION OF PINE BEND LANDFILL**

CASE NO. 07-36NCUC

PROPERTY LOCATED AT 2495 EAST 117TH STREET

WHEREAS, an application for a conditional use permit for a side slope capacity expansion of Pine Bend Landfill has been submitted by BFI Waste Systems of North America, LLC for property located at 2495 East 117th Street and legally described in Exhibit A and depicted in Exhibit B, attached hereto; and

WHEREAS, the side slope capacity expansion of Pine Bend Landfill is a conditional use in the IRM, Integrated Resource Management Overlay Zoning District; and

WHEREAS, the aforescribed property is currently zoned I-2, General Industry and IRM, Integrated Resource Management Overlay Zoning District; and

WHEREAS, in accordance with Minnesota Statutes, Section 462.357, Sub. 3, a public hearing concerning the proposed conditional use permit was held before the Inver Grove Heights Planning Commission on February 20, 2018.

WHEREAS, an application for a conditional use permit for an airspace capacity expansion of Pine Bend Sanitary Landfill was submitted in 2003 by BFI Waste Systems of North America Inc. for the same property and that conditional use permit was approved by the City Council on March 22, 2004, per Resolution No. 04-48.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Inver Grove Heights, that a conditional use permit for BFI Waste Systems of North America, LLC for the side slope capacity expansion of Pine Bend Landfill is granted for the aforescribed property, subject to the following conditions:

AND BE IT FURTHER RESOLVED, that the conditional use permit for an airspace capacity expansion of Pine Bend Landfill, dated March 22, 2004 is hereby reaffirmed and ratified subject to the following conditions:

1. The side slope capacity expansion of 3.53 million cubic yards, not including the final cover system, when coupled with the airspace capacity limitation of the Non-Conforming Use Certificate of airspace capacity of 23.3 million cubic yards, and the 2004 conditional use permit expansion of 5.30 million cubic yards, not including the final cover system, shall not exceed 32.13 million cubic yards of airspace for disposed waste, not including the final cover

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system. The City and Pine Bend Landfill agree that prior to the airspace capacity expansion allowed by this conditional use permit the remaining airspace capacity, as of December 2016, was 1.90 million cubic yards. The remaining airspace capacity will be recalculated each year as required by MPCA.

2. The terms and conditions of the conditional use permit for an airspace capacity expansion for Pine Bend Landfill, dated March 22, 2004 shall be the terms and conditions stated in this resolution and the terms and conditions in Resolution 04-48, dated March 22, 2004 are hereby superseded by this resolution.
3. The airspace capacity expansion granted March 22, 2004 and this side slope capacity expansion shall occur and be operated in substantial conformance with the following:
 - a. Narrative and plans of "Application to the City of Inver Grove Heights for the Pine Bend Landfill", dated August 2003
 - b. Twenty-six plan sheets, titled "Permit Application, Pine Bend Landfill-SW 45, prepared for BFI Waste Systems of North America, Inc.", dated February 2002, January 2003, and August 2003
 - c. Response to comments for BFI Pine Bend Landfill, as prepared by Wenck Associates Inc., dated November 11, 2003
 - d. "Application Submittal to the City of Inver Grove Heights for the Pine Bend Landfill – Phase 6 development, MPCA Permit #SW-45," revised February 2018

To the extent that paragraphs 3a, 3b, and 3c conflict with paragraph 3d, paragraph 3d shall prevail.

4. The area of the 2004 capacity expansion shall be limited to the area defined as Phase 5 and the area of the 2018 side slope capacity expansion shall be limited to the area defined as Phase 6 on the approved plans.
5. Pine Bend Landfill shall comply with all terms and conditions found in:
 - a. Resolution No. 6330 Approving a Conditional Use Permit for an Energy Recovery Facility for the Generation of Electricity, dated May 30, 1995
 - b. Resolution No. 6465 Granting a Non-Conforming Use Certificate for Pine Bend Landfill for a Sanitary Landfill, dated November 27, 1995
 - c. Resolution No. 2001-86 Approving a Conditional Use Permit for Open Storage for Truck and Trailer Storage/Parking, dated July 9, 2001
 - d. Resolution 01-117 Adopting a Revised Landscaping Plan, dated September 10, 2001

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- e. Resolution No. 02-32 Amending the Non-Conforming Use Certificate by Modifying the Phasing Plan, Maximum Elevation, and Final Grading and Storm Water Plans, dated March 11, 2002
 - f. Resolution No. 02-127 Approving a Conditional Use Permit for the Stockpiling of Clean Soil Material as an Accessory Use to an Existing Landfill to a Maximum of 335,100 Cubic Yards, dated August 26, 2002
 - g. Resolution No. 04-48 Approving a Conditional Use Permit to Allow an Airspace Capacity Expansion of Pine Bend Landfill, dated March 22, 2004; as modified by this resolution.
 - h. Resolution No. 04-49 Amending Resolution No. 6465 Granting a Non-Conforming Use Certificate for Pine Bend Landfill for a Sanitary Landfill, dated March 22, 2004
 - i. Resolution No. 04-51 Declaring Lapse of Nonconforming Use Rights for Pine Bend Sanitary Landfill to Operate a Compost Facility, dated March 22, 2004
 - j. Resolution No. 04-50 Approving A Conditional Use Permit for the Stockpiling of Clean Soil Material as an Accessory Use to an Existing Landfill to a Maximum of 355,100 Cubic Yards, dated March 22, 2004
 - k. Resolution No. 18-____ Amending Resolution No. 6465 Granting a Non-Conforming Use Certificate for Pine Bend Sanitary Landfill for a Sanitary Landfill
6. The Non-Conforming Use Certificate, Section 5 through 10 inclusive, shall also apply to the side slope capacity expansion and the terms and conditions of those sections are made part of this Conditional Use Permit and incorporated by reference.
7. Notwithstanding anything to the contrary contained in Pine Bend Landfill's Solid Waste Management Plan, the types of waste to be disposed in the 2004 airspace capacity expansion and this side slope capacity expansion shall only include the following:
- a. Construction debris and demolition debris
 - b. Infectious waste which has been processed so as to become non-infectious
 - c. Mixed municipal solid waste from whatever source including, but not limited to, mixed municipal solid waste material from composting, energy recovery facilities, and recycling facilities and processes. The term mixed municipal solid waste shall be as defined in Section 1.29 of the "Non-Conforming Use Certificate for Pine Bend Sanitary Landfill for a Compost Facility and Sanitary Landfill," issued on November 27, 1995.
 - d. Non-hazardous industrial solid waste including, but not limited to, industrial incinerator ash, all in accord with the Industrial Waste Management Plan. The term industrial solid waste shall be as defined in Section 1.24 of the "Non-Conforming Use

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Certificate for Pine Bend Sanitary Landfill for a Compost Facility and Sanitary Landfill," issued on November 27, 1995.

- e. Solid wastes approved by the MPCA for use as cover material including, but not limited to, foundry sands and certain sludges.
8. Vehicles coming into Pine Bend Landfill shall not queue onto 117th Street.
9. If sanitary sewer is extended to Pine Bend Sanitary Landfill, the Landfill shall connect these leachate collection/storage systems to the sanitary sewer, pay its pro rata share of special assessments (in conjunction with other lands served by the sanitary sewer extension) over a term determined by the City Council but not less than five years and not more than ten years, and pay connection and hook up charges, as soon as the sanitary sewer is accepted for use by the City.
10. Hours for the construction of the 2004 airspace capacity expansion and this side slope capacity expansion shall be:
- | | |
|-----------------------|--------------------|
| Monday through Friday | 6:00 AM to 8:00 PM |
| Saturday | 6:00 AM to 4:00 PM |

Upon the request of Pine Bend Sanitary Landfill, temporary extensions of hours or days of construction may be granted by the City Administrator.

11. Pine Bend Landfill shall comply with Minnesota Rules and the MPCA Solid Waste Permit issued July 30, 2015 regarding surface water and groundwater monitoring and groundwater compliance boundary requirements as well as the following special conditions:
- a. As part of its annual report to the MPCA, Pine Bend Landfill may use alternative methods for the groundwater trend analysis, if approved in advance by the City.
 - b. Pine Bend Landfill shall conduct additional investigations, if required by the City Council, when hydrogeologic changes occur or continued release of contaminants to groundwater warrant, as determined by the City Council. Pine Bend Landfill shall start the investigation within 60 days after determined by the City Council, complete the investigation within 360 days including design for additional groundwater remedial measures, and implement remedial measures within 180 days of City Council's approval of remedial measures design.
 - c. Required water sampling may be waived by the City Administrator in conjunction with either the Community Development Director or Public Works Director, in the case of extenuating circumstances, such as inaccessibility caused by deep snow or wet soils. If such a waiver is granted, the City Council will be notified at its next regular meeting and the waiver shall be discussed at the next quarterly meeting with the City and Pine Bend Landfill and documented in the meeting minutes.

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12. Pine Bend Landfill must comply with Minnesota Rules and the MPCA Solid Waste Permit issued July 30, 2015 regarding liner leak detection, and leachate collection, conveyance, storage, and treatment requirements as well as the following special conditions relating to the dual gas/leachate extraction system:

- a. As part of the annual report, due February 1 of each year, Pine Bend Landfill shall describe the system operations and maintenance, including quality and quantity of leachate collected, and provide recommendations for system modifications.
- b. Pine Bend Landfill shall perform the following and discuss efforts as part of the annual report, due February 1 each year, to:
 - i. Operate, maintain, and update the dual gas/leachate extraction system to maximize leachate extraction to the greatest extent practicable
 - ii. Lower pump intakes or provide an explanation of why pumps could not, or should not, be lowered
 - iii. Allow one full year of “dry” operations before removing pumps or provide explanation regarding why the pumps need to be removed and why they cannot be reinstalled
 - iv. Monitor leachate head level in wells after pumps are removed
 - v. Evaluate the market availability of new pumps that could be installed in the dual gas/leachate extraction wells
 - vi. Reinstall pumps in wells currently in the dual gas/leachate extraction system or provide an explanation of why the pumps could not, or should not, be reinstalled
 - vii. Install pumps in existing wells and add them to the dual gas/leachate extraction system or provide an explanation of why the pumps could not, or should not, be installed
- c. Requirements for the dual gas/leachate extraction system may be waived by the City Administrator in conjunction with either the Community Development Director or Public Works Director, in the case of extenuating circumstances, such as inability to reinstall pumps or if it is technically unfeasible to operate or maintain the dual gas/leachate extraction system. If such a waiver is granted, the City Council will be notified at its next regular meeting and the waiver shall be discussed at the next quarterly meeting with the City and Pine Bend Landfill and documented in the meeting minutes.

13. Pine Bend Landfill must comply with Minnesota Rules and the MPCA Solid Waste Permit issued July 30, 2015 regarding the Phase 5 expansion area liner leak detection, and leachate collection, conveyance, storage, and treatment requirements.

Res. No. _____

14. Pine Bend Sanitary Landfill must achieve compliance with Minnesota Rule 7035.2815, Subpart 11 regarding landfill gas management, including future similarly applicable Minnesota Rule revisions, for six consecutive months as certified by a professional engineer prior to the following, whichever occurs first:

- a. Filling of waste beyond 30.00 million cubic yards (excluding final cover) of the Pine Bend Sanitary Landfill capacity of 32.13 million cubic yards (excluding final cover);
or
- b. January 1, 2025.

If compliance with this condition is not achieved, Pine Bend Sanitary Landfill and BFI Waste Systems of North America, LLC must temporarily cease accepting waste for disposal at the Pine Bend Sanitary Landfill until this condition is met; when the condition is met, waste may once again be accepted for disposal at the Pine Bend Sanitary Landfill.

Until compliance is achieved for six consecutive months as required above, BFI Waste Systems of North America, LLC must present progress on its efforts to achieve compliance to the City of Inver Grove Heights Environmental Commission in the first quarter of every year and report progress in the annual report to the MPCA.

All ongoing gas migration related work plans and reports must be submitted to the City for review and comment.

The requirement contained above is not an election of remedies by the City and is not a waiver of the City's right and remedies under the conditional use permits or under the non-conforming use certificate or under any host community agreement.

The City specifically reserves the right to take action to enforce Minnesota Rule 7035.2815, Subpart 11 and to exercise its rights and remedies under the conditional use permits and under the non-conforming use certificate or under any host community agreement with respect to any past, existing or future violations of Minnesota Rule 7035.2815, Subpart 11, including future similarly applicable Minnesota Rule revisions.

No remedy conferred upon or reserved to the City in the conditional use permits or in the non-conforming use certificate or in any host community agreement 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 conditional use permits or the non-conforming use certificate or in the host community agreement or now or hereafter existing at law or in equity or by statute. No delay or omission to exercise any right or power 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.

The City acknowledges that BFI Waste Systems of North America, LLC reserves the right to request an amendment to the requirement contained herein.

Res. No. _____

Nothing contained herein shall be deemed an acceptance or approval by the City of the requested amendment or any indication that the City will adopt such amendment.

During the time that the Pine Bend Sanitary Landfill must temporarily cease to accept waste for disposal in the event the above condition is not met, Pine Bend Sanitary Landfill and BFI Waste Systems of North America, LLC must nonetheless continue to pay the City the fees and payments stated in Section 8 of the Second Restated and Amended Host Community Agreement dated October 27, 2008, by and among BFI Waste Systems of North America, LLC, Browning-Ferris Industries, Inc. and the City of Inver Grove Heights (as amended from time to time); and Pine Bend Sanitary Landfill and BFI Waste Systems of North America, LLC must meet and comply with the other obligations stated in the Second Restated and Amended Host Community Agreement (as amended from time to time) including, but not limited to, the Host Community Fee, the Minimum Monthly Payment, the Per Ton Payment, the Inducement Amount, the Donation and the Payment for Firefighting Costs.

15. Pine Bend Sanitary Landfill shall maintain a Minnesota Pollution Control Agency air emission permit for a rental enclosed flare to serve as contingency capacity for managing landfill gas.
16. The owner and operator of Pine Bend Sanitary Landfill are both responsible for complying with the obligations and conditions contained in this Conditional Use Permit.
17. Breach of the Host Community Agreement between the City and BFI Waste Systems of North America, Inc. is deemed to be violation of this Conditional Use Permit.
18. This conditional use permit shall become effective only upon the execution of the Revised Host Community Agreement.

Be it further resolved that the Deputy Clerk is hereby authorized and directed to record a certified copy of this resolution at the Dakota County Recorder's Office.

AYES:

NAYS:

George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk

Res. No. _____

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

Res. No. _____

ACCEPTANCE

BFI Waste Systems of North America, Inc., hereby accept and agree to this conditional use permit and other provisions set forth in the foregoing Resolution.

Dated: _____ BFI Waste Systems of North America, Inc.

By:

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

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

Notary Public

Res. No. _____

[illegible]

On this _____ day of _____, before me a Notary Public within and for said County, personally appeared _____ to me personally known, who being by me duly sworn, did say that he is the _____ of BFI Waste Systems of North America, Inc., the corporation named in the foregoing instrument, and that said instrument was signed on behalf of said corporation by authority of its Board of Directors and said _____ acknowledged said instrument to be the free act and deed of the corporation.

Notary Public

Res. No. _____

EXHIBIT A

Lot 1, Block 1, Lot 1, Block 2, and Outlot A, Pine Bend Sanitary Landfill, according to the plat thereof on file and of record with the Dakota County Recorder of Titles.

CITY OF INVER GROVE HEIGHTS

DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

**A RESOLUTION AMENDING RESOLUTION NO. 6465 GRANTING A NON-
CONFORMING USE CERTIFICATE FOR PINE BEND SANITARY LANDFILL
FOR A SANITARY LANDFILL**

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

WHEREAS, on November 27, 1995, the City approved Resolution No. 6445 Granting a Non-Conforming Use Certificate for Pine Bend Sanitary Landfill for a Sanitary Landfill (hereafter referred to as the Non-Conforming Use Certificate).

WHEREAS, on March 11, 2002, by Resolution No. 02-32 the City amended the Non-Conforming Use Certificate to allow the maximum elevation limitation of the landfill to change from 1020 feet above mean sea level to 1010 feet above mean sea level, to allow for steeper landfill side slopes without inadvertently increasing the airspace capacity.

WHEREAS, on March 22, 2004, by Resolution No. 04-49 the City amended the Non-Conforming Use Certificate by amending Section 3.3, Section 3.5 and Exhibit D to the Non-Conforming Use Certificate.

WHEREAS, BFI Waste Systems of North America, LLC (BFI) currently owns and operates Pine Bend Sanitary Landfill.

WHEREAS, BFI in writing has accepted and agreed to the terms of the existing Non-Conforming Use Certificate, as amended.

WHEREAS, the City and BFI desire to again amend the existing Non-Conforming Use Certificate in the manner set forth hereafter.

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

A. Section 5.6.1 of the Non-Conforming Use Certificate is amended to read as follows:

5.6 Groundwater Monitoring.

5.6.1 Any modification of the groundwater monitoring system or program that, in any aquifer monitored by the system, results in a reduction in the number or location of wells affecting more than 10 percent of the wells, a reduction in frequency of testing by more than 25 percent, or a reduction in testing parameters of more than

10 percent shall be subject to prior City Council approval by majority vote of the Council. Determination of modifications shall be based on changes from the system and program described in the permit issued by the MPCA in response to the June 1995 SW-45 Permit Reissuance Application. To the extent any subsequent conditional use permit for the Pine Bend Landfill contains standards or requirements for groundwater monitoring that are inconsistent or different than those stated in this Certificate, the standards and requirements contained in the conditional use permit shall prevail.

B. Section 5.8.3 of the Non-Conforming Use Certificate is amended to read as follows:

~~5.8.3 Flare — existing candle flare. Pine Bend Landfill, Inc. shall maintain the existing candle flare in a manner which assures at least 98% by weight nonmethane organic compounds destruction efficiency. Intentional operation of the candle flare below this efficiency level shall be subject to prior City Council approval by majority vote of the Council.~~

C. Exhibit D of the Non-Conforming Use Certificate is amended in its entirety to read as follows:

EXHIBIT D SITE PLAN FOR PINE BEND SANITARY LANDFILL

The Site Plan includes six sheets as found in the Non-Conforming Use Certificate, as approved by the City Council on November 27, 1995, as follows:

Sheet 1 – Monitoring Systems, Gas Extraction System, Leachate Collection System and Lined/Unlined Areas

Sheet 2 – Entrances from 117th Street, Fence (Permanent), Buildings and Landscape Areas

Sheet 3 – Composting Areas, Fire Lanes, Fences (Permanent) and Temporary Open Storage Areas

Sheet 4 – Final Closure Grading and Stormwater Management

Sheet 5 – Landscape Plan

Sheet 6 – Landscape Details

Together with the amendments as shown in the following documents:

a. Landscape plan, dated May 2001

- b. "Proposed Final Grades", "Final Grade Comparison", and "Final Grade Isopach Map", dated April, 2001.
- c. Narrative and Plans of "Application to the City of Inver Grove Heights for the Pine Bend Landfill", dated August 2003.
- d. Twenty-six plan sheets, titled "Permit Application, Pine Bend Landfill – SW 45, prepared for BFI Waste Systems of North America, Inc.", dated February 2002, January 2003, and August 2003.
- e. "Response to comments for BFI Pine Bend Landfill", as prepared by Wenck Associates Inc., dated November 11, 2003.

Together with the amendments as shown in the following additional documents:

The following appendices found in the "Application Submittal to the City of Inver Grove Heights for the Pine Bend Landfill – Phase 6 Development" prepared by WENCK Associates, Inc., dated and revised February 2018 (Revised February 2018 City Application).

Appendix C – Plan Sheets – including 28 permit design plan sheets
Appendix E – Stormwater Management Model and Calibrations

To the extent Appendix C and Appendix E of the Revised February 2018 City Application are inconsistent with the previous documents comprising the Site Plan, Appendix C and Appendix E of the Revised February 2018 City Application shall control and prevail.

D. All other sections, terms and provisions and conditions of Non-Conforming Use Certificate as previously amended shall remain in full force and effect.

E. This Resolution and the following Acceptance shall be recorded with the Dakota County Recorder against the land constituting the Landfill, which land is described on the attached Exhibit A.

Passed by the City Council of Inver Grove Heights on this ____ day of _____, 2018.

CITY OF INVER GROVE HEIGHTS

By: _____
George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk

(CITY SEAL)

STATE OF MINNESOTA)
)
COUNTY OF DAKOTA) ss.

On this ____ day of _____, 2018, before me a Notary Public within and for said County, personally appeared George Tourville and Michelle Tesser to me personally known, who being each by me duly sworn, each did say that they are respectively the Mayor and City Clerk of the City of Inver Grove Heights, the municipality named in the foregoing instrument, and that the seal affixed to said instrument was signed and sealed on behalf of said municipality by authority of its City Council and said City Clerk acknowledged said instrument to be the free act and deed of said municipality.

Notary Public

ACCEPTANCE

BFI Waste Systems of North America, LLC hereby accepts and agrees to the amendments and other provisions set forth in the foregoing Resolution.

Dated: _____, 2018.

BFI Waste Systems of North America, LLC

By: _____

STATE OF _____)
)
COUNTY OF _____) SS.

On this ____ day of _____, 2018, before me a Notary Public within and for said County, personally appeared _____, to me personally known, who being by me duly sworn, did say that he/she is the _____ of BFI Waste Systems of North America, LLC, the limited liability company named in the foregoing instrument, and that the foregoing instrument was executed on behalf of the limited liability company by authority of the Boards of Governors of said entity and said _____ acknowledged said instrument to be the free act and deed of the limited liability company.

Notary Public

EXHIBIT A

Lot 1, Block 1, and Lot 1, Block 2, and Outlot A, Pine Bend Sanitary Landfill, Dakota County, Minnesota, according to the recorded plat thereof on file and of record with the Dakota County Recorder.

INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

CITY OF INVER GROVE HEIGHTS – PARK AND RIDE FACILITIES
CASE NO: 18-04ZA

Meeting Date: February 26, 2018
Item Type: Regular Session
Contact: Heather Botten 651.450.2569
Prepared by:  Heather Botten, Associate Planner
Reviewed by:

PURPOSE/ACTION REQUESTED

Consider the First Reading of an Ordinance to add park-and-ride facilities to the list of Interim Uses

- Requires 3/5th's vote.

SUMMARY

City code currently does not address park-and-ride or park-and-fly situations and therefore they would not be an allowed use. Last year Council discussed this topic at two work sessions and directed staff to draft an ordinance to allow these types of uses with an interim use permit.

Based on a meeting that the City held with some business representatives it was determined that there are currently two business in the City that would be affected by an ordinance change. One would be the Americinn which currently leases 175 parking spaces from the AMC theatre lot in addition to the spaces at the hotel. The majority of these vehicles would be stored overnight for one night or more. This would be more of a park-and-fly service. The other business is Rochester Bus Lines; they have been operating a park-and-ride from the old Rainbow parking lot since 2007. They offer commuter bus travel to Rochester each weekday morning and return from Rochester in the evening; no overnight parking.

The impacts of allowing short term or airport parking options would be:

Benefits

- Park-and-ride facilities provide a service to local businesses and residents to park vehicles for a short amount of time, typically during business hours.
- Environmental benefits for commuter parking are less vehicles traveling on the road.
- Park-and-fly facilities provide a service to travelers that is an alternative to airport parking.

Concerns

- A parking lot generates a less tax value than a commercial building.
- A parking facility creates fewer employment opportunities than a commercial building.
- There may be challenges with stormwater requirements that could impact a local and regional stormwater system.
- There may be high traffic volumes that impact the road system during peak drop-off and pick-up times.
- There may be increased criminal activity and public safety concerns with vehicles left unattended for extended periods of time.
- The additional parking use reduces the number of parking stalls required for the principle use on the property.

Staff is proposing the following language to the Interim Use section of the City Code.

SECTION 10-14-2: INTERIM USES ENUMERATED:

I. Within B-3, B-4, and P zoning districts, park-and-ride facilities such as short-term parking and park-and-fly lots shall be allowed subject to the conditions contained in an approved interim use permit and subject to the following:

- a. the applicant shall show that there is no substantial conflict in the principal operating hours of the two or more uses for which the joint use of off street parking facilities is proposed.
- b. required parking facilities serving two or more uses may be located on the same lot except in R and E districts, provided that the total number of parking spaces so furnished shall be not less than the sum total of the separate requirements for each use during any peak hour parking period when the parking facility is utilized at the same time.
- c. off street parking spaces shall not be utilized for open storage of goods or for the storage of vehicles that are inoperable or for lease, rent or sale.

If an ordinance amendment is adopted, a separate interim use permit application would be required for each property interested in a park-and-ride facility, which would include neighbor notification, a public hearing, and the ability to add conditions to that specific property.

RECOMMENDATION

Staff: Recommends approval of the ordinance amendment as presented.

Planning Commission: At the February 7, 2018 public hearing, the Planning Commission recommended **approval** of the request as presented (8-0).

Attachment: Ordinance
PC Recommendation
Planning Report

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE,
TITLE 10, CHAPTER 14, SECTION 2, ADDING PARK-AND-RIDE FACILITIES
TO THE LIST OF INTERIM USES

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

Section One. Amendment. Title 10, Chapter 14-2, **INTERIM USES
ENUMERATED**, of the Inver Grove Heights City Code is hereby amended to add the
following:

- I. Within B-3, B-4, and P zoning districts, park-and-ride facilities such as short-term parking and park-and-fly lots shall be allowed subject to the conditions contained in an approved interim use permit and subject to the following:
 1. the applicant shall show that there is no substantial conflict in the principal operating hours of the two or more uses for which the joint use of off street parking facilities is proposed.
 2. required parking facilities serving two or more uses may be located on the same lot except in R and E districts, provided that the total number of parking spaces so furnished shall be not less than the sum total of the separate requirements for each use during any peak hour parking period when the parking facility is utilized at the same time.
 3. off street parking spaces shall not be utilized for open storage of goods or for the storage of vehicles that are inoperable or for lease, rent or sale.

Section Two. 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 _____, 2018.

CITY OF INVER GROVE HEIGHTS

By: _____
George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk

**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights

FROM: Planning Commission

DATE: February 7, 2018

SUBJECT: **CITY OF INVER GROVE HEIGHTS – CASE NO. 18-04ZA**

Reading of Notice

Commissioner Simon read the public hearing notice to consider a request for an ordinance amendment allowing short-term parking and park and fly facilities as an interim use in B-3, B-4, and P zoning districts. No mailings were required for this request.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the zoning code currently does not address park-and-ride or park-and-fly situations and therefore they would not be an allowed use. Last year Council discussed this topic at two work sessions and directed staff to draft an ordinance to allow these types of uses with an interim use permit. Based on a meeting that the City held with some business representatives it was determined that there are currently two business in the City that would be affected by a potential ordinance change. One would be the Americinn which currently leases 175 parking spaces from the AMC theatre lot in addition to the spaces at the hotel. The majority of these vehicles would be stored overnight for one night or more. This would be more of a park-and-fly service. Rochester Bus Lines has been operating a park-and-ride from the old Rainbow parking lot since 2007. They offer commuter bus travel to Rochester each weekday morning and return from Rochester in the evening. No overnight parking is allowed. The benefits of allowing short-term or airport parking include park-and-ride facilities provide a service to local businesses and for residents to park their vehicles for a short amount of time while they commute or ride a bus with other people, there are environmental benefits from fewer vehicles traveling on the road, and park-and-fly facilities provide a service to travelers that is an alternative to airport parking. Possible concerns with these parking facilities are that parking lots generate a lesser tax base and create fewer employment opportunities than a commercial building, there could be a potential impact to stormwater systems, there may be high traffic volumes that impact the road systems during peak drop off and pickup times, there could be increased criminal activity and public safety concerns for vehicles stored for a longer period of time, and the parking reduces the number of parking stalls required for the actual business. Staff is proposing the language listed in the report to amend the code to allow this interim use. If an ordinance amendment is adopted, a separate interim use permit application would be required, which would include neighbor notification, a public hearing, and the ability to add conditions to that specific property. Staff supports the request with the language as listed in the staff report.

Chair Maggi asked if interim use permits were good for a certain amount of time.

Ms. Botten replied that there is no specific amount of time attached to interim use permits. During the application process the City could specify an expiration, and they would be allowed a one-time extension as well.

Commissioner Simon asked if there were security requirements for the park-and-fly, and asked how they would differentiate between park-and flies and park-and -rides.

Ms. Botten stated any security requirements could be added during the interim use permit process. said that would probably be determined through the IUP process on what the applicant's use would be. in other park and rides in the metro the ones she knows of are screened but that may be a city individual requirement, not just the requirement of the operator. Currently in eh movie theater lot they are not screened.

Commissioner Simon asked if they allowed long-term parking at the movie theater.

Ms. Botten replied that the representative could best address that, but she believed long-term parking was taking place.

Opening of Public Hearing

Brett Rose, 5861 Blaine Avenue, representing Americinn, advised that they currently provide security for the park-and-fly area. They are in the process of purchasing additional property from the City to expand the operation. Once that is acquired it will be fenced in and security cameras will be installed.

Commissioner Lissarrague asked if they typically had an attendant on duty 24 hours a day.

Mr. Rose replied in the affirmative, stating they have someone patrolling both lots.

Christian Holter, Commuter Services Manager with Rochester City Lines, 1825 N. Broadway, Rochester, stated they supported the request and would like to continue to provide the services they have been providing the community for the last 11 years.

Chair Maggi closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Lissarrague, to approve the request for an ordinance amendment allowing short-term parking and park and fly facilities as an interim use in B-3, B-4, and P zoning districts.

Motion carried (7/0). This item goes to the City Council on February 26, 2018.

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

HEARING DATE:	February 7, 2018	CASE NO.: 18-04ZA
APPLICANT:	City of Inver Grove Heights	
REQUEST:	An <u>Ordinance Amendment</u> to add park-and-ride facilities to the list of Interim Uses.	
REVIEWING DIVISIONS:	Planning	PREPARED BY: Heather Botten Associate Planner 

BACKGROUND

Over the past few years staff have received general inquiries regarding the City having a short term park-and-ride facility to be used for commuters. More recently, an inquiry was received regarding a property to have remote airport parking as an additional use and as a primary use of a property. Currently, city code does not address either parking situation and therefore, they would not be an allowed use.

There are many different types of parking services and facilities available, including but not limited to: Metropolitan Council transit park-and-ride facilities, park-and-ride services set up by private companies, joint parking agreements with an off-site business, and remote airport parking (park-and-fly). Each of these uses can be a primary or accessory use on a property.

City Council discussed this topic at two worksessions in 2017 and recommended staff to come up with language to allow these types of uses by an Interim Use Permit (IUP). The property owner or applicant would then apply for an IUP for the specific parcel and type of facility they would like to operate.

EVALUATION OF THE REQUEST

Based on a meeting held with business representatives on September 14, 2017, staff determined there are currently two businesses in town affected by a potential ordinance change:

- 1) AmericInn: AmericInn currently leases 175 spaces at the AMC theater lot in addition to the spaces at the hotel. Representatives from the hotel stated the overflow parking is needed for customers that stay in their hotel. They stated that even though they provide park-and-fly services to non-guests (no stay in the hotel), only five parking spaces are held for this service. The majority of vehicles associated with the hotel are parked overnight, some for days at a time. The AMC property has excess parking as they recently renovated the theater reducing the total number of seats available for customers.

A park-and-fly provides customers an alternative to parking at the airport while providing the land owner revenue from the vehicles being stored. Vehicles are stored

overnight and the facility is typically responsible for bringing the customers to and from the airport.

- 2) Rochester City Lines: The Rochester bus line operates from the old Rainbow parking lot. They have been operating a park-and-ride on this site since 2007. They offer commuter bus travel to Rochester each weekday morning and return from Rochester in the evening. There is no overnight parking allowed, based on the agreement between the bus company and land owner. Rochester City Lines is looking at other places in the City to rent space for their commuters; one of the places they are considering is the Community Center.

Allowing short term parking facilities (park-and-rides) would provide residents an opportunity to car pool or take public transportation to work or other daily activities. Park-and-rides are found throughout the metro area, providing a parking area that individuals can use to get closer to their destination without taking a private vehicle the entire trip.

The issues or impacts of allowing short term or airport parking options would be:

Benefits

- Park-and-ride facilities provide a service to local businesses and residents to park vehicles for a short amount of time, typically during business hours.
- Environmental benefits for commuter parking are less vehicles traveling on the road.
- Park-and-fly facilities provide a service to travelers that is an alternative to airport parking.

Concerns

- A parking lot generates a less tax value than a commercial building.
- A parking facility creates fewer employment opportunities than a commercial building.
- There may be challenges with stormwater requirements that could impact a local and regional stormwater system.
- There may be high traffic volumes that impact the road system during peak drop-off and pick-up times.
- There may be increased criminal activity and public safety concerns with vehicles left unattended for extended periods of time.
- The parking reduces the number of parking stalls required for the principle use on the property.

Zoning. As mentioned, currently city code does not address either parking situation and therefore, they would not be an allowed use.

Although changing the code to allow such use as a permitted, conditional, or accessory use in commercial districts is an option, staff is not comfortable doing so. Allowing the request as a permitted or accessory use would be difficult to administer and could have an impact on the required parking for the principle use on the property. A conditional use would stay with the property, even if the tenant would change, which could impact future uses and required parking on a property.

Staff is proposing the following language to the Interim Use section of the City Code.

SECTION 10-14-2: INTERIM USES ENUMERATED:

I. Within B-3, B-4, and P zoning districts, park-and-ride facilities such as short-term parking and park-and-fly lots shall be allowed subject to the conditions contained in an approved interim use permit and subject to the following:

- a. the applicant shall show that there is no substantial conflict in the principal operating hours of the two or more uses for which the joint use of off street parking facilities is proposed.
- b. required parking facilities serving two or more uses may be located on the same lot except in R and E districts, provided that the total number of parking spaces so furnished shall be not less than the sum total of the separate requirements for each use during any peak hour parking period when the parking facility is utilized at the same time.
- b. off street parking spaces shall not be utilized for open storage of goods or for the storage of vehicles that are inoperable or for lease, rent or sale.

If an ordinance amendment is adopted, a separate interim use permit application would be required to be submitted by the applicant and a public hearing would take place for that specific interim use permit. With the Interim Use Permit, additional conditions could be added such as: If the additional parking use would cease or the main business would require a higher parking demand the ancillary parking use would end, screening may be required from abutting residential properties and/or for security reasons, there may be a limit to the number of days or hours vehicles could be parked.

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 recommended for approval:

- Approval of the Ordinance Amendment to add park-and-ride facilities as described above to the list of Interim Uses subject to the following condition:
 - 1) An Interim Use Permit application is required to be submitted by the applicant.

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

RECOMMENDATION

Staff supports the request as presented with the language stated in the report and the one condition listed in Alternative A.

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

ATTORNEYS AT LAW

TIMOTHY J. KUNTZ
DANIEL J. BEESON
*KENNETH J. ROHLF
◊STEPHEN H. FOCHLER
ΔJAY P. KARLOVICH
ANGELA M. LUTZ AMANN
*KORINE L. LAND
□*DONALD L. HOEFT
DARCY M. ERICKSON
*BRIDGET McCAULEY NASON
TONA T. DOVE
AARON S. PRICE
•
HAROLD LEVANDER
1910-1992
•
ARTHUR GILLEN
1919-2005
•
ROGER C. MILLER
1924-2009

MEMO

*ALSO ADMITTED IN WISCONSIN
◊ALSO ADMITTED IN NORTH DAKOTA
◊ALSO ADMITTED IN MASSACHUSETTS
□ALSO ADMITTED IN OKLAHOMA
ΔALSO ADMITTED IN ARIZONA

TO: Mayor and Councilmembers
FROM: Timothy J. Kuntz, City Attorney
DATE: February 21, 2018
RE: Third Reading of Ordinance Amending City Code Section 4-1-6(I) relating to the Distances between an Off-sale Intoxicating Liquor Facility and a School or Church; February 26, 2018 Council Meeting

Section 1. Background. IGH City Code Section 4-1-6(I) dealing with liquor licenses requires that a 500 foot distance exist between an off-sale intoxicating liquor facility and a church parcel or school parcel. The distance is measured between the nearest property line of the parcel on which the off-sale intoxicating liquor facility is located and the nearest property line of the school parcel or church parcel. The distance is measured between parcel property lines rather than the distance between buildings.

This requirement is generally easy to administer when the off-sale establishment is a freestanding building on a lot containing only the off-sale intoxicating liquor facility.

When the off-sale establishment is part of a strip shopping center or a small part of a much larger lot with multiple buildings and multiple uses, there is some uncertainty in how the requirement should be applied. This is particularly true when there is shared parking because the definition of parcel includes all parking areas used in conjunction with the off-sale establishment.

An instance of this type has arisen with respect to Village Square Shopping Center and its juxtaposition to the parcel containing Hilltop Elementary School. The school parcel is about 12.21 acres. The Village Square Shopping Center parcel is about 9.92 acres and touches the Hilltop Elementary School parcel. The Village Square Shopping Center parcel contains multiple uses and multiple buildings and generally has shared parking for the multiple buildings.

In the building that contains Aldi Foods, there is an open space available for lease and a possible tenant has expressed an interest in leasing the open leased space for an off-sale liquor establishment.

The leased space is walled off from Aldi Foods and has its own identifiable separate entrance. Part of the leased space is 500 feet away from the Hilltop Elementary School parcel; part is not. The main entrance of the leased space is 500 feet away; the storage door entrance is not. Some of the shared parking is 500 feet away; some is not.

Section 2. Council Action. At the January 8, 2018 Council meeting the Council was asked to consider the first reading of an ordinance that would amend Section 4-1-6(I). The ordinance amendment provides that where there are large parcels (more than one acre) and where there are multiple buildings or leased spaces with shared parking, the 500 foot measurement will be taken from the main entrance of the off-sale liquor establishment to the nearest parcel boundaries of the school parcel or church parcel.

There were no changes suggested by Council at the first reading of the ordinance amendment.

At the February 12, 2018 Council meeting the Council was asked to consider the second reading of the ordinance amendment.

There were no changes suggested by Council at the second reading of the ordinance amendment.

At the February 26, 2018 Council meeting the Council will be asked to consider the third and final reading of the following:

Ordinance Amending Inver Grove Heights City Code Section 4-1-6 (I) Relating To The Distances Between An Off-Sale Intoxicating Liquor Facility And A School Or Church

Attachment

CITY OF INVER GROVE HEIGHTS

DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. _____

**AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE
SECTION 4-1-6 (I) RELATING TO THE DISTANCES BETWEEN AN OFF-SALE
INTOXICATING LIQUOR FACILITY AND A SCHOOL OR CHURCH**

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

Section One. Amendment. Section 4-1-6(I) of the Inver Grove Heights City Code is hereby amended to read as follows:

I. No off-sale intoxicating liquor license may be granted for a facility located on a parcel which lies within five hundred feet (500') of a parcel on which a school or church is located. The distance established herein shall be measured between the nearest property lines of the parcels.

For the purposes of this subsection, "parcel" means the lots on which the subject building exists, plus the adjoining lots used in conjunction with the liquor facility, church or school including any parking areas.

Provided, however, the following exceptions and qualifications to the above stated distance requirement shall apply:

1. Licenses that existed on October 1, 1995, for locations that do not meet the requirements of this subsection may nonetheless be renewed or transferred for such locations.
2. If a school or church in the future expands or is built within five hundred feet (500') of a licensed location that did meet the requirements of this subsection, the license may nonetheless be renewed or transferred for such location.
3. If a government entity acquires a licensed location that was within five hundred feet (500') of a school parcel or church parcel, then the license may be transferred to another location within five hundred feet (500') of the same school parcel or the same church parcel as long as the relocation occurs within forty two (42) months after the acquisition by the government entity.
4. If a government entity acquires a licensed location that was within five hundred feet (500') of a school parcel or church parcel, then the license may be temporarily transferred to another location for a period up to thirty (30) months within five hundred feet (500') of any school parcel or any church parcel as long as the relocation occurs within six (6) months after the acquisition by the government entity; in such instance, the authorization for the temporary relocated site expires after thirty (30) months from the time that the city issued the license for the relocated

site; after the thirty (30) month period, the relocated site is no longer eligible for an off-sale intoxicating liquor license.

5. If the off-sale intoxicating liquor facility is on property of one acre or more, and if the property contains multiple buildings or contains multiple leased spaces, and if the off-sale intoxicating liquor facility shares parking with other uses on the property, then the measurement of the five hundred foot (500') distance shall be from the main customer entrance for the off-sale intoxicating liquor facility to the nearest property lines of the church parcel or school parcel.

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

Passed this 26th day of February, 2018.

CITY OF INVER GROVE HEIGHTS

By: _____
George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

CONDUCT PUBLIC HEARING TO CONSIDER APPLICATION FOR A NEW OFF-SALE INTOXICATING LIQUOR LICENSE FOR MALLORY-MIKAYLA LLC LOCATED AT 6530 CAHILL AVE.

Meeting Date: February 26, 2018
 Item Type: Public Hearing
 Contact: 651.450.2513
 Prepared by: Michelle Tesser

Fiscal/FTE Impact:

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

PURPOSE/ACTION REQUESTED:

Conduct a Public Hearing to consider the application off a New Off-Sale Intoxicating Liquor License for Mallory-Mikayla, LLC premise located at 6530 Cahill Ave. This is not a transferable license. This is considered a new off-sale liquor license. This notice of the hearing was published in the South-West review local paper on February 11, 2018.

SUMMARY:

Mallory-Mikayla, LLC submitted an application for an Off-Sale Intoxicating Liquor License for the premise located at 6530 Cahill Ave. This is not a transferable license and is considered a new application per City Code.

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

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