Inver Grove Heights City Council

Monday, February 14, 2022, at 6:00 p.m.

8150 Barbara Avenue, Inver Grove Heights, MN 55077

A G E N D A

NOTICE TO RESIDENTS: If you are interested in participating on **Item 7. Public Comment**, please contact Rebecca Kiernan prior to this meeting via telephone (651) 450-2513 or email (rkiernan@ighmn.gov) to inform her - your name, address and to what you wish to speak on. Individuals may submit written public comments in advance of the meeting by emailing comments to Rebecca Kiernan (rkiernan@ighmn.gov). Comments received prior to 4:00 p.m. on Monday, February 14, 2022, will be provided to the Council at or before the February 14, 2022 meeting.

Council member Dietrich will be participating via Zoom from the address of: 301 Capitol St, Grapevine, TX 76051

1. **Call to Order**
2. **Roll Call**
3. **Presentations**
4. **Consent Agenda**

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

A. i. Minutes from the January 3, 2022, City Council work session
ii. Minutes from the January 10, 2022, City Council meeting

B. Resolution approving disbursements for period ending February 8, 2022

C. Approve personnel actions

D. Authorize replacement of ESXI server hardware

E. Final acceptance of fiscal year 2021 JAG Grant

F. Receive Planning Commission recommendation regarding proposed road improvement projects

G. Consider a Resolution Approving Final Plans and Specifications and Authorizing Advertisement for Bids for the 2022 Pavement Management Program, City Project No. 2022-09E – Alison Way Area Street Rehabilitation

H. Consider a Resolution Approving Final Plans and Specifications and Authorizing Advertisement for Bids for the 2022 Pavement Management Program, City Project No. 2022-09F – Tyne Lane Area Street Rehabilitation

5. **Public Hearing**

A. Public Hearing to Consider Approval of 2022 3.2 Off-sale Liquor License renewals for Pilot Travel Center, Speedway #4411 and Speedway #4548

6. **Regular**

A. Fire Relief Association benefit level and 2022 contribution

B. Consider a resolution approving a final plat and final PUD development plan for South Grove Townhomes 2nd Addition. Property located east of Clayton Avenue, north of 67th Street.

C. Consider Variance for 6050 Concord Boulevard.

1. A Variance from exterior building material requirements to allow a structure with a canvas/poly exterior material.
2. A Variance from Side and Rear Yard setbacks for an accessory structure.

D. Consider the following actions for At Home Apartments. Property located in the northwest quadrant of Hwy 3 and 70th Street.

1. A Resolution approving a Comprehensive Plan Amendment to change Lot 1, Block 2 from HDR (High Density Residential) to MDR (Medium Density Residential)
2. An Ordinance rezoning Lot 1, Block 1 and Lot 1, Block 2 from A (Agricultural District) to R-3B/PUD (Multiple Family Residential Planned Unit Development District)
3. A Resolution relating to a Preliminary Plat for a three lot, four outlot plat and Preliminary PUD Development Plan for a 253-unit residential development over Lot 1, Block 1 and Lot 1, Block 2 to be known as At Home Apartments

E. Approval of rental licenses (23)

F. Vista Pines Change Order

G. Second Reading of Small Cell Ordinance

7. Public Comment

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

8. Mayor and Council Comments

9. Adjourn

This document is available upon a three (3) business day request in alternate formats such as braille, large print, audio recording, etc. Please contact Rebecca Kiernan, City Clerk, at 651.450.2513 or rkiernan@ighmn.gov.

INVER GROVE HEIGHTS CITY COUNCIL WORK SESSION
MONDAY, JANUARY 3, 2022. 6:00 PM - 8150 BARBARA AVENUE

A. CALL TO ORDER: The City Council of Inver Grove Heights met in person for a Work Session on Monday, January 3, 2022. Mayor Bartholomew called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

Roll Call: Present: Mayor Bartholomew; Council Members; Piekarski Krech, Gliva, and Murphy; City Administrator Kris Wilson, City Clerk Rebecca Kiernan, City Attorney Bridget McCauley Nason, Community Development Director Heather Rand, Assistant City Engineer Steve Dodge,
Absent: Councilmember Dietrich

1. Union Cemetery

City Administrator Kris Wilson discussed city owned Union Cemetery. A photo of the Cemetery during the summer months was displayed.

Background of Union Cemetery:

- Originally founded in 1867.
- City owned and operated since 1965 when the City of Inver Grove Heights incorporated.
- Located in the northeast corner of the city, adjacent to the South St. Paul Airport and the Dawn Way Landfill.
- 1.3 acres total.
- When originally laid out, it was plotted into 512 burial plots organized into 4 blocks.

Primary question the city is contemplating and looking for Council direction on:

- Should additional plots be sold in the Cemetery.
- Estimated 25 plots remain unsold.
- Difficult to be certain due to poor record keeping and minimal enforcement.
    - There are places they believe that people have been laid to rest behind the stones, other places it appears they may have been laid to rest in front of the stones, or to the side.
    - What they look at on the map and what is seen when there suggests that reality and records are not as perfectly aligned as one might like.
- The city has 12 individuals on a waiting list.
    - Stopped taking names on the waiting list sometime in 2020.
- No plots have been sold in many years; Council has never taken formal action to close the Cemetery.
- An option to gain clarity on the status of the plots Staff believes to be available would be to pursue a ground survey.
    - Staff is currently looking to obtain a price quote on what that could cost.

She stated there is a sense of being in limbo right now. The City Council and its Predecessors have never taken formal action to close the Cemetery yet have not sold a plot in the Cemetery for many years. There are 12 individuals in limbo on the waiting list wondering if they are ever going to be sold a plot or not. This is an item Staff is hoping to bring some resolution to and understand what the Council's preference is for the Cemetery moving forward.

She stated if the Council decides to authorize the sale of additional plots, the Council would be asked to establish a price. The last published price for Union Cemetery was $60.00 for a plot in 2009.

Prices at other Cemeteries in Dakota County are significantly higher ranging from $1,000 to $2,000 Staff is not suggesting that plots at Union Cemetery should be priced that high, many of the referenced Cemeteries are still open for future sales, growth, and have more amenities in terms of access, benches, and monuments that are a part of the Cemetery. Prices referenced suggest that $60.00 per lot might be excessively low.

Cemetery Repair Needs:

- They do budget within Park Maintenance for basic lawn mowing, weed spraying, and removal of dead trees around the edges of the Cemetery property.
- There is not capital funding identified for the Cemetery.

A photo was shown of the current gate at the Cemetery.

- It is the only signage that exists at the Cemetery.
- The letters are peeling off and in disrepair.
- The photo shown is not the original gate, there is an original gate on a different side of the property buried in the weeds. It does not indicate that it was also a sign but appears to be a metal gate. It is also weathered and damaged. It is hard to tell if that gate contained signage or not.
- There is a fence all the way around the parcel consisting of cement posts and old pipe.
    - The concrete is deteriorating and crumbling in some areas.
        - In some areas the concrete posts appear to be in better condition.
        - The northwest quadrant of the Cemetery has posts in poor condition and would be very difficult to get any sizeable equipment to without being disrespectful to the graves.
        - There are narrow drive lanes that would allow a hearse to get into the cemetery.
        - Getting to the far corner would be a challenge.
    - One of the fence pipes is bent.
- There are two benches that were installed at some point. A picture of one of those benches was shown.
    - Shows age and signs of disrepair.
    - There is a third bench in the Cemetery that appears to have been placed by the family of someone who was laid to rest there.

She stated with the overview, Staff is looking to understand what the Council would like to do with regards to the Cemetery. For example: if there is more information Staff can research and bring to the Council, price quotes for different things. This is not something that Staff discusses much but is a city responsibility to maintain. Staff would like direction from the Council as far as what they foresee as the future management of the Cemetery.

Mayor Bartholomew said he is not in favor of closing. He asked what closing the Cemetery meant, who takes it over, what is the responsibility, and what is the wait list. The how, what, and why questions if going the closing route. City Administrator Wilson replied closing it means the Council has officially ruled that no further plots would be sold. There are plots in the Cemetery that have been sold but not yet utilized. For example, the husband is buried there, and the wife remains living and plans to be buried there; owns a large enough plot for two or even more family members. There would continue to be burials there for those with documented proof that they own a plot. She said when Staff says “close”

in this sense, they mean they would officially say they would no longer sell plots in the Cemetery. The 12 people on the waiting list have not paid any money or assigned/allowed to select a specific parcel. Those would be notified by letter that the Council has decided to close the Cemetery to future sales and letting them know to make other arrangements.

Mayor Bartholomew said closing means the city would be done selling lots, but the Cemetery would still be the city's responsibility. City Administrator Wilson responded the city would still be the owners of the Cemetery, she said she was unsure if that would ever change.

Mayor Bartholomew asked how soon they would know the cost of a ground survey. City Administrator Wilson responded Staff hopes to have those figures in about a week or two. The city does surveys of land fairly regularly, it is unclear to anybody on Staff if that is a comparable price. They are not surveying the boundaries they are trying to determine what is under the ground.

Mayor Bartholomew said he believes a ground survey would be the step to go. Then they could determine where they would go with the remaining sites.

Councilmember Murphy said he believes not selling more plots until they know more is the right course of action. With only 25 left, he would be concerned when there is mention of families wanting to stay together. He thought it was important to hold off on selling any more as they need to preserve the history. There are Civil War Veterans buried there and he said it is important to preserve it. If the city ends up repairing it or fundraising to repair it, they do not know how much land that would take up if fixing fences and gates, and the rules surrounding that. Freezing it right where it is at, at the moment is the wise thing to do.

Mayor Bartholomew agreed with Councilmember Murphy's statements. He said it is a conduit to the past and the city should embrace it. It is a wonderful piece of history.

Councilmember Piekarski Krech stated her concern was that they need to start budgeting for this. Several years ago, it was not being cared for at all. Some community members went in and started taking care of the Cemetery. She was unsure when Parks and Recreation started doing it. It had been in major disrepair because nobody was caring for it. She said whatever the city does, it needs to start being a budget item, so they know that there is maintenance that needs to be done there. She agreed that a survey was needed. She thought there may be fewer than 25 plots from what she has heard from some people. There may be some unmarked graves in there too. She said she did not believe the hearses drove down there, the funerals she has been to there, the hearse has always parked up at the top and carried coffins down.

Councilmember Murphy asked if the land survey would tell them if it were stable. The last time he was there the east side was starting to slide. City Administrator Wilson agreed and stated there is significant topography off of the east side. She said Staff could see what they could determine and if they have any way of knowing how much they have lost, how much erosion has occurred. The east side definitely sits lower than the west, it is a pretty steep slope.

City Administrator Wilson addressed Councilmember Piekarski Krech's comment stating that State Law allows cities that own Cemeteries to establish what is called a Perpetual Care or Perpetual Maintenance Fund. Funding is not provided for it, but the city could set up a fund. State Law says $25,000 per acre. At 1.3 acres they would be at about $31,000 to $32,000. The Council could choose to set that money aside. She said as Staff continues with the ongoing financial review and have other funds that may need to be closed out, a transfer and establishment of that type of fund might be warranted.

Councilmember Piekarski Krech said she felt they needed to do it. For a number of years, nobody took care of it other than people who had relatives buried there. It was really a mess. A couple of residents volunteered their time and took care of it. She said they need to make sure that it does not go into disrepair again.

City Administrator Wilson said Staff will get a firm quote to do a ground survey and will return on a Consent Agenda Item for the Council to award a contract to do the work. Staff will return with the results of the survey.

Mayor Bartholomew agreed. He asked to check and see if Engineering has the topography of the area so they can get a visual idea of what the grades are, maybe Staff has an opinion of the degradation of the east slope.

2. <u>Barbara Neighborhood Noise Barrier</u>

Assistant City Engineer Steve Dodge discussed an application the city made for a Trunk Highway 52 Noise Wall along Barbara Avenue.

MnDOT Noise Wall Study History:

- Treated lumber walls.
- MnDOT did a 2016 study.
    - There were several locations in Inver Grove Heights that were on their 2016 study where noise walls were looked at.
    - Under discussion this evening is the one located on the west side of Trunk Highway 52 on the north border with South St. Paul.
- In 2018 MnDOT switched the noise wall process from a MnDOT only process to a solicitation process. The city can solicit and request a noise wall.
- In August, the Interim Public Works Director presented at a Council Work Session, new opportunities that MnDOT has with the new solicitation process.
    - Guided Staff to apply for Barbara and the Bancroft area (located on the west side of Trunk Highway 52).
    - The results that came back was that the Barbara area scored better.
- In 2020 Staff re-applied because of the way MnDOT's funding works. With Transportation Funding is they only have enough funding that the current timeframe for going through this process is pretty much one project per year for the whole metro area.
    - When reapplying, they wanted to make sure to apply for the highest ranks in the city to give an opportunity to receive this funding.

Trunk Highway 52 Barbara Neighborhood Noise Wall Selection:

- Mostly funded and run by MnDOT.
- In 2021 there were 10 cities that applied.
    - The Barbara Avenue neighborhood was selected.
    - Was the only one selected to get a noise wall for the 2021 review.
    - Ranked 1st out of 10 applications.
        - $1.67 million dollar project.
        - 52 benefitting parcels in this location. Includes townhomes in the area.
        - Located between Highway 52 and Babcock, south of Mendota on the South St. Paul border.
        - Original estimates had the city portion around $300,000.
    - The city ranked so well because it is ranked on a cost/benefit.
        - City had reasonable cost for the wall to go in due to the location.
        - Not a lot of obstructions.
        - Have 52 residents potentially benefitting.
- In 2021 Staff met with MnDOT to better understand what it meant now that the city applied and was selected.
- After meeting with MnDOT, proceeded to do a Scoping Analysis to get a better idea of the project and cost.

He stated he is before the Council today because not only was the city selected, MnDOT will now provide an update that the cost would come down because they scoped it out closer.

Update:

- MnDOT 2021 Scoping Update:
    - $1.3 million dollar estimated total project cost.
    - Still the same 52 benefitting parcels.
    - Instead of a $300,000 portion, the city cost share would be approximately $125,000.
- City Cost Participation is based on:
    - 10% of the construction costs. (Over $1 million dollars)
    - 8% of the Engineering costs. (The other $300,000)
    - Total of the above mentioned two: $125,000.
    - Other costs could be incurred:
        - Looked at the area for utilities. Not aware of any utility conflicts that would cost the city money.
        - Drainage is another factor they may have to look at.
- MnDOT would manage and run the project.
    - Use MnDOT STIP (State Transportation Improvement Fund) to fund it.
- Cooperative Agreement:
    - Cost Share
    - Maintenance
        - Structural and maintaining of the wall is MnDOT's responsibility.
        - For city purposes, the city side of the wall, for graffiti and small damages, is the city's responsibilities.
        - MnDOT takes care of graffiti on their side.

        - If a truck leaves the highway and damages the wall, MnDOT would handle that type of maintenance.
    - MnDOT would bring a city funding request in 2025-2026.

Mayor Bartholomew asked about mowing and keeping the turf at a certain height, or if it is left alone. Assistant City Engineer Dodge responded MnDOT would continue to maintain their right of way like they normally do. The wall can be 20 feet high at times depending on design. Because it is built right up to the right of way line, residents handle their side of the wall, MnDOT handles their side.

Assistant City Engineer Dodge displayed a diagram of what a noise wall would look like when reaching the 20-foot height. Heights are lower when getting towards ramps. It would be a treated lumber look. Other Considerations:

- City's portion of how to fund: $125,000
    - MSAS Eligible (Municipal State Aid Fund). These funds are spoken to for the next several years based on the city's large-scale projects.
        - Will discuss further with Finance but believes in 2025/2026 should be able to allocate at that stage $125,000 for MSAS if that is what the Council wishes to do.
    - Assessment Option.
        - He spoke with MnDOT regarding this and are only aware of one city in many years that has gone the assessment route.
        - Based on how the city selected this process at this point. A citizen called city Staff, Staff informed City Council, Council proceeded to have Staff apply.
            - A letter was sent to the neighborhood informing them that Staff had applied.
            - A call and a comment were received from one person against having a wall.
- Neighborhood notification is something that would need to be done next.
    - A letter would be sent out to the neighborhood letting them know we have been selected.
    - Hold an Information Meeting to receive feedback.

He stated he would work with Administration and the City Attorney's office to formalize the process. The cooperative agreement and final approvals will not be coming until 2025/2026. Would want to formalize the process this year to have the funding allocated.

- There is the possibility of Aesthetic Enhancement:
    - A wood emblem that could be added to the project.
        - May not come with a lot of city expense if project bids come in well and could be mostly funded by MnDOT STIP Funds.
        - The city may only have to pay 10% of the additional cost for a city emblem.
        - As noted, the Barbara wall is at the north border. Coming south on Trunk Highway 52, it is the entry into Inver Grove Heights.
        - The option is available, is something Staff would like Council feedback on, to know if they should at least bid for it.

- He stated he could talk with MnDOT in the future and may be able to bid it as an alternative and make that final decision later.
- Need to know in the design phase whether to design for it and have it as an option.

Councilmember Murphy asked if he was talking about having the Inver Grove Heights logo on the wall. Assistant City Engineer Dodge responded that is what some cities do. The City of Maplewood has a Maple Leaf on their wall. It depends on the city, depends on if the emblem fits. Inver Grove Heights has an emblem, it is the most prominent feature that we look to. Staff is looking for Council's thoughts.

Assistant City Engineer Dodge discussed the general schedule as follows:

- 2021-2022 Scoping/Funding
  - MnDOT finished Scoping in 2021.
  - Finalize the city process and city funding.
- 2022-2025 MnDOT designs the project.
- 2024-2025 MnDOT Webpage Design/Outreach.
  - The city would do most of the communication with residents up to 2025, not MnDOT.
  - MnDOT will begin notifying residents in 2025/2026 when it is close to easements, may need to build a wall, or may be tree disturbance. Residents would be notified when getting to the end process.
    - 2025-2026 Bid and Construction
  - Around when they go out to bid is when they would ask the city to dedicate the funds; the 8% and 10%, the $125,000 at that time.
  - Will include a Cooperative Agreement.

Council Feedback Staff is looking for:

- If they want to use the city portion of MSAS as a Council Resolution or other.
  - If getting guidance to do this, he would work with Finance and Administration to formalize the process this year.

Mayor Bartholomew referenced the $125,000 and asked if it included the 8% for engineering. Assistant City Engineer Dodge responded it does, it is 8% of $300,000.

Mayor Bartholomew said the 10% is for construction. He wanted to make sure the $125,000 included engineering, the 10% and 8% is built in for a total of 18%. Assistant City Engineer Dodge responded it is.

Mayor Bartholomew asked when this would need to be done, when approval from Council is wanted, what the timeline is. Assistant City Engineer Dodge responded they are looking for guidance now. Mayor Bartholomew asked if he wanted it done in August or October. Assistant City Engineer Dodge replied between now and June they would want to finalize the process. Staff would bring it back to Council within the next six months.

Mayor Bartholomew addressed the alternatives and said he felt anything that was reasonable should be an alternative and sorted out at the time of bid. He wanted to make sure they understand the funding events of that, and that the city portion should still come out of MSAS. He said he thinks this is wise and moving up that quickly is good. He said there are always going to be arguments about whether these sound wall barriers work or not.

Assistant City Engineer Dodge said he also has included in his presentation the existing noise barriers they have along Trunk Highway 52. One was just built on 494. There are several noise wall barriers already in place.

Councilmember Piekarski Krech stated they have four years. They do not have to pull $125,000 out of this budget. They could increment a little bit each year, so they have the money when it comes. That would be her suggestion.

Assistant City Engineer Dodge asked if she was supportive of State Aid Funds. Councilmember Piekarski Krech responded yes. She mentioned when initially speaking of this, there were two or three of them. They never said residents would pay, that would have changed a lot of minds. Assistant City Engineer Dodge agreed. Mayor Bartholomew said assessments for this would be a tough road. Especially if there was only one that was successful. He said they have a hard time filling potholes with assessments.

Councilmember Murphy agreed with fellow Councilmembers on all points. He thought the aesthetic enhancement was a good idea but would have to be looked into down the road. He questioned when referencing 52 homes on the map, if it was 52 along the wall or 52 that goes in. Assistant City Engineer Dodge responded MnDOT does Noise Studies and goes back as far as the noise affects residents to a 5% or 10% additional noise level. They include all of those properties in what is called a Noise Study. That is the 52 they are mentioning, it goes 2-3 blocks away from the wall.

Councilmember Murphy asked what the green space was in the middle of the neighborhood. Mayor Bartholomew responded it was a park.

Councilmember Piekarski Krech asked about the aesthetic enhancement. She said Rochester has designs on theirs. She was aware of the Maplewood ones. She asked if the logo would only go so far, have a little spot with a logo, and how big it would be. She said there are a lot of things to look into when they get to that point.

Assistant City Engineer Dodge referenced the photo he had of the wall and said as the wall gets shorter, it ends up being more of a wood only wall, it could fit more towards that area. As you go toward a ramp, people come under the bridge, you are losing visibility. They would want to get past the bridge for the view.

Assistant City Engineer Dodge asked if MSAS was something the Council wanted to look into for funding and if the aesthetic enhancement is something they want to continue to pursue as they go through the process.
Mayor Bartholomew said he agrees.
Councilmember Piekarski Krech suggested getting Artists going on that.

Mayor Bartholomew stated someone would have to tell them if this is viable, to even put one there. Coming up a ramp the last thing you would want is people looking at signs. They have to be careful of location. Assistant City Engineer Dodge responded he would work with MnDOT, who would likely help out on site distance.

Mayor Bartholomew suggested leaving it in until they are told it cannot be. If told it makes sense, then it becomes an alternative.

Assistant City Engineer Dodge stated it sounds like that could also be a final decision later; once looking at options and deciding what emblem could go on there. They may be able to bid it as an alternative and come back to Council and make that decision. Mayor Bartholomew agreed.

Assistant City Engineer Dodge stated they would be working with the neighborhood and reaching out to them with notification. He said he is assuming the Council would like Staff to proceed with getting a letter out to the residents and letting them know their neighborhood has been selected for a sound wall and that there would be a future meeting set up with Staff. Before a letter is sent out, they would work with Administration and the City Attorney's office on what the process is going to be. He would like to let people know in the letter, what they can expect for a future process besides the fact they got selected, so there is something substantial in the letter to let them know that there is more coming.

Mayor Bartholomew asked if the last sound wall placed was the one on 494. Assistant City Engineer Dodge responded the one on 494 was Federal funded, MnDOT ran the entire project. The one under discussion is a little different.

Assistant City Engineer Dodge stated when there is a future information meeting, MnDOT will be in attendance. They are also willing to come and do a presentation, at an appropriate time, at a regular Council meeting so information can be shared with the entire city on more of an official basis.

Assistant City Engineer Dodge asked if the Council wanted MnDOT to come before them with an official presentation. Mayor Bartholomew responded yes; it makes sense if it can be fit in. Assistant City Engineer Dodge said that would be put in the schedule.

Mayor Bartholomew said he believed the Department, maybe Scott Thureen, said the city may move up. He said he did not envision being number one at all, it is good news.

3. 2022 Legislative Priorities

City Administrator Wilson stated this is the time of year when the Council would be thinking about the Minnesota Legislature convening. This year they convene on the last day of the month, Monday, January 31st to begin their session. It is an even year session, they do not need to formally adopt a State Budget, they have already done that. Historically, they have focused on a State Bonding Bill. This is where the State borrows money to invest in Capital Improvements around the State such as State Buildings, State Prisons, State Parks, State Universities, roads, local, and regional projects. There has been previous discussion about the City of Inver Grove Heights bonding requests. She said she also wanted to discuss more policy positions that are not funding driven. The City's Legislative Positions were included in the Council packets which were adopted at this time last year. This will guide Staff and the Lobbyist in the 2021 Legislative Session.

She mentioned that the city belongs to three city organizations that do a fair amount of lobbying and legislative work at the Capital:

- League of Minnesota Cities (LMC). They do a lot of other things for the city in addition to lobbying at the Capital.
- Metro Cities. Focuses on the unique factors of the metropolitan cities including work at the Metropolitan Council.
- Municipal Legislative Commission (MLC). This is an organization of the larger suburban communities in the metropolitan area.

League of Minnesota Cities 2022 Priorities: The League of Minnesota Cities Board has adopted the following five priorities for the 2022 Legislative Session. They have positions that they would represent cities on, on a number of other things. Their Policy document is about 168 pages. Their top 5 priorities and where they anticipate spending a majority of their time in the upcoming session is on:

1. Bonding
2. Housing
3. Local Control/Preemption
4. Local Government Aid/Aid to Cities
5. Public Safety Duty Disability/Worker's Compensation

She said cities are seeing a large increase in the number of Public Safety employees, Police and Firefighters, who are filing In The Line of Duty Claims, often for PTSD, and for a few other common items as well. It has become a challenge for some cities.

Funding Interests:

- Bonding:
    - Council has made it clear that the 117th Street Reconstruction is the city's highest priority.
        - The request is for $2 million dollars in State Bonding for that project.
        - When put together with the Federal Grant received, money from Dakota County, would allow the city to move forward with construction of this project.
        - Critical this year because there is a deadline on spending about $8 million dollars in Federal Funds. Want to make sure they do that.
    - Heritage Village Park.
        - There is still discussion and issues around Heritage Village Park. Something she is hoping to have additional discussion on tonight. She knows Councilmember Dietrich feels strongly about that and was unable to attend tonight's meeting.

- Non-Bonding:
    - During the 2021 Legislative Session a Bill was introduced to provide funding to study a potential Amateur Sports Facility here in the northern Dakota County area.
        - The City of Eagan and the Amateur Sports Facility have been in conversations with the City of Inver Grove Heights.
        - Currently, it is money to fund a study. The study would look at how much land would need to be used, what kind of access it would need, what kind of utility support it would need, and what the market is for it.
        - The question would be asked if they want an Amateur Sports Facility that has a lot of soccer fields in it, or if there is a need for baseball fields, competitive swimming, or other forms of amateur athletics.
        - It is not money to build or design such a facility.
    - Possibly seeking out funding opportunities for Railroad quiet zones.
        - It is unlikely to be a specific Inver Grove Heights Bill but looking for an opportunity where a MnDOT Program or Federal Funding might help with some of our railroad quite zone issues.

She referenced the document from 2021, stating the city has a few Guiding Principles. The upper-level statements have bullet points under them. She is looking for Council feedback but suggests that the following three Guiding Principles from last year remain the core of our Legislative Platform for 2022 when looking beyond the issue of Bonding.

1. Support local Government authority over land use decisions, zoning, and regulatory controls.
2. Support city authority to protect existing taxpayers and recover costs associated with development activity.

The above two items taken together, have application and use in most every Legislative Session she has been a part of, or kept an eye on. Both in 2021 and 2022, they have particular relevance as there has been a relatively substantial push by advocates of affordable housing to suggest that if cities did not charge so many fees, did not have so many requirements for developments, then the affordable housing issue would get notably better. She said as an individual City Administrator and as a part of the organizations we belong to, we generally take strong issue with that. If the development that is happening in the northwest area is not paying sewer connection fees or park dedication fees, the only other source of that money is the general tax base. That means all current residents of Inver Grove Heights start to financially subsidize the development that is occurring in particular portions of a community. She said the city is not alone in that. With the level of development here, may be one of the metro cities with the most negatively impacted by some of these proposals. She stated for example: There is a Bill out there to prohibit PUD's (Planned Unit Developments). That is exclusively how the city does development in the northwest area.

3. Oppose fiscal limitations such as levy limits or reverse referenda on the decisions of local Government Officials.

This is a perennial position of most cities here in Minnesota.

She said she suggests the Council consider as a 4th Guiding Principle for the upcoming Legislative Session, something along the lines of:

4. Support a fair and equitable distribution of Federal Funding to cities, counties, and projects around the State and full State funding of any match necessary to receive the maximum Federal Funds.

She stated they are in a unique time right now where the Federal Government is sending large volumes of money to states, mostly for infrastructure. She said it would be in the City of Inver Grove Height's best interest for Minnesota to maximize that funding, in there to be reasonably distributed to cities, counties, and projects. She explained that she says cities, counties, and projects because in some cases it might be in our interest for MnDOT to get money to design 494 and Argenta. It is not actually money to the city, but is a project that benefits property owners, residents, and drivers in and around Inver Grove Heights. She asked if the Council had any reaction, concerns, or suggested changes to the Guiding Principles or questions about anything the Council saw in their packets.

Mayor Bartholomew asked if they were speaking in particular about the Draft for the Legislative Platform. He asked if that was the document pointed out. City Administrator Wilson responded she gave the Council two documents in the packet. One was the Adopted Legislative Platform from last year. She said the first items, A-H, were Inver Grove Heights specific positions possibly carried over from prior years; where it says Economic Recovery, Transportation, and Infrastructure, the format changes. Those were MLC's Priorities last year that was cut and pasted into ours.

Mayor Bartholomew said she was referencing A, B, C, and D as last year's Legislative Priorities. He said he was trying to get a baseline of where they were at. He asked if that was the previous document. City Administrator Wilson replied it is.

Mayor Bartholomew said they would stick with the Guiding Principles which are already in this document; support local Government, support authority to protect taxpayers, and fiscal limitations. He said the City Administrator's proposed addition to this document would be to support fair and equitable distribution. City Administrator Wilson agreed.

Councilmember Murphy asked if the proposed addition would be "I." City Administrator Wilson replied that was correct.

Mayor Bartholomew said there was another letter, the MLC 2022 Legislative Draft. He asked if that has been touched on yet. City Administrator Wilson responded she did not have anything further to present on that.

Mayor Bartholomew said his concern was with what was in yellow. He asked if it was new. He referenced housing, homeownership, support affordable home ownership. He asked if that was new. City Administrator Wilson replied it is new to this Draft. On the last page of the MLC document a list of their Legislative Program Subcommittee Members, they presented this document at the December Board Meeting of MLC of which she attended along with Councilmember Dietrich. She said the discussion there was trying to identify why cities disagree with some of the Bills put forward suggesting reducing city regulation would suddenly make housing more affordable. The group is looking for what do we support. In addition to being opposed to this proposed solution, what is it that members of MLC

do support to address the very real challenge of affordable housing. She said this was edited from the last Draft.

Mayor Bartholomew said the intent on this Draft is to add that paragraph restructure, housing finance agency, first time home buyers, for a larger investment/down payment, to reduce PMI. He said he finds that a little misleading. He was not comfortable with the language. He said if a lender wishes to go out on a limb at a lower down payment, that is their business. He looks at this as nonsense. That was his opinion on that addition. City Administrator Wilson responded it has not been adopted yet. If the Council consensus is that they would rather see that language removed, she cannot promise to make that happen, but can share that feedback with the MSC Group.

Mayor Bartholomew stated to use private mortgage insurance as a reason is a leap of faith to support affordable home ownership. He said he does not get the logic. That was just his concern. He said he wanted to make sure they are on the same path. He thought everything looked good. Further discussion and clarity are needed on Heritage Village Park. He supports leaving 117th there.

City Administrator Wilson said if it is fine with Council, she would go back to the Bonding questions in a minute. She was curious if anyone else has any thoughts on the guiding principles.

Councilmember Murphy said he is looking to better understand. He has read through it and makes better sense to him. He questioned if it made sense to say that the only ones that Council cares about are A-H, with possible addition of I. From Economic Recovery, he asked if that was specific to 2020, if they are eliminating that and cleaning the document up. He asked if that was their goal. City Administrator Wilson responded yes.

Councilmember Murphy referenced the MLC information and stated he found that paragraph very confusing as well. They either support what is there, or they do not support it, he questioned if it was driving their thought process. City Administrator Wilson replied it is not necessarily driving the thought process. When MLC Lobbyists go to the Legislature the first thing they would do is say their membership includes certain cities. They will put this city in by association, by membership, and suggest to the Legislator's in the room that the city is generally supportive of these policies.

Councilmember Murphy thanked the City Administrator for clearing that up. He said he has a better understanding now. He said he certainly likes A-H, and the possible addition, he does not see any issues with that personally.

Councilmember Gliva referenced the proposed addition and the wording "support a fair and equitable distribution," she asked if there was a distribution process that is not working right now, not in our favor. City Administrator Wilson responded no; this is new money coming from the Federal Infrastructure Bill that was passed this fall. It is in anticipation that the Legislature will spend a fair amount of time debating how Minnesota's infrastructure money should get either spent directly by the state and what portion should go out to cities and counties. Councilmember Gliva said it makes sense now.

City Administrator Wilson said it is difficult, you never know what Bills are going to get introduced at this point. Sometimes things happen very slowly at the Legislature and other times remarkably fast. Staff will use the Friday update emails to the City Council during the Legislative Session to pass along anything of particular note as well at the end of each Council meeting, she would indicate to the Mayor if they have a Legislative Update that needs a few minutes as they work through the session. She said typically things happen faster later in the spring, so they may not see much in February for example. Councilmember Murphy asked if Staff reviewed A-H, and if that was something that normally happens. City Administrator Wilson responded that Heather and herself have had conversations about the Legislative positions, she has not had broader Staff conversations.

Councilmember Gliva referenced the highlighted point and asked if it was something that MLC is waiting for cities to yay or nay and give feedback on. She said they have quarterly meetings that come up and asked if they discuss this and finalize. City Administrator Wilson replied it is not as formal as waiting for a yay or nay. For example, the City Managers and Administrator's of MLC Cities have a Zoom meeting that happens tomorrow. This was sent out in late December. She said she could share back that the Council found that to be both a bit confusing and convoluted, and maybe not the way to go in encouraging affordable housing. She said the MLC is holding a Legislative Breakfast that they would have an opportunity to attend. She did not have the date handy but would get that information to the Council. She believes it takes place in late January, maybe at the Eagan City Hall.

Councilmember Piekarski Krech said it has always been there before. It is not the City Hall, but the Community Center.

City Administrator Wilson said the remaining issue could be discussed next week when Councilmember Dietrich returns. She mentioned that the 117th Street Reconstruction was submitted as their #1 and only project submitted to the Governor's Office for consideration in the Governor's Bonding Bill. In the past the city has pursued Bonding funds for Heritage Village Park. All of the Bills introduced last year remain in play because this is a part of that same Legislative Session. She said the House Bonding Committee reached out to Staff and said they would like to make a stop at Heritage Village Park on their tour. She commented they take the status that you never turn the Legislature away when they want to come to your community. They were hosted at a stop in Heritage Village Park in early November to look at that project.

She said the city has a couple of options when it comes to any Legislative issue. It is sort of on a continuum, 117th Street would be an example of one end of the continuum. We are advocating for that, looking for every opportunity they can to talk about the project, ask for funding, investing our time and energy and making it a priority. A step back from that is things of which we are supportive. If someone calls and asks us or seeks out someone from Staff to come and talk at a committee hearing, they do that. But they are not proactively asking for that. She said middle ground is to say they have no position on a particular issue. The other end of the continuum is to say they oppose this project and do not want the money. Saying they are actively opposing or even sitting neutral on the project has the potential of damaging our relationship with our Legislators, who have been supportive of the project in the past.

During a Bonding Session, Legislators generally look to be able to bring projects home to their District. Bonding Sessions fall in the same year Elections do for Legislators.

She said understanding that the Council has concerns about the ongoing maintenance of Heritage Village Park and where the additional funds were coming from, she thinks they should consider the downsides of coming right out and saying no, they do not support or want that. She said today was the Parks and Recreation Director's first day. He has not had a chance to get up to speed on this. She said we own this 65-acre park, it is ours and it is not going anywhere. It has some contamination deep underground that they have remediated or buried to the satisfaction of the Minnesota Pollution Control Agency, but not to the amount that it could ever be sold or developed. She said they do need to ask themselves as a community, what they want that parcel that is a park to look like. Is the Council happy with it as it sits today. Would the Council like to see some development of it, but not what is proposed, such as wanting designers to go back to the drawing board and propose a different mix of park usage on that land. She said it is ours, and probably ours forever as a park. She welcomes any input the Council may have now, but it can also be when they have Councilmember Dietrich back in the room and have the new Parks and Recreation Director here to discuss it a little bit more. She said it would benefit her and our Lobbyist to have a better understanding of exactly what Council would like to see them do relating to Heritage Village Park.

Mayor Bartholomew said he believed all five Councilmembers would have to be together to have this discussion, so they do not get into the same trap they had last year. He said if they recall, he received a phone call from a Representative saying they would pitch this. He said he appreciated them doing that, but it is not their priority, the priority is 117th. He said they were in a position of them putting it in and what we thought. He said that it was not their priority was all he could tell them. He was unsure how to send a clear signal to everybody, other than getting together and saying is there going to be a secondary priority, is it going to be thoughtful. He asked how they do this without somebody being used as a punching bag, which he felt he was at that time. That was his concern. He believes they need all five Councilmembers together. He was unsure how soon this needed to get back.

City Administrator Wilson replied they have two Council meetings between now and the opening of the Session. She said in all honesty, Staff welcomed them to the park and did talk about the investments already made in the park. Some of that has been done. She said they talked about 117th Street that same day and she made it a point that it was the city's number 1 priority. She said they could put it on the Agenda for the 10th and have further discussion. She was unsure if the Parks and Recreation Director would be significantly further along on understanding that. She said it would help her if the Council would think and share either through a phone call to her, or a future discussion, more deeply what their concerns are about spending more money at Heritage Village Park and what they want to see there.

Mayor Bartholomew said his concern was that they would get put in a precarious position. He wants to have clear signal from this Council as to where they are going to go. He said the City Administrator was wise to get them all together and have this clarified.

Councilmember Piekarski Krech asked if they could do it on the 24th to give the new Parks Director more time. She said she does not want the Council to make a decision he may not be in agreement with. She suggested they give him a couple of weeks to acclimate and be able to study this. That gives them a week before the Session starts. City Administrator Wilson replied they could do that.

Mayor Bartholomew said he believed the City Administrator made a very good point, that maybe they re-direct. Is it an issue of what is their intent for Heritage Village Park, what do they want to see there and maybe explore that. He said her opening to that makes a lot of sense.
Councilmember Murphy asked what their concern is and if the concern is ending up with Heritage Village and not 117th. Mayor Bartholomew replied his concern is that they get funding for a park that someone has concerns about. It was not a priority, why has it become a priority. He said they need to be clear, is it going to become a priority, is it going to be a secondary priority, what is the ultimate end for the park.

Councilmember Murphy questioned if he meant does the Park exist, does it not exist. Mayor Bartholomew replied what kind of park is it going to be.

Councilmember Murphy said he always felt they were fairly far down the road. Mayor Bartholomew said he thought they were too, but then it rises up. Anytime they discuss money for Heritage Village Park it becomes a touchy issue.

Councilmember Murphy said the proper terminology escapes him. He asked about all inclusive. Councilmember Piekarski Krech replied that was added later. The original design for the park had a small playground, an amphitheater, a community gathering space. The dog park was put in there and the inclusive playground was brought up. Things have changed. She said she thought realistically, according to Director Carlson a few years ago, it is not viable. There was supposed to be the old Village Hall and the old Schoolhouse moved in there. It seems like that was not a viable issue. That changes what and how was going to be there. It was to be a community gathering space, historical things, walking trails. That has changed.

Councilmember Murphy said more direction on that is needed.

Councilmember Gliva said it seems like this park is bigger than maybe just Inver Grove Heights, maybe it is Dakota County regional, maybe a collaboration. She said it seems where it sits that would be an avenue to take. City Administrator Wilson replied she has heard that suggested. Is it a regional draw or regional amenity, therefore should there be some regional funding. She said between now and the 24th Staff can research this further. She was not optimistic that Heritage Village Park would meet the standards that is looked for in a County Park. Their parks tend to be even larger, very natural resource focused. This is a pretty bare piece of land. They come at this from a natural resource preservation, open space preservation perception. That was her initial impression. Having until January 24th gives Staff more time to dig deeper into that question. They are also working on accounting work on previous investments. By the 24th they can clearly show the sources of money that have already gone into Heritage Village Park and what the mix of city funds is versus Grant funding or otherwise.

City Administrator Wilson reminded the Council that there is a Grant sitting out there from the DNR that was awarded to them for Phase 4 of Heritage Village Park. The Council has not yet acted upon this. Staff has not received the formal Grant Agreement from the DNR, until they do, that really pushes the issue. This will be a good opportunity to discuss that as well. At some point the Council will need to make a decision as to whether or not to accept the Grant.
Mayor Bartholomew clarified what the City Administrator has said stating that Council will receive a recap of all funds that have come in to this point, such as County funds, State funds, Grant funds. He said the Council has received that information several times, but it does not hurt to receive a recap. City Administrator Wilson responded that is correct.

4. Personnel Policy Revision Project

City Administrator Wilson discussed a project that Staff is working on and about to invest significant time and effort on. She wanted to make sure that Council and Staff are on the same page of this project as far as why it is being proposed to do it and what the expected outcome is, so they do not spend the time going in a direction that is not in alignment with the Council. She said the current Personnel Policies within the City of Inver Grove Heights is embedded in the City Code. They are Title 1 Chapter 6 Article A of the City Code. They were initially adopted or the last major update, it was hard for her to tell, but appears to have been 25 years ago in March 1997. That was located on most sections. Some sections have been amended since then but appears to be the initial date. Having Personnel Policies within the City Code is very unusual in City Government. It makes it cumbersome to update, especially in Inver Grove Heights where it is required to have Three Readings of any Amendment to the City Code. It also leads to poor organization as they are pretty choppy as they are put together and worded very formally. They are worded like you would word City Code language rather than in an approachable/digestible form that a typical employee or supervisor might use when trying to answer a question or resolve an issue.

She said her understanding was that work was already done on this before her arrival a few months ago. The change is to remove them from the City Code, reorganize and update them, and then have them be adopted by Resolution of the City Council. In the future they would be amended by Resolution of the City Council. The policies themselves would contain a section on Amendments, stating the process for amending the document and would spell out that it would be by Resolution of the City Council. She said they may also consider using Administrative Policies for certain topics. She said for example, something that might be an Administrative Policy, meaning it is set by the City Administrator rather than coming to the City Council, would be the details of the Respectful Workplace Policy. Council might have a Policy Statement that all employees are expected to maintain a respectful workplace and that discrimination and harassment will not be tolerated. An actual Respectful Workplace Policy, if following the League of Minnesota Cities module, is 6 or 7 pages and talks about if you believe you have been subject to a disrespectful workplace, your first step is to report it here, and if it is not resolved, you report it here. It is very detailed and process oriented.

Another example might be some leaves that the city is required to provide by Statute. State Law requires the city to require leave on Election Day for employees to go Vote. It requires the city to

provide time off for employees to attend parent/teacher conferences if they occur during the day, or for Jury Duty. These are things that the city is required by Law to do. There are details spelled out who needs to be told and what form needs to be filled out. It is not a big policy decision on the city's part whether they are offered or not because they are Statutorily required leaves.

City Administrator Wilson suggested if proceeding with this project and bringing a Personnel Policy that sits outside of the City Code, the Table of Contents might look something like this:

- Have a category on the Purpose, Scope, and General Principles
    - Includes how Policies can be amended
- Addresses Recruitment, Hiring, and Promotion
- Compensation and Classification
- Employee Benefits
- Work Hours and Leaves
- A general section on Employee Conduct that would have an:
    - Ethics Policy
    - General Policy Statement about Respectful Workplace
- Discipline Policy
    - Lays out our progressive discipline practice
- Grievance Policy
    - What to do if believing the policies have not been fairly applied to you
- Separation
    - Describes how people could come to depart from the city
        - Resignation
        - Retirement
        - Termination for Cause
        - Layoff
- Appendix with Definitions

These would be the typical common chapters in a City Personnel Section.
Tentative Timeline:

- Bring approximately ½ of the Chapters to the City Council's February Work Session with the Chapters being provided in advance for review. Council can walk through them and talk about any questions or concerns the Council might have.
- The second portion of Chapters would come before the City Council at their March Work Session. Gives time for the Department Head team to go through revisions and changes. Legal has already gone through them.
- Staff would come back and follow up on anything that had been discussed or asked for changes in the first or second review. This would take place at the April Work Session.
- Move forward at one of the regular City Council meetings in April to consider Repeal of the City Code Section and Adoption of the new Personnel Policies.

She added that the goal here is not for employees to feel a difference of any notable personnel policies. They are not proposing to change the amount of vacation provided, what the Holiday's are, or the fact that employees have a Just Cause employment status. They are trying to get it better organized, worded a bit better in plain English, and add some sections where there is silence, they

think would be good to reinforce. She said an example of that might be, the city does not have an Ethics Policy currently. What is written should not be a surprise to any employees, they should not feel like somebody suddenly changed the expectations of them but would be spelled out and there for current or new employees to read or understand. It would look different because of the organization and wording; employees should not feel they have different terms and conditions of employment. She said if there are a few cases they are recommending a Policy change, they would draw that out in the wording, slides, to point out that they are recommending an actual policy change in a given area. She expected those to be few and far between.

Councilmember Gliva referenced the slide shown stating it looked like an Employee Handbook to her. City Administrator Wilson replied it was the same thing. Some places call them an Employee Handbook, Personnel Policies, Employment Rules, they are generally different names for the same thing.

Councilmember Gliva said these were in the City Code before. She asked if this would be something a new hire would sign or acknowledge. City Administrator Wilson replied they are given a copy of the City Code Section along with the Fair Union Employee, Union Contract, and other documents.

Councilmember Gliva stated this seems to be a lot easier to acknowledge. City Administrator Wilson replied it was a modernization, looks more digestible, more approachable to the average employee as opposed to a section out of the City Code. Councilmember Gliva thought it was a fabulous idea.

Mayor Bartholomew said he thought it was a great endeavor. He said they were going to hit a lot of roadblocks along the way. He could come up with a dozen right now, but this needs to be done.

Councilmember Murphy said they were going to plug some holes and clean up some language. He said if it is pulled out of City Code, he questioned that it does not remove Council review. City Administrator Wilson responded the Policies will spell out how they can be amended. Staff will be bringing forward a proposal that can be amended by Resolution of the City Council.

City Administrator Wilson said the Mayor referred to stumbling blocks. She said this is a project on which she has actually worked. She has an HR background. In the City of Shakopee, which is a City Administrator Statutory A type of City, this is exactly how their Personnel Policies are done. The City of Bloomington is a Charter City, their Personnel Policies are adopted by Resolution of the City Council. The Manager/Administrator cannot suddenly go changing the rules of the game, that power/discretion is reserved for the City Council. The difference is that it would not have Three Readings.

Mayor Bartholomew felt it was a wise move. It removes the chaos of the Code. It gets the one governing document that is approved and amended by the Council. He felt getting there is going to be a painful task.

City Administrator Wilson said Staff would proceed and talk with the City Council in February regarding the first part.

City Administrator Wilson stated she realized as she walked in here tonight, that an email she had wrote to the Councilmembers this morning is still sitting in her Outbox. She said she would still send it, so they all have it in writing. There were three updates she needed to give the Council:

1. It is that time of year when the Council makes appointments for members of the Council to serve on various advisory boards, governing bodies, Joint Powers, and groups they belong to. She said she was going to be emailing that list of who is appointed to what currently, to the Councilmembers. She is looking if there is any desire to see any changes for 2022. She requested the Council watch their email. They know what Boards and groups they serve on. It would generally be her recommendation that the Council stick with it for a second year and consider rotation more like every other year. There is benefit to building up knowledge and comfort with the subject matter and the consistent representation from the City.
2. Her email will also ask for Council's availability for a Council Retreat. She said she had originally hoped to do that in late January but are juggling a number of schedules and times when people may be out of the area. The two proposed dates would be Thursday, February 24th or Saturday, February 26th. On the 24th she would ask that they convene about 3:00. Have dinner and plan to adjourn about 9:00. On the 26th, the plan would be to convene at 9:00, have lunch together and adjourn around 3:00. She asked that the Council share their feedback on that.
3. She said they are still closely monitoring Federal Regulations requiring employers of 100 people or more to either Mandate Vaccination, or weekly testing and the wearing of the mask in the workplace. There have been a lot of Court rulings putting it on hold, lifting the hold. It seems like it is picking up steam. There is a Webinar from OSHA that the City Attorney and the HR Manager will be attending tomorrow. If the Courts clear the way for this, they will have to move quickly to follow the OSHA Mandate. She said she does not anticipate it would be something that would require Council action, as they regularly follow OSHA Mandates as they are more a matter of law than Council Policy. She will keep the Council updated if they are needing to move forward with complying with the Mandate.

B. Adjourn:

Motion by Piekarski Krech to adjourn the meeting at 7:27 p.m.

Ayes: 4
Nays: 0 Motion carried.

Minutes prepared by Recording Clerk Sheri Yourczek.

INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, JANUARY 10, 2022 - 6:00 P.M. - 8150 BARBARA AVENUE

1. CALL TO ORDER:
The City Council of Inver Grove Heights met in regular session on Monday, January 10, 2022, in person. Mayor Bartholomew called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

2. ROLL CALL:
Present In-Person: Mayor Bartholomew, Council Members: Dietrich, Murphy, and Gliva; City Administrator Wilson, City Attorney McCauley Nason, City Clerk Kiernan, Associate Planner Botten, Community Development Director Rand, Civil Engineer Moser, Police Chief Chiodo, and Parks and Recreation Director Lares.
Absent: Council Member Piekarski Krech

3. PRESENTATIONS:

4. CONSENT AGENDA:
A. **i.** Minutes from the November 22, 2021, City Council meeting.
ii. Minutes from the December 6, 2021, City Council Special meeting.
iii. Minutes from the December 6, 2021, City Council Work Session.
B. Resolution 2022-01 approving disbursements for period ending January 4, 2022.
C. Approve personnel actions.
D. Designate 2022 official legal publication/newspaper.
E. Designate 2022 official depositories.
F. Designate 2022 Acting Mayor.
G. Designate Council liaison/committee appointments.
H. Authorize Electronic Fund Transfers (EFT). **Resolution 2022-02**
I. Authorize budget transfer of donated police funds. **Resolution 2022-003**
J. Accept updates to IGH Emergency Operations plan. **Resolution 2022-004**
K. Appoint deputy weed inspector and city forester.
L. Resolutions approving agreements related to new prosecution firm. **Resolutions 2022-005** and **2022-006**
M. Resolution 2022-007 approving the application for fiscal year 2022 Dakota County Community Development Block Grant funding.
N. Resolution 2022-008 approving Pathways to Policing grant application.
O. Approve encroachment agreement for landowner improvements within city drainage and utility easement for 7755 Boyd Ave.
P. Consider Change Order No. 1 for City Project No. 2021-09D – Bryant Lane area improvements.
Q. Authorize Issuance of request for proposals for utility rate study.
R. Approve Axon contract for tasers/body worn cameras/squad car cameras. **Resolution 2022-009**
S. Consider Change Order No. 1 for public works facility project.

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

Ayes: 4
Nays: 0 **Motion carried.**

5. PUBLIC HEARING:
6. REGULAR AGENDA:

A. Consider the following actions for property located at 5871 Cahill Avenue:

1. A Comprehensive Plan Amendment to change the guided land use from NC, Neighborhood Commercial and LDR, Low Density Residential to LMDR, Low-Medium Density Residential. Resolution 2022-010

2. A Rezoning from R-1C, Single Family Residential and B-3, General Business to R-3B, Multiple Family Residential. Ordinance 1422

Associate Planner Heather Botten discussed property located south of Upper 55th Street on the west side of Cahill Avenue. Cahill Avenue is a designated minor arterial road. The request is for two parcels at a total of 2.24 acres. Current zoning is B-3 General Business on the north lot and R-1C Single Family Residential on the south lot. They are guided in the 2040 Comprehensive Plan as Neighborhood Commercial and Low Density Residential. The Applicant would like to develop the two parcels into a townhome development. In order to do so, a rezoning and Comprehensive Plan Amendment are required to be consistent with the potential development. If the proposed requests are successful, an application for a plat and Conditional Use Permit would be required before any construction or work can be done on site. This subsequent process would require a Public Hearing, at which time comments on site design, setbacks, trees, landscaping, and location of buildings would be done at the next step. The Applicant has stated the potential development would consist of a maximum of 17 townhome units. 17 units on 2.24 acres, the density would be 7.6 units per acre. The density would fall under the LMDR (Low to Medium Density Residential) category. LMDR allows for ranges in the 4-8 units per acre.

She stated the Applicant is also requesting rezoning the parcels to an R-3B, Multiple Family. The R3-B District is for multi-family dwelling units up to 7 units a building and ranging up to 12 units an acre. Infrastructure is in place to accommodate a multi-family development. The surrounding land uses would be single family to the south, single family, and open space to the west, commercial and office to the north, multi-family, and office to the east. Multiple family housing is a typical type of development found along arterial roads. Staff believes the proposed zoning and land use designations do not appear to be out of character for the neighborhood, it would be a good infill transitional use between residential properties and the commercial and office properties. Based on information presented, what is in the Staff report and the Conditions listed in the Resolution, Staff recommends approval of the request. At the Planning Commission's December 21st, Public Hearing, they unanimously supported the request with the conditions listed.

Doug Johnson, owner of Blue-Ribbon Builders, stated he has been building since 1997. He built a townhome project similar to this in Coon Rapids which was home ownership, just like what they would be doing here. The property they are proposing putting the buildings on fits the neighborhood. He has been working with his Engineers and Architects and said for density they are actually looking at less than 17 to meet setbacks. The townhomes would be two-story with two car garages. They would work with the city on the open space and parking.

Mayor Bartholomew said he wanted to make sure Mr. Johnson was aware of the setback limitations and does not run into a density issue. Mr. Johnson replied he would not look for a variance, they would scale back the project to fit within the means of the setbacks and Ordinances.

Mayor Bartholomew asked if Mr. Johnson had looked at the recommendation from Staff and if he had questions regarding the conditions. Mr. Johnson responded he did not have questions. He mentioned that Staff did a very good job.

Jenny Finwall, 5905 Cahill Avenue, said her property is located south of the proposed property. Her concern was about the amount of green space they would have if there were kids. She said they are

already having issues with the emergency housing down the street because they do not have any place for the kids to go. They seem to play in everyone's yards to and from McDonald's and Walgreens. She prefers having a privacy fence between. She said there is a heavy spruce tree line there that is going to get cut through. She was concerned about how many trees she would lose depending on the setbacks and number of people next door.

Mayor Bartholomew commented if separation and screening could be discussed at the time of Application. He addressed Ms. Finwall and said her information is on the record. Staff would make sure that is addressed and discussed.

Councilmember Gliva said this area has been looked at for apartments, it is in between a single-family home and Walgreens. She said it seems like home ownership townhomes would fit and seemed like a good transition. She suggested making sure there are barriers to protect the homeowner.

Mayor Bartholomew said he thought this was a good buffer. There is a slope to the west, ownership product, and densities are in the right spot. Green space, privacy, and separation would be addressed at the time of application for construction. He supports the Comprehensive Plan Amendment. He said he would encourage this passing; it is a good buffer.

Councilmember Dietrich said she believes it was a good product for the area. She encouraged the Developer to be very thoughtful about having it be owned and not rented. She appreciated the Developer's indication of that.

Councilmember Murphy agreed with all that has been said.

Motion by Murphy, second by Dietrich, to approve the following action for property located at 5871 Cahill Avenue:

1. A Comprehensive Plan Amendment to change the guided land use from NC, Neighborhood Commercial and LDR, Low Density Residential to LMDR, Low-Medium Density Residential. Resolution 2022-010

Ayes: 4
Nays: 0 Motion carried.

Motion by Dietrich, second by Gliva, to approve the following actions for property located at 5871 Cahill Avenue:

2. A Rezoning from R-1C, Single Family Residential and B-3, General Business to R-3B, Multiple Family Residential. Ordinance 1422

Ayes: 4
Nays: 0 Motion carried.

B. Consider approval of rental licenses (18).

Community Development Director Heather Rand said the following is for the approval of license rental properties/homes within the city. Licenses are valid for up to two years. The city has received an additional 18 Applications. Staff has reviewed these and found the Applications to be complete. The Police Department has done background checks. Staff recommends approval of the following 18 Rental Licenses:

- 4819 Bisset Lane – Jeffrey Campbell
- 6975 Archer Court – Har Mattaparti
- 6973 Archer Place – Har Mattaparti
- 8163 Darcy Lane – Jennifer Sobota
- 2111 78th Court – Ronald Richins
- 7870 Barbara Avenue – Francis Hickey
- 3816 67th Street – Francis Hickey
- 3811 66th Street – Francis Hickey
- 7810 Barbara Avenue – Francis Hickey
- 9395 Old Concord Blvd. – Michael Cassidy
- 4927 Bisset lane – Mohammad Yousaf
- 2586 – 49th Street – Kathleen Pan
- 4888 Boatman Lane – Robert Stefani
- 3484 Cloman Way – Kyle Corniea
- 4852 Bivens Court – Scott Anderson
- 4877 Bitterman Path – Shailesh Koppikar
- 3220 81st Street – Todd Kelm
- 4875 Bryce Avenue – Larry Groppoli

Councilmember Murphy questioned if the Council would be revisiting the Policy around rentals in the future at a Work Session. Community Development Director Rand agreed and said that is intended to take place some time in February as a part of a strategic discussion. Staff will bring information and get input from Council, with possible changes that could be made to improve the process and provide residents with what Staff hopes to be a greater assurance of the safety and security of these rentals.

Motion by Gliva, second by Dietrich, to approve the 18 Rental Licenses.

Ayes: 4
Nays: 0 Motion carried.

C. Consider Resolution receiving Feasibility Report and scheduling a Public Hearing for City Project No. 2022-09G – Albano Trail and Albright Court rehabilitation. Resolution 2022-011

Civil Engineer Jacob Moser, gave a presentation asking the Council to consider receiving the Feasibility Report and scheduling the Public Hearing for City Project No. 2022-09G Albano Trail and Albright Court Area Street Rehabilitation.
Project Background:

- North of Highway 3, South Robert Trail, east of Highway 149/Jefferson Trail.
- Single Family Home Development.
    - Platted as Ves Valley Estates
    - 26 homes
    - Includes 1.6 lane-miles of urban street with curb.
    - Constructed in 2002
    - Past maintenance:
    - Sealcoat in 2006
    - 2014 (Albright Court only)
    - Miscellaneous patching, potholes, and pavement issues

Project Progress:

- Initiated by City Council through the Pavement Management Initiative.
- Council authorized a Feasibility Report in October 2021.
    - 1 of 8 Feasibility Reports
    - Once authorized, Staff prioritized the most cost effective and least complex projects that could benefit the most properties and mileage of streets
    - Remaining feasibility reports are scheduled to be completed in early 2022
    - Further fiscal and budget review will be necessary for additional projects
- Staff hosted a virtual and in-person open house to share feasibility findings with residents in December.

A slide of the streets was displayed showing Albano Trail, Albright Court, and the 26 single family lots. There is a non-accessible outlot that is privately owned and encumbered by easement.

Feasibility Recommendation:

- 2" Mill & Overlay.
    - Grind and replace the upper 2" of pavement
- Spot curb replacement.
    - On an as-needed basis to fix major structural deficiencies to maintain drainage in the curb line. Hair line cracks and aesthetic issues would not be included in the rehab project
- Minor utility maintenance
    - Includes storm sewer casting adjustments, storm drains, and curb line
    - This neighborhood does not have sewer and water utilities. All are on well and septic

Project Cost/Budget:

Total Project Costs:

- Streets: $277,100
- Storm Sewer: $29,200
- Total: $306,300

Total Project Funding:

- Pavement Management Fund: $55,400
- Stormwater Utility Fund: $5,900
- Special Assessments: $245,000
- Total: $306,300

Special Assessments – Single Family:

- Per City Policy for Mill and Overlay projects, 80% of the street and storm costs are assessed to benefitting property owners.
- Single family lots are assessed on a uniform per parcel basis.
- Preliminary Per Policy Assessment: $9,424
    - Large assessment for a mill and overlay project
    - Larger lots, average 1.5 acres with large frontages
    - Assessments are fair per Policy
- A Special Benefit Analysis was performed by an Independent Appraiser.
    - Provided a $15,600 Special Benefit Cap per single family residence
- 26 single family lots are included on the preliminary roll.
- Recommended 5-year term on special assessment payments.
    - Approved by the City Council at a later Assessment Hearing

Tentative Project Schedule:

- Receive the Feasibility Report, call for an Improvement Hearing: January 10, 2022.
- If approved, Staff would invite residents to a Virtual Information Meeting: February 2022.
- Council would be requested to hold the Improvement Hearing and order the plans and specifications at the February 28, 2022 City Council Meeting.

- Plans would be prepared and approved: March 2022.
- Bid Opening: April 2022.
- Council would be asked to receive bids and award the project: April 25, 2022.
- Begin Construction: Late May 2022.
- Substantial completion date: August 2022.
- Assessment Hearing Information Meeting held by Staff to present the final proposed assessments to the property owners: September 2022.
- Hold an Assessment Hearing to adopt final assessments: October 2022.

He stated that this was a change from the schedule shared with residents at the December open house. At that time, they had the Assessment Hearing to be held prior to construction. Based on property owner feedback and Staff discussion, the recommendation is to hold the Assessment Hearing after construction. This allows for the possibility of realizing cost savings during construction, those would be reflected in the assessments based on final assessment costs.
Staff Recommendations:

- Adopt Resolution
    - Receive Feasibility Report
    - Schedule Improvement Hearing for February 28, 2022

Mayor Bartholomew asked if Staff had a copy of the Benefit Analysis Report. Civil Engineer Moser responded yes. Mayor Bartholomew requested the Council be given a copy of that via email. Civil Engineer Moser agreed.

Mayor Bartholomew commented he felt it was wise to wait until after construction to hold the Assessment Hearing. It is a lot of money. The rationale was correct due to the size of the lots and frontage, shows a benefit that he believes would be supported by the analysis.

Mayor Bartholomew referred to the Outlot and permanent easement and asked if it was from the HOA, the city, agreement with the city, or the landowners. He asked if that information was known. Civil Engineer Moser responded the outlot is listed as owned by the HOA. In reading the development contracts he knows it was a part of the Development Contract.

Mayor Bartholomew said it was a permanent outlot, there was no way someone could acquire it. Civil Engineer Moser responded that was correct. It has the easements encumbrance on it.

Councilmember Dietrich asked how well attended the in-person and virtual meetings were. Civil Engineer Moser responded the virtual meeting had pretty good attendance with 12 participants. For the in-person meeting there were no residents for this project.

Councilmember Dietrich asked what some of the feedback received was. Civil Engineer Moser responded the general comment received is usually about the cost of the assessments and questioning why taxes do not pay for that. He said Staff explained this was a part of the city Assessment Policy. It is the way it has been determined to fairly pay for local streets in the city. There was no substantial opposition to the project.
Councilmember Dietrich said it was something they were discussing in the Citizen's Task Force, about conversations and getting more awareness out there of how the Policy is put into play. She said hopefully Staff will not have to answer that same question.

Motion by Murphy, second by Dietrich, to approve Resolution 2022-011 receiving the Feasibility Report and scheduling a Public Hearing for City Project No. 2022-09G – Albano Trail and Albright Court rehabilitation.

Ayes: 4
Nays: 0 Motion carried.

D. Consider First Reading of Small Cell Ordinance.

City Attorney Bridget McCauley Nason stated she did not have a large presentation to bring forward to the Council regarding this item at the First Reading. She has spoken with Staff and would be working with the incoming Public Works Director. As this moves forward, there may be additional presentation materials including some visuals. This could take place at the next meeting or the meeting after that. She provided background to this item stating in 2017 there were a number of Legislative changes made and FCC Regulation changes that impacted the roll out of small wireless facilities. These are not the big cell facilities noticed on water towers or stand-alone poles. These are smaller facilities that may be attached to light poles or a similar structure. With the Legislative changes came requirements for cities to allow these small wireless facilities within the city right of way as a permitted user within the rights of way. The city is allowed to provide some regulation of these facilities. It cannot be prohibited, dictated where they are going to go, and cannot establish high fees that exceed those established by Statute. The city does have some ability to require, for example, aesthetic standards for certain right of way facilities, that small wireless facilities enter into a Co-location Agreement with the city if they are going to be co-locating their facilities on a city structure such as a city owned light post or a city owned stop light.

She stated in 2017/2018, the city moved forward with the First Reading of an Ordinance adopting the League of Minnesota Cities Model Ordinance for small wireless facilities. The city also adopted aesthetic standards for small wireless facilities. Looking at the Fee Schedule, there are actually fees related to small wireless facilities. She said for whatever reason after the First Reading passed unanimously, it did not come back before the Council for adoption. This is why this item is back before the Council this evening. It is being started at a First Reading standpoint because it is a new Council and the first time, they are seeing it. This would then come before the Council for a Second and Third Reading. She said there would also be some Zoning Ordinance Amendments that come forward along with this. The city is circumscribed from adopting regulations outside of those that it is authorized to do so by Statute and regulation. The city can require a Conditional Use Permit for small wireless facilities to be located in single family residential zoning districts which gives the city some slightly larger modicum of control over the placement of those facilities to ensure they are not too disruptive to those residential neighborhoods. This is probably the broadest discretion the city has with respect to these facilities and placement.

She stated the plan is to bring forward for Council consideration after it goes through Planning Commission, the Zoning Ordinance Amendment which would make small wireless facilities a conditional use within the single-family residential zoning district. The Ordinance itself is adopted from the Leagues Model Ordinance. It has been adopted by many cities within the State of Minnesota. She said there was not any significant changes to this Ordinance from what was brought forward to the Council for a First Reading a few years ago. The request is for Council to consider the First Reading of this Ordinance knowing it would be brought back twice. The goal is to have the final reading coincide with adopting the Zoning Ordinance Amendment, adoption of a standard co-location agreement, and a few other agreements the city can adopt as part of its regulation of these small cell facilities.

Mayor Bartholomew said when this was discussed prior, one of his concerns was with overlay areas, in particular the airport overlay area where there is a height constraint. He said there was a height limitation in the airport area of 35 feet. None of these, if recalling correctly, were over that scale and were well under that with this Ordinance. City Attorney McCauley Nason responded yes, typically. She stated there is some reference to height regulations with respects to facilities. The news has shown that there has been quite a bit of talk and some tension with the FAA and the roll out of the 5G Network and some concerns with respect to potential airport interference that may or may not exist. These are typically the small wireless facilities, they attach to standard light poles, streetlamps, or utility poles. It is not the larger towers that might come into play with the airport or other zones.

Mayor Bartholomew said when he was in Edina, he saw the school baseball field and it looked like every light pole had a tower on it. He asked if a capacity issue could be addressed. City Attorney McCauley Nason responded there is no limitations on the number of these facilities. The city does not have the authority to put a limitation on them. It is up to the wireless providers. The only thing the city has much discretion with is dealing with those facilities in the single-family residential zoning district, and then require a Conditional Use Permit. She advised the Council that they do not have to go that route. Some cities have chosen to not require a Conditional Use Permit. The Council does not have to if they do not want to. It provides the only space where the Council could have some oversite in the placement of these facilities in the single-family residential zoning districts to ensure that they do not interfere as much as possible, with the use of the single-family residential district.

Mayor Bartholomew said it offers a chance for discretion.

Councilmember Murphy wanted clarification if most cities have adopted what the League of Minnesota Cities has helped with. He asked if that was an accurate assessment. City Attorney McCauley Nason responded she did not know if it was most/many but the discussions in the City Attorney universe when this first came to light in 2017 was that most cities did adopt the League's Model Ordinance. The city is limited as to how they can regulate these facilities. The League Ordinance does comply with the Statutory and other regulatory constraints.

Councilmember Murphy asked if the First Reading included the potential of it being a Conditional Use in residential. City Attorney McCauley Nason responded yes.

Councilmember Murphy asked what these do. He questioned if it was cell service. City Attorney McCauley Nason replied when Cellular came out they were big and shot cellular signals from faraway places. Now the way the Network is more distributed, smaller sites are needed to send signals around.

Mayor Bartholomew believed the Council should consider the First Reading and look at the revised work.

Motion by Gliva, second by Murphy, to accept the First Reading of Small Cell Ordinance.

Ayes: 4
Nays: 0 Motion carried.

7. <u>PUBLIC COMMENT</u>:

Corey Clarin, 1120 Alaureate Court, addressed road flooding stating he lives just to the south of where the Civil Engineer was discussing the road project on Albano and Albright. Highway 3/Robert Trail runs

east/west in that section. On the south side of Robert Trail there is a pond. He said that part of Highway 3 also had MnDOT's road project for 2018. Prior to that the road had been there for 50 years without a single incidence of flooding. They put in curb and gutter. The whole design was sent to the city for approval by City Engineers. He said they started experiencing road flooding before that project was even done. The water has gone up about 4 feet at its peak. He said Mr. Kaldunski in the Engineering Department could give exact figures. As the water kept rising, they were driving through at least a foot of water at times to get to their homes. Alaureate Trail is the only way in or out of their neighborhood. There are 12 families there that were losing sleep every time it rained wondering if they would be able to get out of the neighborhood. It was the same for garbage trucks, Amazon vehicles, and emergency vehicles. He said he has spent numerous hours talking with MnDOT, their Engineers, our City Engineers, Commissioner Atkins, the Watershed, our State Representative, and Senators. Nobody would help them determine what was going on with the flooding. He said it got to the point where they had to do something so their neighborhood paid to have it raised with gravel three times so they can get in and out. With the drought last summer, the water has receded 18 inches from its peak. They are no longer worried about getting in and out, but spring thaw is coming, and the water is still way higher than it was before the MnDOT project. He said what had reminded him of this was that he just received his Stormwater Utility Fee in the mail and have been paying it without complaints. They have no city sewer, no water, no plowing, no salting, no sanding, they take care of all of that as a neighborhood. They have been paying for 10 years and nobody has offered to help them with the flooding.

He referenced the city website and the Stormwater Facility FAQ where it says, "Why do we have this," it states "The northwest area of Inver Grove Heights is projected to be fully developed in the future requiring construction of new measures to treat and manage stormwater. Since there are no stormwater outlets for these areas, the new measures will include the use of low impact infiltration practices so that the landlocked basins will not become flooded." He said that is not working out for them and nobody is using any of those dollars to help them. He requests the Council consider helping them. He said he talks to Mr. Kaldunski frequently. He mentioned that Barr Engineering was here last summer because the city is discussing what to do with landlocked basins when they flood and how to respond. He said ideas are being floated around about having all of the landowners whose land contributes to a landlocked basin help pay for things like this. He said he would like the city to consider this if and when it comes around. If spring brings more flooding they would be right back where they were and have to raise their road more.

Mayor Bartholomew responded that he appreciates Mr. Clarin's comments. He would task the City Administrator to get his contact information and reach out to him as well as receive input from engineering regarding this situation. He said there is a new Public Works Director coming on board.

Mr. Clarin mentioned after the Barr Engineering meeting the city hosted a follow up meeting a month later for the public to attend, engage in the process, and shape the policy. He was dismayed to find out that the city had actually pumped water from a pond near their area. A gentleman had complained that the water was getting near his shed. He believed this went before a previous City Council, but they agreed and pumped water for three days. He asked Mr. Kaldunski how much that cost and was told it was almost $70,000 that the city paid to help reduce the pond level so the gentleman's shed would not get wet. He said yet there are people losing sleep because they are worried about whether they can get to and from their house or have their garbage picked up and nobody would do anything to help them.

Mayor Bartholomew said he understands Mr. Clarin's input and has it on record. He would follow up with City Administrator Wilson tomorrow and make sure they get ahead of this.

8. <u>MAYOR AND COUNCIL COMMENTS</u>:

Mayor Bartholomew read the following updates from the Inver Grove Heights Police Department:

- There is a Citizen's Policy Academy on Wednesday's from 6:00 to 9:00 beginning April 6th through May 11th at the Police Department. Must be 18 years or older. Registrations are now open online. Limited space available. Email Police Chief Chiodo with questions.
- There is a 2022 Community Safety Survey from the Inver Grove Heights Police Department available online until February 1st. It takes about 5-7 minutes to do. Questions or concerns can be sent to Police Chief Chiodo. Please take part in the survey so Staff and the Council can hear and receive input.

City Administrator Wilson welcomed and introduced the new Parks and Recreation Director Adam Lares.

Parks and Recreation Director Adam Lares introduced himself and said he is very excited to be here this evening. He is officially on Day 6. He said a lot of the opportunities that are presenting itself here in Inver Grove Heights are very exciting, particularly for a Park Professional with the development in the northwest quadrant, and many other areas within the city that have park development or redevelopment opportunities and funding allocations at times. He was very pleasantly surprised with the great welcoming he has had from all city Staff. He gave a shoutout to all Park and Recreation Staff that have really stepped up over the last year with the vacancy of a full time Parks and Recreation Director. He said he knows that Jon Oyanagi and Bob Bierscheid did a great job interim. He knows the department has longed for some leadership and direction, which he hopes he can provide. He looks forward to working with each and every one of the Council Members and hoped to get some time on their calendars to get to know them, have an introductory meeting, hear their priorities, and some of the directions they have for where they would like to see the Parks and Recreation Department.

He said he is a big believer in livability within the Park and Recreation Department that helps support community. He is interested to see where the Council falls within that and where he can make some of those things come to fruition. He is also a big believer in Public Service. He said he is here to listen to the Council's constituents and anybody that is willing to talk about parks and recreation and beyond.

Mayor Bartholomew welcomed Adam. He said his hands will be full. There is great opportunity here and a lot of things to do. They look forward to his energy and input.

Councilmember Dietrich thanked Parks and Recreation Director Lares for staying for six days so far. She thanked him for choosing Inver Grove Heights to work at. They are really excited to have him here.

Parks and Recreation Director Lares said he has been a part of one system for about 18 years. The systems, processes, and language are completely different. If he accidentally calls the Council Commissioner's, it is because he is used to a Board of Commissioner's in the Minneapolis Parks and Recreation Board. There was also a Superintendent. He asked for a little bit of grace and apologized on the front end. He looks forward to working with all.

9. <u>ADJOURN</u>:

Motion by Gliva, second by Murphy, to adjourn the meeting at 6:50 p.m.

Ayes: 4

Nays: 0 Motion carried.

Minutes prepared by Recording Clerk Sheri Yourczek

AGENDA ITEM ____**4B**_____

CITY OF INVER GROVE HEIGHTS

TITLE: Disbursements

		Fiscal/FTE Impact	Mark all that apply
Meeting Date:	February 14, 2022	None	
Item Type:	Consent	Amount included in current budget	**X**
Contact:	Amy Hove	Budget amendment requested	
Prepared by:	Bill Schroepfer	FTE included in current complement	
Reviewed by:	N/A	New FTE requested – N/A	
		Other	

PURPOSE/ACTION REQUESTED:

Approve the attached resolution approving disbursements for the period of January 19, 2022 to February 8, 2022.

SUMMARY:

Shown below is a listing of the disbursements for the various funds for the period ending

February 8, 2022. The detail of these disbursements is attached to this memo.

General & Special Revenue	$1,085,963.12
Debt Service & Capital Projects	7,871,677.22
Enterprise & Internal Service	303,914.95
Escrows	1,261,641.71
Grand Total for All Funds	$10,523,197.00

If you have any questions about any of the disbursements on the list, please call Amy Hove, Finance Director: 651-450-2521.

Attached to this summary for your action is a resolution approving the disbursements for the period January 19, 2022 to February 8, 2022 and the listing of disbursements requested for approval.

DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

RESOLUTION APPROVING DISBURSEMENTS FOR THE PERIOD ENDING February 8, 2022

WHEREAS, a list of disbursements for the period ending February 8, 2022 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	$1,085,963.12
Debt Service & Capital Projects	7,871,677.22
Enterprise & Internal Service	303,914.95
Escrows	1,261,641.71
Grand Total for All Funds	$10,523,197.00

Adopted by the City Council of Inver Grove Heights this 14th day of February, 2022.

_____
Thomas Bartholomew, Mayor

ATTEST:

_____
Rebecca Kiernan, City Clerk

City of Inver Grove Heights

Expense Approval Report

By Fund

Payment Dates 1/19/2022 - 2/8/2022

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
88 TACTICAL OMAHA, LLC	257935	02/03/2022	Police trainings	101.42.4000.421.50080	1,200.00
ABDO, LLP	452580	12/31/2021	Progess Billing-2021 Audit	101.41.2000.415.30100	12,500.00
AFFORDABLE COMFORT MECHANICAL	12/31/2021	12/31/2021	refund of duplicate permit #PRMH222020-77	101.45.3300.419.70600	131.00
AFSCME COUNCIL 5	INV0129341	01/14/2022	UNION DUES (AFSCME FULL SHARE)	101.203.2031000	968.76
AFSCME COUNCIL 5	INV0129342	01/14/2022	UNION DUES (AFSCME FULL SHARE-PT)	101.203.2031000	80.72
AFSCME COUNCIL 5	INV0129789	01/28/2022	UNION DUES (AFSCME FULL SHARE)	101.203.2031000	968.76
AFSCME COUNCIL 5	INV0129790	01/28/2022	UNION DUES (AFSCME FULL SHARE-PT)	101.203.2031000	60.54
ALEX AIR APPARATUS, INC.	4969	02/03/2022	annual compressor inspection St 3	101.42.4200.423.40042	831.14
ALEX AIR APPARATUS, INC.	4970	02/03/2022	annual compressor inspection St 1	101.42.4200.423.40042	833.82
ALEX AIR APPARATUS, INC.	4975	02/03/2022	annual compressor inspection St 1	101.42.4200.423.40042	749.42
ASPEN MILLS	286479	12/31/2021	IGH patches for uniform shirts	101.42.4200.423.60065	657.00
ASPEN MILLS	286688	01/20/2022	Explorers	101.42.4000.421.60045	197.21
ASPEN MILLS	287295	02/03/2022	Skeffington clothing/uniform	101.42.4000.421.60045	2,063.67
ASPEN MILLS	287311	02/03/2022	Valdez uniform/clothing	101.42.4000.421.60045	2,063.72
ASPEN MILLS	287462	02/03/2022	Aspen Mills- Wilson	101.42.4000.421.60045	2,306.92
ASPEN MILLS	287532	02/03/2022	Aspen Mills- Nelson	101.42.4000.421.60045	2,051.24
ASPEN MILLS	287533	02/03/2022	Aspen Mills- Leah	101.42.4000.421.60045	2,190.28
ASPEN MILLS	287928	02/03/2022	Aspen Mills	101.42.4000.421.60045	178.55
ASPEN MILLS	287981	02/03/2022	Aspen Mills	101.42.4000.421.60045	12.31
AXON ENTERPRISES, INC.	INUS044372	01/20/2022	Axon Enterprise	101.42.4000.421.70501	51,240.00
AXON ENTERPRISES, INC.	INUS047029	02/03/2022	Axon	101.42.4000.421.70501	79,314.19
AXON ENTERPRISES, INC.	INUS047766	02/03/2022	Axon	101.42.4000.421.70501	21,370.00
BIG TOP RENTAL, INC.	27420	12/31/2021	2021 portable rentals	101.44.6000.451.40065	750.00
BJORKLUND COMPENSATION CONSULTING, LLC	00004347	01/27/2022	Job evaluation	101.41.1100.413.30500	145.00
CAPITAL CITY FIREFIGHTERS ASSOC	103	02/03/2022	membership dues	101.42.4200.423.50070	50.00
CENTURY LINK	1/19/2022	02/03/2022	telephone invoice	101.42.4200.423.50020	46.64
CHAMPION PLUMBING	1/12/2022	01/27/2022	Refund city license fee - duplicate payment	101.45.0000.3219500	50.00
CLAREY'S SAFETY EQUIPMENT	197970	02/03/2022	flashlights	101.42.4200.423.60065	673.91
COLLINS ELECTRICAL CONST.	2134610.01	01/20/2022	Traffic light repairs	101.43.5200.443.40046	184.57
COMCAST	1/5/2022	02/03/2022	comcast cable fee	101.42.4200.423.30700	10.81
CULLIGAN	12/31/2021 98459118	12/31/2021	bottled water and salt deliver St 3	101.42.4200.423.60065	39.55
CULLIGAN	12/31/2021 98603467	12/31/2021	bottled water	101.42.4200.423.60065	88.69
DAKOTA COMMUNICATIONS CENTER	IG2022-02	01/20/2022	allocated dues for DCC	101.42.4000.421.70502	58,638.60
DAKOTA COMMUNICATIONS CENTER	IG2022-02	01/20/2022	allocated dues for DCC	101.42.4200.423.70502	6,515.40
DAKOTA COUNTY CHIEFS OF POLICE ASSOCIATION	1/26/2022	02/03/2022	Dakota County Chiefs Membership	101.42.4000.421.50070	600.00
DAKOTA CTY FINANCIAL SVCS	00042998	12/31/2021	DBB Fiber Locates	101.47.1400.413.40035	804.18
DLR WATER & SEWER, LLC	1/21/2022	02/03/2022	Refund permit #PRPL2021001955	101.45.0000.3222000	104.00
DRKULAS 32 BOWL	011422	02/03/2022	Team building	101.42.4000.421.60018	861.30
EFTPS	INV0129331	01/14/2022	FEDERAL WITHHOLDING	101.203.2030200	1,141.09
EFTPS	INV0129333	01/14/2022	MEDICARE WITHHOLDING	101.203.2030500	941.34
EFTPS	INV0129334	01/14/2022	SOCIAL SECURITY WITHHOLDING	101.203.2030400	1,853.80
EFTPS	INV0129363	01/14/2022	FEDERAL WITHHOLDING	101.203.2030200	62,192.86
EFTPS	INV0129365	01/14/2022	MEDICARE WITHHOLDING	101.203.2030500	17,130.46
EFTPS	INV0129366	01/14/2022	SOCIAL SECURITY WITHHOLDING	101.203.2030400	47,637.74
EFTPS	INV0129367	01/14/2022	FEDERAL WITHHOLDING	101.203.2030200	111.99
EFTPS	INV0129369	01/14/2022	MEDICARE WITHHOLDING	101.203.2030500	40.10
EFTPS	INV0129370	01/14/2022	SOCIAL SECURITY WITHHOLDING	101.203.2030400	171.44
EFTPS	INV0129424	01/20/2022	FEDERAL WITHHOLDING	101.203.2030200	1.00
EFTPS	INV0129779	01/28/2022	FEDERAL WITHHOLDING	101.203.2030200	1,497.94
EFTPS	INV0129781	01/28/2022	MEDICARE WITHHOLDING	101.203.2030500	634.90
EFTPS	INV0129782	01/28/2022	SOCIAL SECURITY WITHHOLDING	101.203.2030400	2,422.12
EFTPS	INV0129810	01/28/2022	FEDERAL WITHHOLDING	101.203.2030200	61,839.61
EFTPS	INV0129812	01/28/2022	MEDICARE WITHHOLDING	101.203.2030500	17,684.78
EFTPS	INV0129813	01/28/2022	SOCIAL SECURITY WITHHOLDING	101.203.2030400	52,008.70
EHLERS AND ASSOCIATES, INC.	89402	12/31/2021	NWA development fee analysis	101.45.3000.419.30600	270.00
ELLIE FAMILY SERVICS PLLP	01202022AK-3	12/31/2021	Ellie Mental Health	101.42.4000.421.30700	480.00
ELYSIAN CONSTRUCTION, INC.	1/20/2022	01/27/2022	Refund permit #PRBD2020056306	101.45.0000.3221000	84.00
EMMONS & OLIVIER RESOURCES	00095-0072-11	12/31/2021	Scenic Hills	101.43.5100.442.30300	158.92
EMMONS & OLIVIER RESOURCES	00095-0075-4	12/31/2021	General Engineering	101.43.5100.442.30300	229.50
EXPERT TREE AND SERVICE AND SCIENCE	6953	02/03/2022	tree removal	101.44.6000.451.30700	2,200.00
EYEMED	165096377	01/20/2022	Premium 1.2022	101.203.2032700	241.30
EYEMED	165096377	01/20/2022	Retro Billing 11.2021	101.203.2032700	4.65
EYEMED	165096377	01/20/2022	Retro Billing 12.2021	101.203.2032700	4.65
EYEMED	165096378	01/20/2022	COBRA Premium 1.2022	101.203.2032710	8.83
FURLONG FARMS	157	12/31/2021	sand for 2022	101.130.1430000	2,000.00
FURLONG FARMS	157	12/31/2021	sand spreader rent	101.44.6000.451.40050	2,500.00
GENESIS EMPLOYEE BENEFITS ACH ONLY	INV0129349	01/14/2022	HSA ELECTION-FAMILY	101.203.2032500	3,356.65
GENESIS EMPLOYEE BENEFITS ACH ONLY	INV0129350	01/14/2022	HSA ELECTION-SINGLE	101.203.2032500	5,745.24
GENESIS EMPLOYEE BENEFITS ACH ONLY	INV0129799	01/28/2022	HSA ELECTION-FAMILY	101.203.2032500	3,356.65
GENESIS EMPLOYEE BENEFITS ACH ONLY	INV0129800	01/28/2022	HSA ELECTION-SINGLE	101.203.2032500	5,720.24
GLS COMPANIES	202823B	12/31/2021	Insights printing	101.41.1300.413.50032	2,603.83
GRAINGER	9184958230	01/27/2022	light bulbs	101.44.6000.451.40047	100.38
GRAINGER	9184958248	01/27/2022	light bulbs	101.44.6000.451.40047	144.45
HOLMES DESIGN, INC.	5352	12/31/2021	Parks and Rec marketing	101.41.1300.413.30700	3,150.00
HOMEWORKS SERVICES CO	12/31/2021	12/31/2021	Refund of duplicate permit #PL2020-54	101.45.3300.419.70600	56.00
ICMA RETIREMENT TRUST - 457	INV0129335	01/14/2022	457 - ROTH AGE 50+	101.203.2031400	325.00
ICMA RETIREMENT TRUST - 457	INV0129336	01/14/2022	457 - ROTH AGE 50+	101.203.2031400	225.00
ICMA RETIREMENT TRUST - 457	INV0129337	01/14/2022	457 -AGE <49 %	101.203.2031400	7,942.38
ICMA RETIREMENT TRUST - 457	INV0129338	01/14/2022	457 -AGE 50+	101.203.2031400	6,305.29
ICMA RETIREMENT TRUST - 457	INV0129339	01/14/2022	457 -AGE <49	101.203.2031400	7,826.00
ICMA RETIREMENT TRUST - 457	INV0129340	01/14/2022	457 PLAN -AGE 50+ %	101.203.2031400	1,571.77
ICMA RETIREMENT TRUST - 457	INV0129359	01/14/2022	ROTH IRA (AGE 49 & UNDER)	101.203.2032400	3,067.29
ICMA RETIREMENT TRUST - 457	INV0129360	01/14/2022	ROTH IRA (AGE 50 & OVER)	101.203.2032400	819.23
ICMA RETIREMENT TRUST - 457	INV0129361	01/14/2022	ROTH-AGE <49 %	101.203.2032400	233.96
ICMA RETIREMENT TRUST - 457	INV0129783	01/28/2022	457 - ROTH AGE 50+	101.203.2031400	325.00

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
ICMA RETIREMENT TRUST - 457	INV0129784	01/28/2022	457 - ROTH AGE 50+	101.203.2031400	225.00
ICMA RETIREMENT TRUST - 457	INV0129785	01/28/2022	457 -AGE <49 %	101.203.2031400	7,500.66
ICMA RETIREMENT TRUST - 457	INV0129786	01/28/2022	457 -AGE 50+	101.203.2031400	6,280.29
ICMA RETIREMENT TRUST - 457	INV0129787	01/28/2022	457 -AGE <49	101.203.2031400	7,851.00
ICMA RETIREMENT TRUST - 457	INV0129788	01/28/2022	457 PLAN -AGE 50+ %	101.203.2031400	1,477.78
ICMA RETIREMENT TRUST - 457	INV0129807	01/28/2022	ROTH IRA (AGE 49 & UNDER)	101.203.2032400	3,117.29
ICMA RETIREMENT TRUST - 457	INV0129808	01/28/2022	ROTH IRA (AGE 50 & OVER)	101.203.2032400	819.23
ICMA RETIREMENT TRUST - 457	INV0129809	01/28/2022	ROTH-AGE <49 %	101.203.2032400	235.50
IGH FIRE RELIEF ASSN	INV0129797	01/28/2022	MEMBERSHIP DUES - FIRE RELIEF ASSN	101.203.2031000	584.25
IGH FIRE RELIEF ASSN	INV0129798	01/28/2022	MEMBERSHIP DUES - FIRE RELIEF ASSN	101.203.2031000	104.00
ING DIRECT	INV0129373	01/14/2022	MSRS-HCSP	101.203.2032200	1,079.36
IUOE	INV0129351	01/14/2022	UNION DUES IUOE	101.203.2031000	1,397.44
LEAGUE OF MN CITIES	356031	01/20/2022	League of MN Cities	101.42.4000.421.50070	3,510.00
LEICA GEOSYSTEMS INC	902717304	01/27/2022	Equipment for GPS	101.43.5100.442.60010	148.55
LELS	INV0129352	01/14/2022	UNION DUES (LELS)	101.203.2031000	2,072.00
LELS SERGEANTS	INV0129362	01/14/2022	UNION DUES (LELS SGT)	101.203.2031000	390.00
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.01	12/31/2021	Coucil Meetings	101.41.1000.413.30401	240.00
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.01	12/31/2021	Kundla Site Acquisition	101.41.1000.413.30420	8.00
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.01	12/31/2021	Mayor/Council	101.41.1000.413.30420	7,012.00
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.01	12/31/2021	Lowary Conciliation Court Claim	101.41.1100.413.30700	12.00
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.06	12/31/2021	levander legal charges	101.45.3200.419.30420	179.00
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.07	12/31/2021	Levander	101.42.4000.421.30410	16.00
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.09	12/31/2021	Meeting regarding cell tower lease matters	101.43.5000.441.30420	96.00
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.13	12/31/2021	Interstate Dev Corp	101.45.3200.419.30420	3.50
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.13	12/31/2021	Caseys General STore	101.45.3200.419.30420	33.00
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.13	12/31/2021	Peltier Reserve Plat-Bldr Lot Group	101.45.3200.419.30420	134.00
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.13	12/31/2021	Pine Bend Estates 2nd Addtn	101.45.3200.419.30420	247.00
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.13	12/31/2021	Pine Bend Estates	101.45.3200.419.30420	471.00
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 Criminal	12/31/2021	LeVander- Dec 2021	101.42.4000.421.30410	13,608.52
LOCAL GOVERNMENT INFORMATION SYSTEM (LOGIS)	51524	12/31/2021	Network troubleshooting	101.47.1400.413.30700	281.25
LOCAL GOVERNMENT INFORMATION SYSTEM (LOGIS)	51586	12/31/2021	VPN Token cofig	101.47.1400.413.30700	15.00
LOCAL GOVERNMENT INFORMATION SYSTEM (LOGIS)	51505	01/27/2022	Internet access	101.47.1400.413.40035	1,896.00
LOCAL GOVERNMENT INFORMATION SYSTEM (LOGIS)	51388	02/03/2022	System Dev- Logis	101.42.4000.421.70501	1,700.00
LOCAL GOVERNMENT INFORMATION SYSTEM (LOGIS)	51487	02/03/2022	LOGIS	101.42.4000.421.70501	2,275.00
LOCAL GOVERNMENT INFORMATION SYSTEM (LOGIS)	51495	02/03/2022	monthly fee	101.42.4200.423.30700	526.00
MADDEN GALANTER HANSEN, LLP.	12/31/2021	12/31/2021	labor relations	101.41.1100.413.30430	367.95
MARTIN-MCALLISTER	14369	12/31/2021	Pre-employment psych. evals and assessments	101.41.1100.413.30500	14,300.00
MCKESSON MEDICAL-SURGICAL INC.	18997018	02/03/2022	medical supplies	101.42.4200.423.60065	1,406.46
MINNEAPOLIS OXYGEN CO.	00086170	12/31/2021	oxygen cylinder rental fee	101.42.4200.423.30700	220.91
MINNEAPOLIS OXYGEN CO.	00086171	12/31/2021	Oxygen cylinder rental fee	101.42.4200.423.30700	157.79
MINNESOTA DEPARTMENT OF HUMAN SERVICES	INV0129792	01/28/2022	CASE #001490481201	101.203.2032100	316.30
MINNESOTA DEPARTMENT OF HUMAN SERVICES	INV0129793	01/28/2022	CASE #001563363401	101.203.2032100	377.48
MINNESOTA DEPARTMENT OF HUMAN SERVICES	INV0129794	01/28/2022	CASE #001567848502	101.203.2032100	60.45
MINNESOTA DEPARTMENT OF HUMAN SERVICES	INV0129795	01/28/2022	CASE #001521862201	101.203.2032100	186.89
MINNESOTA EQUIPMENT	F02039	12/31/2021	Cab tractor rental	101.43.5200.443.40050	2,836.00
MN DEPT OF REVENUE (PAYROLL)	INV0129332	01/14/2022	STATE WITHHOLDING	101.203.2030300	575.85
MN DEPT OF REVENUE (PAYROLL)	INV0129364	01/14/2022	STATE WITHHOLDING	101.203.2030300	26,590.51
MN DEPT OF REVENUE (PAYROLL)	INV0129368	01/14/2022	STATE WITHHOLDING	101.203.2030300	58.23
MN DEPT OF REVENUE (PAYROLL)	INV0129780	01/28/2022	STATE WITHHOLDING	101.203.2030300	779.43
MN DEPT OF REVENUE (PAYROLL)	INV0129811	01/28/2022	STATE WITHHOLDING	101.203.2030300	26,245.33
MN DEPT OF TRANSPORTATION	P00014972	12/31/2021	Traffic signal repair	101.43.5200.443.40046	89.83
MN GLOVE & SAFETY, INC.	329948	12/31/2021	Clothing supplies	101.43.5100.442.60045	89.98
MN LAW ENFORECEMENT EXPLORER ASSN	5048	02/03/2022	Explorer Due	101.42.4000.421.50078	150.00
MN NCPERS LIFE INSURANCE	542000022022	01/27/2022	Premium 2.2022	101.203.2031600	272.00
MN PLUMBING & HOME SERVICES	1/21/2022	01/27/2022	Refund permit #PRPL2021004123	101.45.0000.3222000	68.00
MOBILE HOME IMPROVEMENT SERVICE	1/20/2022	01/27/2022	Refund permit #PRMH2022000065	101.45.0000.3219500	50.00
MUNICIPAL LEGISLATIVE COMMISSION	2022-9	01/27/2022	2022 MLC Member Dues	101.41.1100.413.50070	8,947.75
NEWMAN SIGNS INC	TRFINV037036	01/27/2022	Sign supplies	101.43.5200.443.60016	1,289.09
NRH PLUMBING INC	12/31/2021	12/31/2021	Refund of duplicate permit #PL2020-000007	101.45.3300.419.70600	116.00
OCCUPATIONAL HEALTH CENTERS OF MINNESOTA, P.C.	103495204	12/31/2021	Pre-employment Physicals	101.41.1100.413.30500	1,460.00
OCCUPATIONAL HEALTH CENTERS OF MINNESOTA, P.C.	103508736	02/03/2022	Pre-employment Physicals for Fire Dept.	101.41.1100.413.30500	3,712.00
OPG-3, INC.	5324	12/31/2021	Laserfiche forms support	101.47.1400.413.30700	185.00
OXYGEN SERVICE COMPANY, INC	8500986	01/20/2022	Medical supplies	101.42.4000.421.60065	246.92
OXYGEN SERVICE COMPANY, INC	0008503171	02/03/2022	OSC	101.42.4000.421.60065	277.26
PERA	INV0129353	01/14/2022	PERA COORDINATED PLAN	101.203.2030600	47,166.66
PERA	INV0129354	01/14/2022	EMPLOYER SHARE (EXTRA PERA)	101.203.2030600	3,628.19
PERA	INV0129355	01/14/2022	PERA DEFINED PLAN	101.203.2030600	21.92
PERA	INV0129356	01/14/2022	EMPLOYER SHARE (PERA DEFINED PLAN)	101.203.2030600	21.92
PERA	INV0129357	01/14/2022	PERA POLICE & FIRE PLAN	101.203.2030600	24,268.44
PERA	INV0129358	01/14/2022	EMPLOYER SHARE (POLICE & FIRE PLAN)	101.203.2030600	36,402.70
PERA	INV0129775	01/28/2022	PERA COORDINATED PLAN	101.203.2030600	2,539.44
PERA	INV0129776	01/28/2022	EMPLOYER SHARE (EXTRA PERA)	101.203.2030600	195.34
PERA	INV0129777	01/28/2022	PERA POLICE & FIRE PLAN	101.203.2030600	278.35
PERA	INV0129778	01/28/2022	EMPLOYER SHARE (POLICE & FIRE PLAN)	101.203.2030600	417.50
PERA	INV0129801	01/28/2022	PERA COORDINATED PLAN	101.203.2030600	47,399.56
PERA	INV0129802	01/28/2022	EMPLOYER SHARE (EXTRA PERA)	101.203.2030600	3,646.16
PERA	INV0129803	01/28/2022	PERA DEFINED PLAN	101.203.2030600	21.92
PERA	INV0129804	01/28/2022	EMPLOYER SHARE (PERA DEFINED PLAN)	101.203.2030600	21.92
PERA	INV0129805	01/28/2022	PERA POLICE & FIRE PLAN	101.203.2030600	22,514.95
PERA	INV0129806	01/28/2022	EMPLOYER SHARE (POLICE & FIRE PLAN)	101.203.2030600	33,772.40
PRECISE MRM	200-1034896	01/20/2022	Data for trucks	101.43.5200.443.30700	176.50
PRECISE MRM	200-1035284	02/03/2022	Data tracker	101.43.5200.443.30700	25.00
PRO-TECH DESIGN INC.	PTDQ29940	01/27/2022	Camera license	101.47.1400.413.40035	2,558.06
RIVER HEIGHTS MARINA	8500	12/31/2021	retrailering boat 1	101.42.4200.423.30700	1,927.90
SAINT PAUL, CITY OF	IN48030	12/31/2021	Asphalt	101.43.5200.443.60016	334.65
TAHO SPORTSWEAR	21TS5002	01/27/2022	Beanies	101.45.3300.419.60045	67.75
TDS METROCOM	1/13/2022	01/27/2022	Analog lines	101.47.1400.413.50020	174.79
TEAM LABORATORY CHEMICAL, LLC	INV0028724	12/31/2021	Road patch	101.43.5200.443.60016	1,613.50
TEXAS STATE DISBURSEMENT UNIT	INV0129791	01/28/2022	CASE #0012022247	101.203.2032100	230.77
TOTAL CONSTRUCTION & EQUIP.	32209	01/20/2022	Repair Oakwood rink lights	101.44.6000.451.40047	128.31
TOTAL CONSTRUCTION & EQUIP.	32210	01/20/2022	Repair Skyview rink lights	101.44.6000.451.40047	140.83
TOTAL CONSTRUCTION & EQUIP.	32313	01/27/2022	streetlight repair	101.43.5400.445.40042	406.98
TYLER TECHNOLOGIES, INC	025-364996	01/27/2022	Utility Billing fee	101.47.1400.413.40035	438.00
UNIFIRST CORPORATION	900653494	10/11/2021	Uniforms	101.43.5200.443.60045	30.71
UNIFIRST CORPORATION	900653494	10/11/2021	Uniforms	101.44.6000.451.60045	14.24
UNIFIRST CORPORATION	900656251	10/25/2021	Uniforms	101.43.5200.443.60045	30.71
UNIFIRST CORPORATION	900656251	10/25/2021	Uniforms	101.44.6000.451.60045	14.24

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
UNIFIRST CORPORATION	900643824	11/04/2021	Uniforms	101.43.5200.443.60045	30.71
UNIFIRST CORPORATION	900643824	11/04/2021	Uniforms	101.44.6000.451.60045	14.24
UNIFIRST CORPORATION	900674130	02/03/2022	Uniforms	101.43.5200.443.60045	30.71
UNIFIRST CORPORATION	900674130	02/03/2022	Uniforms	101.44.6000.451.60045	14.24
VALLEY IMAGES PHOTOGRAPHY - MARK D. BAUER	1207	02/03/2022	Valley Image	101.42.4000.421.50030	250.00
VERIFIED HOLDINGS, LLC	326112	12/31/2021	Background Checks	101.41.1100.413.30500	77.00
VERIFIED HOLDINGS, LLC	326121	12/31/2021	Background checks	101.41.1100.413.30500	235.50
VERIFIED HOLDINGS, LLC	327091	02/03/2022	Pre-employment background checks	101.41.1100.413.30500	23.75
VERIFIED HOLDINGS, LLC	327097	02/03/2022	Pre-employment background checks	101.41.1100.413.30500	612.25
WI SCTF (WI SUPPORT COLLECTIONS TRUST FUND)	INV0129348	01/14/2022	PARTICIPANT ID#0004986316	101.203.2032100	433.06
WI SCTF (WI SUPPORT COLLECTIONS TRUST FUND)	INV0129796	01/28/2022	PARTICIPANT ID#0004986316	101.203.2032100	433.06
WSB & ASSOCIATES, INC.	R-017699-000-10	12/31/2021	Interim Public Works Director	101.43.5000.441.30700	11,966.00
WSB & ASSOCIATES, INC.	R-017699-000-11	12/31/2021	Interim Public Works Director	101.43.5000.441.30700	13,109.00
XCEL ENERGY	758920396	12/31/2021	New streetlight in front of sleepy hollow park	101.43.5400.445.30700	7,055.00
YALE MECHANICAL	1/21/2022	12/31/2021	Refund permit #PRMH2021003027	101.45.0000.3224000	185.00
Fund: 101 - GENERAL FUND					**1,001,976.84**
ENSEMBLE CREATIVE & MARKETING	IGH123021	12/31/2021	visitors guide	201.44.1600.465.50025	525.00
MEET MINNEAPOLIS	1/1/2022	01/20/2022	2022 metro marketing program	201.44.1600.465.50025	3,000.00
RIVER HEIGHTS CHAMBER OF COMMERCE	11213	01/20/2022	chamber charges	201.44.1600.465.30700	650.00
Fund: 201 - C.V.B. FUND					**4,175.00**
BENJAMIN GERALD BIGELOW	901	12/31/2021	Princess Dance photo booth	204.44.6100.452.30700	285.00
GET MESSY LLC	12791133	02/03/2022	January art kits	204.44.6100.452.30700	24.00
IGH SENIOR CLUB	1/27/2022	12/31/2021	2021 Oct -Dec Sr Club payments	204.227.2271000	2,472.00
MENDOTA HTS, CITY OF	00222758	12/31/2021	2021 Dec holiday field trip	204.44.6100.452.30700	327.16
MN SPORTS FEDERATION	12/31/2021	12/31/2021	2021 Team fees	204.44.6100.452.50070	150.00
MN SPORTS FEDERATION	12/31/2021	12/31/2021	2021 SB supplies	204.44.6100.452.60009	239.95
REVOLUTIONARY SPORTS, LLC	185	12/31/2021	2021 misc classes	204.44.6100.452.30700	1,132.80
REVOLUTIONARY SPORTS, LLC	185	12/31/2021	2021 misc classes	204.44.6100.452.30700	1,840.80
Fund: 204 - RECREATION FUND					**6,471.71**
292 DESIGN GROUP, INC.	21049.00-1	12/31/2021	2021 refresh/review studies rooms/gym	205.44.6200.453.80200	2,630.00
DAKOTA GLASS & GLAZING INC	2970	02/03/2022	replace broken rink windows	205.44.6200.453.40040	1,035.00
EDDY, NATHAN	1/24/2022	02/03/2022	2022 Girls 3 AA finals	205.44.6200.453.30700	45.00
GILBERT MECHANICAL CONTRACTORS, LLC	58274	12/31/2021	2021 replace/relocate Alerton controls	205.44.6200.453.80200	18,990.00
GRAINGER	9166366329	01/20/2022	light bulbs	205.44.6200.453.60016	68.64
GRAINGER	9166366329	01/20/2022	light bulbs	205.44.6200.453.60016	68.64
GRAINGER	9174644220	01/20/2022	supplies	205.44.6200.453.60016	61.78
GRAINGER	9175790436	01/20/2022	2022 parts	205.44.6200.453.60012	33.91
GRAINGER	9184958255	01/27/2022	ballasts	205.44.6200.453.60016	121.50
GRAINGER	9184958271	01/27/2022	rope w/ snap hook	205.44.6200.453.60016	69.68
GRAINGER	9184958271	01/27/2022	rope w/ snap hook	205.44.6200.453.60016	69.68
HELM, ROBERT	1/8/2022	02/03/2022	Cancelled class	205.44.0000.3493501	10.00
HER, TUNG	1/19/2022	01/27/2022	swim lesson refund	205.44.0000.3493501	62.00
HETLAND, JASON	1/24/2022	01/27/2022	2022 Section 3AA game	205.44.6200.453.30700	45.00
HILLYARD INC	604598224	01/27/2022	paper towels	205.44.6200.453.60011	1,179.15
HILLYARD INC	604598224	01/27/2022	paper towels	205.44.6200.453.60011	1,179.15
HUEBSCH SERVICES	20128132	02/03/2022	VMCC lobby mats	205.44.6200.453.40040	74.31
HUEBSCH SERVICES	20128132	02/03/2022	VMCC lobby mats	205.44.6200.453.40040	297.27
KRUEGER, SHAWNEE	1/18/2022	02/03/2022	Cancelled class	205.44.0000.3493501	168.00
LOPEZ, TINA	1/18/2022	02/03/2022	Tax refund	205.207.2070300	20.75
LOPEZ, TINA	1/18/2022	02/03/2022	Customer backed out	205.44.0000.3492900	291.25
NASSEFF PLUMBING & HEATING, INC.	38007	12/31/2021	2021 - replace sump pump in arena	205.44.6200.453.40040	7,306.80
NASSEFF PLUMBING & HEATING, INC.	38128	12/31/2021	2021 east rink heater repairs	205.44.6200.453.40040	7,863.14
NASSEFF PLUMBING & HEATING, INC.	37930	02/03/2022	locker repairs and light pole covers	205.44.6200.453.40040	4,488.58
NASSEFF PLUMBING & HEATING, INC.	37959	02/03/2022	locate sprinkler system leak in arena area	205.44.6200.453.40040	178.00
PERFECTION PLUS, INC	114064	12/31/2021	Dec 2021 cleaning/sanitizing svcs	205.44.6200.453.40040	8,456.36
PETTY CASH - VMCC	1/24/2022	01/27/2022	Change for HS sectionals in February	205.100.1010400	2,500.00
SWEENEY, BRIAN	1/27/2022	02/03/2022	2022 Girls 3AA finals	205.44.6200.453.30700	45.00
SWEENEY, LOGAN	1/24/2022	01/27/2022	2022 Section 3AA game	205.44.6200.453.30700	45.00
T & M JOHNSON INC	10/5/2021	12/31/2021	2021 - MDC cards sold	205.44.6200.453.60065	1,500.00
TOTAL CONSTRUCTION & EQUIP.	32161	12/31/2021	2021 CH & VMCC misc electrical work 70%/30%	205.44.6200.453.40040	5,586.86
TOTAL CONSTRUCTION & EQUIP.	32205	12/31/2021	2022 work on relocating pool controls	205.130.1430000	2,557.18
TOTAL CONSTRUCTION & EQUIP.	32205	12/31/2021	2021 work on relocating pool controls	205.44.6200.453.40040	2,557.18
TWIN SOURCE SUPPLY	495173	01/20/2022	2022 cleaning supplies	205.44.6200.453.60011	572.47
TWIN SOURCE SUPPLY	495173	01/20/2022	2022 cleaning supplies	205.44.6200.453.60011	572.47
TWIN SOURCE SUPPLY	495283	01/20/2022	2022 cleaning supplies	205.44.6200.453.60011	857.46
TWIN SOURCE SUPPLY	495283	01/20/2022	2022 cleaning supplies	205.44.6200.453.60011	857.46
TWIN SOURCE SUPPLY	495426	02/03/2022	cleaning supplies	205.44.6200.453.60011	437.45
TWIN SOURCE SUPPLY	495426	02/03/2022	cleaning supplies	205.44.6200.453.60011	437.45
Fund: 205 - COMMUNITY CENTER					**73,339.57**
EHLERS AND ASSOCIATES, INC.	67600	01/01/2022	Series 2012A - Utility revenue refund bonds	361.57.9000.570.90100	400,000.00
EHLERS AND ASSOCIATES, INC.	67600	01/01/2022	Series 2012A - Utility revenue refund bonds	361.57.9000.570.90200	4,300.00
Fund: 361 - WATER REV REF 2012A					**404,300.00**
EHLERS AND ASSOCIATES, INC.	67601	01/01/2022	Series 2012B - General obligation refunding bonds	363.57.9000.570.90100	3,270,000.00
EHLERS AND ASSOCIATES, INC.	67601	01/01/2022	Series 2012B - General obligation refunding bonds	363.57.9000.570.90200	41,293.75
Fund: 363 - G.O. SEWER REFUND 2014B					**3,311,293.75**
EHLERS AND ASSOCIATES, INC.	67602	01/01/2022	Series 2015A - General obligation bonds	365.57.9000.570.90100	505,000.00
EHLERS AND ASSOCIATES, INC.	67602	01/01/2022	Series 2015A - General obligation bonds	365.57.9000.570.90200	81,225.00
Fund: 365 - G.O. IMPR BONDS 2015A					**586,225.00**
EHLERS AND ASSOCIATES, INC.	67603	01/01/2022	Series 2015B - Sewer revenue bonds	366.57.9000.570.90100	260,000.00
EHLERS AND ASSOCIATES, INC.	67603	01/01/2022	Series 2015B - Sewer revenue bonds	366.57.9000.570.90200	51,750.00
Fund: 366 - GO SEWER REVENUE BONDS, 2015B					**311,750.00**
EHLERS AND ASSOCIATES, INC.	67604	01/01/2022	Series 2016A - Capital improvement refunding bond	367.57.9000.570.90100	410,000.00
EHLERS AND ASSOCIATES, INC.	67604	01/01/2022	Series 2016A - Capital improvement refunding bond	367.57.9000.570.90200	107,518.75
Fund: 367 - G.O. CAPITAL IMPR REF BONDS, 2016A					**517,518.75**
EHLERS AND ASSOCIATES, INC.	67605	01/27/2022	Series 2017A - Sewer revenue refunding bonds	368.57.9000.570.90100	275,000.00
EHLERS AND ASSOCIATES, INC.	67605	01/27/2022	Series 2017A - Sewer revenue refunding bonds	368.57.9000.570.90200	71,962.50
Fund: 368 - G.O. SEWER REVENUE REFUND 2017A					**346,962.50**

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
EHLERS AND ASSOCIATES, INC.	67606	01/01/2022	Series 2017B - General obligation improvement bon	369.57.9000.570.90100	250,000.00
EHLERS AND ASSOCIATES, INC.	67606	01/01/2022	Series 2017B - General obligation improvement bon	369.57.9000.570.90200	40,393.76
Fund: 369 - G.O. IMPR BONDS 2017B					**290,393.76**
EHLERS AND ASSOCIATES, INC.	67607	01/01/2022	Series 2018A - Capital improvement plan bonds	392.57.9000.570.90100	355,000.00
EHLERS AND ASSOCIATES, INC.	67607	01/01/2022	Series 2018A - Capital improvement plan bonds	392.57.9000.570.90200	172,792.50
Fund: 392 - G.O. CAP IMPR BONDS 2018A					**527,792.50**
EHLERS AND ASSOCIATES, INC.	67608	01/01/2022	Series 2019A - Capital improvement plan bonds	393.57.9000.570.90100	100,000.00
EHLERS AND ASSOCIATES, INC.	67608	01/01/2022	Series 2019A - Capital improvement plan bonds	393.57.9000.570.90200	40,850.00
Fund: 393 - G.O. CAP IMPR BONDS 2019A					**140,850.00**
EHLERS AND ASSOCIATES, INC.	67609	01/01/2022	Series 2020A - Improvement refunding bonds	394.57.9000.570.90100	395,000.00
EHLERS AND ASSOCIATES, INC.	67609	01/01/2022	Series 2020A - Improvement refunding bonds	394.57.9000.570.90200	7,065.00
Fund: 394 - G.O. REFUND BONDS 2020A (10B)					**402,065.00**
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.11	12/31/2021	HVP property & MPCA affidavit	402.44.6000.451.30420	152.00
XCEL ENERGY	758921356	12/31/2021	Xcel work at Vista Pines	402.44.6000.451.30700	8,976.00
Fund: 402 - PARK ACQ. & DEV. FUND					**9,128.00**
SRF CONSULTING GROUP, INC	13074.00-9	12/31/2021	117th Street reconstruction	436.73.5900.736.30300	36,681.73
Fund: 436 - 2016 IMPROVEMENT FUND					**36,681.73**
DOUGLAS & GRETCHEN SCHAAF AND LARKIN HOFFMAN LAW	1/21/2022	01/28/2022	Res 2021-196 Easement Acquistion	439.73.5900.739.80100	342,000.00
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.14	12/31/2021	Schaaf Inverse Condemnation Claim	439.73.5900.739.30420	2,800.20
Fund: 439 - 2019 IMPROVEMENT FUND					**344,800.20**
BARR ENGINEERING COMPANY	23191446.00-16	12/09/2021	Dawn Way Improvements	440.74.5900.740.30300	977.00
BARR ENGINEERING COMPANY	23191446.00-16	12/09/2021	Dawn Way Improvements	440.74.5900.740.30300	977.00
BARR ENGINEERING COMPANY	23191446.00-18	12/31/2021	Old Village Drainage Study	440.74.5900.740.30300	857.75
BARR ENGINEERING COMPANY	23191446.00-18	12/31/2021	Old Village Drainage Study	440.74.5900.740.30300	857.75
BOLTON & MENK, INC.	282863	12/31/2021	Albano Trail	440.74.5900.740.30300	5,102.00
BOLTON & MENK, INC.	282863	12/31/2021	Albano Trail	440.74.5900.740.30700	7,700.00
BOLTON & MENK, INC.	282869	12/31/2021	Alison Way Rehab	440.74.5900.740.30300	13,242.00
BOLTON & MENK, INC.	282871	12/31/2021	Tyne Lane Area Rehab	440.74.5900.740.30300	4,865.00
BOLTON & MENK, INC.	282871	12/31/2021	Tyne Lane Area Rehab	440.74.5900.740.30700	7,700.00
EHLERS AND ASSOCIATES, INC.	89338	12/31/2021	Pavement Management Task Force	440.74.5900.740.30300	2,523.75
KIMLEY-HORN & ASSOCIATES, INC.	20434121	12/31/2021	Carleda Way Street Recon	440.74.5900.740.30300	13,586.00
KIMLEY-HORN & ASSOCIATES, INC.	20434122	12/31/2021	Cahill Trunk Drainage	440.74.5900.740.30300	5,253.92
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.09	12/31/2021	Cheney Trail & 62nd Street Rehab	440.74.5900.740.30420	175.50
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.09	12/31/2021	Cahill Trunk Drainage	440.74.5900.740.30420	3,342.02
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.09	12/31/2021	Albano Trl & Albright Ct Rehab	440.74.5900.740.30420	1,241.00
MCNAMARA CONTRACTING INC	11/29/2021	12/31/2021	Pay Voucher 4, Project 2021-09D	440.74.5900.740.80300	236,769.12
METZEN REALTY, INC.	1325	02/03/2022	62nd Street Improvements	440.74.5900.740.30700	7,000.00
WSB & ASSOCIATES, INC.	R-019065-000-3	12/31/2021	Upper 55th Street Pavement Rehab	440.74.5900.740.30300	9,528.25
WSB & ASSOCIATES, INC.	R-019066-000-3	12/31/2021	Carmen Avenue and Claude Way Rehab	440.74.5900.740.30300	8,330.00
WSB & ASSOCIATES, INC.	R-019067-000-3	12/31/2021	50th Street and Akron Avenue Rehab	440.74.5900.740.30300	11,986.00
WSB & ASSOCIATES, INC.	R-019132-000-3	12/31/2021	PMP Citizen Task Force	440.74.5900.740.30300	1,552.50
Fund: 440 - PAVEMENT MANAGEMENT PROJ					**343,566.56**
BARR ENGINEERING COMPANY	23190328.20-22	12/09/2021	Landlocked Basin Policy	441.74.5900.741.30300	4,642.00
BARR ENGINEERING COMPANY	23190328.20-24	12/31/2021	Landlocked Basin Policy Development	441.74.5900.741.30300	386.00
BARR ENGINEERING COMPANY	23190328.21-12	12/31/2021	Stormwater utility reviews	441.43.0000.3434500	818.00
DAKOTA CTY SOIL & WATER	3158	12/31/2021	MS4 Presentation	441.74.5900.741.30300	1,920.00
EMMONS & OLIVIER RESOURCES	00095-0066-11	12/31/2021	On Line Regional Basin Map Update	441.43.0000.3434500	1,283.50
EMMONS & OLIVIER RESOURCES	00095-0071-9	12/31/2021	NWA Regional Model Updates 2021	441.43.0000.3434500	3,658.50
KIMLEY-HORN & ASSOCIATES, INC.	20434123	12/31/2021	MS4 Program Update	441.74.5900.741.30300	302.10
NIEBUR TRACTOR & EQUIPMENT, INC.	01-171804	02/03/2022	stormwater- battery	441.74.5900.741.40066	379.98
Fund: 441 - STORM WATER MANAGEMENT					**13,390.08**
BOLTON & MENK, INC.	282847	12/31/2021	2021 Trunk Utility	446.74.5900.746.30300	1,639.50
BOLTON & MENK, INC.	282847	12/31/2021	2021 Trunk Utility	446.74.5900.746.30700	275.00
Fund: 446 - NW AREA					**1,914.50**
KIMLEY-HORN & ASSOCIATES, INC.	20434112	12/31/2021	Argenta Trail Drainage	448.74.5900.748.30300	2,311.32
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.09	12/31/2021	Argenta Trail Drinage	448.74.5900.748.30420	27.00
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.14	12/31/2021	Lund Easement Acquisition	448.74.5900.748.30420	1,332.62
MAX STEININGER, INC.	11/30/2021	12/31/2021	Pay Voucher 2, Proj 2021-12	448.74.5900.748.80300	10,102.15
Fund: 448 - NWA - STORM WATER					**13,773.09**
CITYGATE ASSOCIATES, LLC	30722	12/31/2021	FD service evalutation	451.75.5900.751.30700	6,441.75
DAKOTA CTY FINANCIAL SVCS	00042647	12/31/2021	Rich Valley Park Fiber	451.47.1400.413.80800	6,166.68
Fund: 451 - HOST COMMUNITY FUND					**12,608.43**
KRUEGER EXCAVATING	12/17/2021	12/31/2021	Pay Voucher 1	470.77.5900.770.80300	256,663.37
Fund: 470 - 2020 IMPROVEMENT FUND					**256,663.37**
CORE & MAIN LP	Q212006	01/20/2022	New meter	501.50.7100.512.75500	1,466.90
CORE & MAIN LP	Q286926	02/03/2022	Meters	501.50.7100.512.75500	2,516.43
FIRST SUPPLY LLC	3258773-00	02/03/2022	PVC	501.50.7100.512.60016	14.52
GIP III ZEPHYR ACQUISITION PARTNERS, L.P.	INVRGRV-22201	12/31/2021	2021 Nov solar gardens	501.50.7100.512.40020	4,317.09
GOODIN COMPANY	02493567-00	02/03/2022	Adapter	501.50.7100.512.60016	248.39
GOODIN COMPANY	02494373-00	02/03/2022	plant supplies	501.50.7100.512.60016	3.77
GOODIN COMPANY	02494386-00	02/03/2022	plant supplies	501.50.7100.512.60016	5.56
GOPHER STATE ONE-CALL	2000483	01/20/2022	annual Fee for locates	501.50.7100.512.30700	50.00
HAWKINS, INC.	6074593	12/31/2021	chlorine	501.50.7100.512.60019	992.00
LONE OAK COMPANIES	1/11/2022	01/20/2022	Postage utility bill mailing 1.2022 (50%)	501.50.7100.512.50035	887.40
LONE OAK COMPANIES	88974	02/03/2022	Process Utility Bills 50% 1.2022	501.50.7100.512.30700	485.81
LONE OAK COMPANIES	88974 CR	02/03/2022	Utility Bills Postage Credit 50% 1.2022	501.50.7100.512.50035	(134.11)
MID CITY SERVICES, INC.	175583	02/03/2022	Floor mats	501.50.7100.512.40040	52.35

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
SHERWIN-WILLIAMS CO.	1124-6	01/20/2022	Paint supplies	501.50.7100.512.60016	181.93
SHERWIN-WILLIAMS CO.	2569-2	01/20/2022	Paint supplies for wellhouse	501.50.7100.512.60016	185.91
SHERWIN-WILLIAMS CO.	4708-1	01/20/2022	Paint supplies for well houses	501.50.7100.512.60016	416.87
SHERWIN-WILLIAMS CO.	1977-3	02/03/2022	Paint supplies	501.50.7100.512.60016	148.61
SHERWIN-WILLIAMS CO.	2051-0	02/03/2022	Floor paint	501.50.7100.512.40040	284.47
SHERWIN-WILLIAMS CO.	2711-0	02/03/2022	Paint supplies	501.50.7100.512.60016	100.00
VALLEY-RICH CO, INC	30332	12/31/2021	Main break	501.50.7100.512.40046	4,264.95
VESSCO INC	86301	02/03/2022	ball valve parts	501.50.7100.512.60016	562.60
WATER CONSERVATION SERVICES INC	11984	01/27/2022	leak detection for main breaks	501.50.7100.512.40043	807.33
Fund: 501 - WATER UTILITY FUND					**17,858.78**
LONE OAK COMPANIES	1/11/2022	01/20/2022	Postage utility bill mailing 1.2022 (50%)	502.51.7200.514.50035	887.40
LONE OAK COMPANIES	88974	02/03/2022	Process Utility Bills 50% 1.2022	502.51.7200.514.30700	485.82
LONE OAK COMPANIES	88974 CR	02/03/2022	Utility Bills Postage Credit 50% 1.2022	502.51.7200.514.50035	(134.12)
METROPOLITAN COUNCIL	0001134796	01/20/2022	Waste Water Services - Met Council	502.51.7200.514.40015	170,759.93
Fund: 502 - SEWER UTILITY FUND					**171,999.03**
COMPASS GROUP USA, INC.	1192432	02/03/2022	2022 Club dues	503.52.8300.524.50070	160.00
MN DEPT OF HEALTH	1/1/2022	01/20/2022	2022 MDH operating license	503.52.8500.526.50070	685.00
SAVATREE	10207894	12/31/2021	2021 misc cleanup work	503.52.8600.527.50045	959.84
Fund: 503 - INVER WOOD GOLF COURSE					**1,804.84**
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.06	12/31/2021	Rauschnot property truck repair	602.00.2100.415.30420	36.00
Fund: 602 - RISK MANAGEMENT					**36.00**
ABM EQUIPMENT & SUPPLY	0169608-IN	12/31/2021	Vehicle repairs	603.00.5300.444.40041	183.86
ABM EQUIPMENT & SUPPLY	0169618-IN	12/31/2021	Vehicle parts	603.00.5300.444.40041	35.78
ALLDATA LLC	101535685	01/20/2022	Central Equipment	603.00.5300.444.40042	1,500.00
BIG TOP RENTAL, INC.	27419	12/31/2021	Porta Potties	603.00.5300.444.40040	60.00
CENTENNIAL GLASS	W00011539	02/03/2022	Window repairs for vehicle #508	603.00.5300.444.40042	300.00
CUSTOM HOSE TECH	109373	01/20/2022	Vehicle parts	603.00.5300.444.40041	191.00
EMERGENCY AUTOMOTIVE TECHNOLOGIES	DL122721-20	12/31/2021	Vehicle repairs	603.00.5300.444.40041	412.31
EMERGENCY AUTOMOTIVE TECHNOLOGIES	DL12272120A	12/31/2021	Vehicle parts	603.00.5300.444.40041	54.94
FACTORY MOTOR PARTS COMPANY	1-Z27923	12/31/2021	Stock	603.140.1450050	332.06
FACTORY MOTOR PARTS COMPANY	1-Z27960	12/31/2021	Stock	603.140.1450050	201.80
FACTORY MOTOR PARTS COMPANY	1-7325948	01/20/2022	Vehicle parts	603.00.5300.444.40041	58.84
FACTORY MOTOR PARTS COMPANY	1-Q03905	02/03/2022	Stock	603.140.1450050	134.90
HANCO CORPORATION	592760	12/31/2021	Tires	603.00.5300.444.60014	426.18
HUOT CONSTRUCTION & SERVICES, INC.	7616	12/31/2021	Building maintenance	603.00.5300.444.40040	14,046.00
INVER GROVE FORD	6358704	12/31/2021	Equipment repairs	603.00.5300.444.40042	1,339.89
INVER GROVE FORD	5309518	01/20/2022	Vehicle parts	603.00.5300.444.40041	150.88
INVER GROVE FORD	5309543	01/20/2022	Vehicle parts	603.00.5300.444.40041	13.34
INVER GROVE FORD	5309883	01/20/2022	Stock	603.140.1450050	198.04
INVER GROVE FORD	5310019	01/20/2022	Shop supplies	603.00.5300.444.60012	60.36
INVER GROVE FORD	5310088	01/20/2022	Vehicle parts	603.00.5300.444.40041	158.67
KIMBALL MIDWEST	9552175	02/03/2022	Gloves and cleaner	603.00.5300.444.60012	302.26
KIMBALL MIDWEST	9552958	02/03/2022	Small Tools	603.00.5300.444.60040	279.00
KREMER SERVICES LLC	75683	12/31/2021	Repair equipment #E17	603.00.5300.444.40042	224.00
KREMER SERVICES LLC	75727	12/31/2021	Alignment for vehicle #324	603.00.5300.444.40042	548.80
L.T.G. POWER EQUIPMENT	264120	01/20/2022	Park Mower	603.00.5300.444.80800	18,044.00
MACQUEEN EMERGENCY GROUP	W03937	12/31/2021	Equipment repairs	603.00.5300.444.40042	903.15
MACQUEEN EMERGENCY GROUP	W03974	12/31/2021	Seat belt replacement	603.00.5300.444.40042	1,444.20
MACQUEEN EMERGENCY GROUP	W04052	02/03/2022	Replace tank fill valve on fire truck #T34	603.00.5300.444.40042	1,492.95
MANSFIELD OIL COMPANY	22936729	01/27/2022	Fuel	603.140.1450060	1,046.33
MANSFIELD OIL COMPANY	22945727	02/03/2022	Fuel	603.140.1450060	4,057.72
MANSFIELD OIL COMPANY	22945728	02/03/2022	Fuel	603.140.1450060	9,419.64
MANSFIELD OIL COMPANY	22945729	02/03/2022	fuel	603.140.1450060	1,305.08
MANSFIELD OIL COMPANY	22945730	02/03/2022	Fuel	603.140.1450060	1,741.05
MID CITY SERVICES, INC.	173627	01/20/2022	rugs for PW	603.00.5300.444.40065	93.25
MID CITY SERVICES, INC.	175584	02/03/2022	Floor Mats for PW	603.00.5300.444.40065	93.25
MN LOCKS	101117189	01/27/2022	Locks	603.00.5300.444.40040	24.30
MTI DISTRIBUTING CO	1331326-00	12/31/2021	Vehicle parts	603.00.5300.444.40041	691.03
MTI DISTRIBUTING CO	1331540-00	02/03/2022	Stock	603.140.1450050	181.12
MTI DISTRIBUTING CO	1332927-00	02/03/2022	Air filter for vehicle #534	603.00.5300.444.40041	115.64
NESCO, LLC.	C007183	02/03/2022	Sensor for vehicle #408	603.00.5300.444.40041	172.97
NUSS TRUCK AND EQUIPMENT	4031579	12/31/2021	Vehicle #311 repairs	603.00.5300.444.40042	376.50
NUSS TRUCK AND EQUIPMENT	4694645P	01/20/2022	Vehicle parts	603.00.5300.444.40041	16.31
NUSS TRUCK AND EQUIPMENT	4694659P	01/20/2022	Vehicle parts	603.00.5300.444.40041	21.74
NUSS TRUCK AND EQUIPMENT	4694842P	01/20/2022	Vehicle parts	603.00.5300.444.40041	57.20
NUSS TRUCK AND EQUIPMENT	4694889P	01/20/2022	Small tools	603.00.5300.444.60040	382.69
NUSS TRUCK AND EQUIPMENT	739332	01/20/2022	Vehicle repairs	603.00.5300.444.40042	1,425.76
NUSS TRUCK AND EQUIPMENT	4695261P	02/03/2022	Fan for vehicle #302	603.00.5300.444.40041	141.08
NUSS TRUCK AND EQUIPMENT	4696118P	02/03/2022	Parts for vehicle #321	603.00.5300.444.40041	151.52
NUSS TRUCK AND EQUIPMENT	4696119P	02/03/2022	Resistor for vehicle #302	603.00.5300.444.40041	10.44
PERFECTION PLUS, INC	114064	12/31/2021	Dec 2021 cleaning/sanitizing svcs	603.00.5300.444.40040	751.43
POMP'S TIRE SERVICE, INC.	980088932	02/03/2022	Tires	603.00.5300.444.60014	270.04
POMP'S TIRE SERVICE, INC.	980089017	02/03/2022	Tires	603.00.5300.444.60014	406.00
PUMP AND METER SERVICE INC	517548	12/31/2021	Building maintenance	603.00.5300.444.40040	212.17
TOTAL CONSTRUCTION & EQUIP.	32159	12/31/2021	Replace bad gate switch	603.00.5300.444.40040	184.90
TOTAL CONSTRUCTION & EQUIP.	32314	01/27/2022	Building Maintenance	603.00.5300.444.40040	755.82
TOWMASTER TRAILERS INC	445410	12/31/2021	RH air bag system repairs	603.00.5300.444.40042	1,322.00
TOWMASTER TRAILERS INC	445484	02/03/2022	Wheel helmet for vehicle #302	603.00.5300.444.40041	33.02
TOWMASTER TRAILERS INC	445485	02/03/2022	Parts for vehicle #302	603.00.5300.444.40041	345.71
TOWMASTER TRAILERS INC	445491	02/03/2022	Parts for vehicle #329	603.00.5300.444.40041	328.57
TOWMASTER TRAILERS INC	446029	02/03/2022	Parts for vehicle #321	603.00.5300.444.40041	2,907.00
TRI-STATE BOBCAT INC.	P68657	01/20/2022	Vehicle parts	603.00.5300.444.40041	390.89
TRI-STATE BOBCAT INC.	P68878	01/20/2022	Vehicle parts	603.00.5300.444.40041	28.64

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
UNIFIRST CORPORATION	900653494	10/11/2021	Uniforms	603.00.5300.444.40065	105.75
UNIFIRST CORPORATION	900653494	10/11/2021	Uniforms	603.00.5300.444.60045	33.99
UNIFIRST CORPORATION	900656251	10/25/2021	Uniforms	603.00.5300.444.40065	105.75
UNIFIRST CORPORATION	900656251	10/25/2021	Uniforms	603.00.5300.444.60045	21.14
UNIFIRST CORPORATION	900643824	11/04/2021	Uniforms	603.00.5300.444.40065	105.75
UNIFIRST CORPORATION	900643824	11/04/2021	Uniforms	603.00.5300.444.60045	21.14
UNIFIRST CORPORATION	900674130	02/03/2022	Uniforms	603.00.5300.444.40065	105.75
UNIFIRST CORPORATION	900674130	02/03/2022	Uniforms	603.00.5300.444.60045	21.14
WORLD FUEL SERVICES	267390527853-41801	02/03/2022	Stock	603.140.1450050	131.45
WORLD FUEL SERVICES	268034525288-41801	02/03/2022	Exhaust Fluid for vehicle #319	603.00.5300.444.40041	381.80
ZIEGLER INC	IN000266787	10/14/2021	Caterpillar	603.00.5300.444.40041	3,900.00
ZIEGLER INC	IN000383123	02/03/2022	Parts for vehicle #333	603.00.5300.444.40041	77.34
ZIEGLER INC	SI000123988	02/03/2022	Replace engine on machine #L1	603.00.5300.444.40042	2,673.73
Fund: 603 - CENTRAL EQUIPMENT					**80,242.75**
ALL FURNITURE, INC.	49360	02/03/2022	desk/cubby work	605.00.7500.460.40040	1,252.48
ECOSAFE ZERO WASTE USA INC.	18909	01/20/2022	trash can liners	605.00.7500.460.60011	266.95
GRAINGER	9173999526	01/20/2022	supplies	605.00.7500.460.60016	42.48
HUEBSCH SERVICES	20125279	01/20/2022	2022 City hall mats	605.00.7500.460.40065	157.97
HUEBSCH SERVICES	20128131	02/03/2022	CH lobby mats	605.00.7500.460.40065	157.97
LVC COMPANIES, INC.	79744	01/20/2022	PD sprinkler system inspection	605.00.7500.460.50055	870.00
LVC COMPANIES, INC.	80086	01/27/2022	PW sprinkler system 5-yr inspection	605.00.7500.460.50055	920.00
LVC COMPANIES, INC.	80089	01/27/2022	WTP sprinkler system 5-yr inspection	605.00.7500.460.50055	870.00
LVC COMPANIES, INC.	80099	01/27/2022	GC sprinkler system 5-yr inspection	605.00.7500.460.50055	920.00
NASSEFF PLUMBING & HEATING, INC.	37938	12/31/2021	2021 GC furnace repair	605.00.7500.460.40040	257.64
NASSEFF PLUMBING & HEATING, INC.	38005	12/31/2021	2021 FS #2 repairs to HVAC	605.00.7500.460.40040	178.00
NASSEFF PLUMBING & HEATING, INC.	37940	02/03/2022	FS #2 repairs to air intake	605.00.7500.460.40040	1,563.37
OPTION ONE MECHANICAL LLC	2204	12/31/2021	WTP rooftop unit repairs	605.00.7500.460.40040	3,276.00
PERFECTION PLUS, INC	114064	12/31/2021	Dec 2021 cleaning/sanitizing svcs	605.00.7500.460.40040	6,213.69
SOLAR SHIELD, INC.	1/19/2022	02/03/2022	conference rooms/doors tinting	605.00.7500.460.40040	1,991.00
TOTAL CONSTRUCTION & EQUIP.	32161	12/31/2021	2021 CH & VMCC misc electrical work 70%/30%	605.00.7500.460.40040	13,036.00
Fund: 605 - CITY FACILITIES					**31,973.55**
ALLIANT VENTURES, LLC.	1/4/2022	01/27/2022	Escrow Reduction	702.229.2298503	72,337.50
BARR ENGINEERING COMPANY	23190328.19-33	12/09/2021	Amberwood	702.229.2282803	419.04
BARR ENGINEERING COMPANY	23190328.20-22	12/09/2021	Pine Bend Estates 2	702.229.2303503	252.00
BARR ENGINEERING COMPANY	23190328.21-12	12/31/2021	Inver Grove Hyundai stormwater review	702.229.2295803	30.00
BARR ENGINEERING COMPANY	23190328.21-12	12/31/2021	CasaVida stormwater review	702.229.2299403	1,192.00
BUILDER'S LOT GROUP, LLC.	1/10/2022	01/20/2022	Escrow Release	702.229.2290903	4,856.80
CALLSTROM, TRAVIS	12/22/2021	12/31/2021	Escrow Release	702.229.2300403	5,288.45
CONNELLY DEVELOPMENT LLC	1/31/2022	02/04/2022	Escrow Release (replaced with LOC IS000257518L	702.229.2303103	1,133,087.50
DAKOTA CTY ATTORNEY	1/18/2022	02/03/2022	21-000271	702.229.2291000	102.00
DAKOTA CTY ATTORNEY	1/18/2022 225	02/03/2022	21-002225	702.229.2291000	102.00
DAKOTA CTY ATTORNEY	1/18/2022 2620	02/03/2022	21-002620	702.229.2291000	114.75
DAKOTA CTY ATTORNEY	1/18/2022 988	02/03/2022	Forfeiture 21-000988	702.229.2291000	666.75
EMMONS & OLIVIER RESOURCES	00095-0072-11	12/31/2021	The Crossing	702.229.2303803	2,521.80
EMMONS & OLIVIER RESOURCES	00095-0073-10	12/31/2021	At Home Apartments	702.229.2300803	2,711.25
EMMONS & OLIVIER RESOURCES	00095-0074-8	12/31/2021	Settler's Ridge North 2nd	702.229.2284803	743.50
EMMONS & OLIVIER RESOURCES	00095-0074-8	12/31/2021	Inverpoint 2nd Addition	702.229.2297103	78.50
EMMONS & OLIVIER RESOURCES	00095-0074-8	12/31/2021	Peltier Preserve	702.229.2304103	973.00
HOISINGTON KOEGLER GROUP INC.	021-075-1	12/31/2021	work re summergate application	702.229.2304503	1,531.25
LAND TITLE TRUST ACCOUNT	1/4/2022	01/20/2022	Escrow Reduction #4	702.229.2293503	17,016.75
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.06	12/31/2021	levander legal charges re PBL Expansion	702.229.2293002	1,152.00
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.13	12/31/2021	South Grove - MI Homes	702.229.2293603	57.00
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.13	12/31/2021	Canvas at IGH	702.229.2294703	57.00
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.13	12/31/2021	At Home Apts	702.229.2300803	247.00
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.13	12/31/2021	Highlands at Settlers Ridge US Home Corp	702.229.2301503	3,934.00
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.13	12/31/2021	Ron Clark Construction	702.229.2302503	682.00
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.14	12/31/2021	Gerten's Field Expansion	702.229.2294602	133.00
LEVANDER, GILLEN & MILLER P.A.	12/31/2021 81.14	12/31/2021	CGA for 9178 Dalton Ct	702.229.2304603	246.50
PETTY CASH - POLICE	12/29/2021	12/31/2021	Title Transfer	702.229.2291000	54.00
SOURCE LAND CAPITAL LLC	1/7/2022	01/27/2022	Escrow Release	702.229.2282003	10,385.00
SOUTH EAST TOWING, Inc.	228145	12/31/2021	South East Towing	702.229.2291000	336.00
STATE TREASURER'S OFFICE	1/18/2022	02/03/2022	Forfeiture 21-000988	702.229.2291000	333.37
Fund: 702 - ESCROW FUND					**1,261,641.71**
Grand Total					**10,523,197.00**

AGENDA ITEM 4C

CITY OF INVER GROVE HEIGHTS

Request for Council Action

Personnel Actions

		Fiscal/FTE Impact	Mark all that apply
Meeting Date:	February 14, 2022	None	**X**
Item Type:	Consent Agenda	Amount included in current budget	
Contact:		Budget amendment requested	
Prepared by:	Cora Bauer, HR Coord.	FTE included in current complement	
Reviewed by:	Janet Shefchik, HR Manager	New FTE requested – N/A	
		Other	

PURPOSE/ACTION REQUESTED:

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

Seasonal/Temporary Employment:
Alicia Kramer, Skate Instructor
Heather Ward, Swim Lesson Manager
Kumiko Sachs, Skate Instructor
Lindsey Kaiser, Guest Service Worker
Ricky Luth, Fire Academy Instructor
Riley Fox, Pool Attendant

Voluntary Resignations, Retirements and/or Terminations:
Dustin Pederson, Paid On-call Firefighter

AGENDA ITEM 4D

CITY OF INVER GROVE HEIGHTS

Request for Council Action

Authorize Replacement of the ESXI Server Hardware

		Fiscal/FTE Impact	Mark all that apply
Meeting Date:	January 24, 2022	None	
Item Type:	Consent	Amount included in current budget	X
Contact:	Marc Gade	Budget amendment requested	
Prepared by:	Marc Gade, Technology Manager	FTE included in current complement	
Reviewed by:	Kris Wilson, City Administrator	New FTE requested – N/A	
		Other	

PURPOSE/ACTION REQUESTED:

The Council is asked to authorize the expenditure of $33,894 for replacement of the City's ESXI hardware as part of the IT Capital Replacement Schedule.

SUMMARY:

The City's current ESXI virtual environment consist of four physical servers that were purchased in 2015. These servers allow the hosting of multiple virtual servers and redundancy that the city relies on for day-to-day operations. These servers are no longer supported by the vendor and are scheduled to be replaced in 2022 per the IT Capital replacement schedule.

The proposal is to consolidate from four to three physical servers for the ESXI environment. When evaluating our current and future processing needs, staff determined three physical servers would continue to provide the necessary capacity as well as redundancy for our future needs. Reducing the number of physical servers also reduces the replacement cost and maintenance fees. The purchase price of $33,894 for the three servers includes 7 years of 24/7 hardware technical support in case of failure. This is a budgeted expense for 2022.

Insight PUBLIC SECTOR

Jan 21, 2022

SKU	Description	Qty	Unit Price	Net Price
	PowerEdge R7515 - 1x7313P AMD Proc and 512GB Memory (64GB from Dell and 448GB 3rd Party) **Estimated delivery date if purchased today: March 14th, 2022**	**3**	**$7,342.89**	**$22,028.67**
379-BDTF	2.5 Chassis	1	-	-
379-BDSW	SAS/SATA/NVMe Capable Backplane	1	-	-
210-ASVQ	PowerEdge R7515 Server	1	-	-
461-AAEM	Trusted Platform Module 2.0	1	-	-
321-BERS	Chassis with up to 24 x 2.5" Hard Drives Including Maximum of 12 NVME Drives	1	-	-
338-BZYQ	AMD EPYC 7313P 3.0GHz, 16C/32T, 128M Cache (155W) DDR4-3200	1	-	-
412-AASE	Standard Heatsink	1	-	-
370-AAIP	Performance Optimized	1	-	-
370-AEVR	3200MT/s RDIMMs	1	-	-
780-BCDN	RAID 1	1	-	-
405-AAMS	PERC H740P RAID Controller, 8GB NV Cache, Mini card	1	-	-
384-BBBL	Performance BIOS Settings	1	-	-
800-BBDM	UEFI BIOS Boot Mode with GPT Partition	1	-	-
750-AAWT	High Performance Fan	1	-	-
450-ADWM	Dual, Hot-plug, Redundant Power Supply (1+1), 1100W	1	-	-
330-BBNL	Riser Config 2, 2 x 16 FH + 2 x 16 LP PCIe slot	1	-	-
384-BCUN	PowerEdge R7515 Motherboard,MLK	1	-	-
385-BBOT	iDRAC9,Enterprise 15G	1	-	-
540-BBZD	Broadcom 5720 Dual Port 1 GbE Network LOM Mezz Card	1	-	-
350-BBWP	PowerEdge 2U Standard Bezel	1	-	-
350-BBKU	No Quick Sync	1	-	-
379-BCSF	iDRAC,Factory Generated Password	1	-	-
379-BCQY	iDRAC Group Manager, Disabled	1	-	-
634-BWZG	VMware ESXi 7.0 U2 Embedded Image (License Not Included)	1	-	-
605-BBFN	No Media Required	1	-	-
770-BBBQ	ReadyRails Sliding Rails	1	-	-
429-AAIQ	No Internal Optical Drive	1	-	-
631-AACK	No Systems Documentation, No OpenManage DVD Kit	1	-	-
340-CMZG	PowerEdge R7515 Shipping	1	-	-
340-CODN	PowerEdge R7515 Ship Material	1	-	-
343-BBPQ	PowerEdge R7515 CCC Marking, No CE Marking	1	-	-
332-1286	US Order	1	-	-
827-1383	ProSupport: 7x24 HW/SW Technical Support and Assistance 7 Years	1	-	-
827-1395	ProSupport: Next Business Day On-Site Service After Problem Diagnosis 7 Years	1	-	-
827-1402	Dell Hardware Limited Warranty Plus On-Site Service	1	-	-
989-3439	Thank you choosing Dell ProSupport. For tech support, visit //www.dell.com/support or call 1-800- 945-3355	1	-	-
900-9997	On-Site Installation Declined	1	-	-
822-3179	Partner Success Program Management	1	-	-
370-AEVP	64GB RDIMM, 3200MT/s, Dual Rank	8	-	-
400-AXTV	480GB SSD SATA Read Intensive 6Gbps 512 2.5in Hot-plug AG Drive, 1 DWPD	2	-	-
450-AALV	Power Cord - C13, 3M, 125V, 15A (North America, Guam, North Marianas, Philippines, Samoa, Vietnam)	2	-	-
540-BCRR	Intel X710-T4L Quad Port 10GbE BASE-T Adapter, PCIe Low Profile	1	-	-
AM3200D4DR4RN/64G	AddOn - DDR4 - module - 64 GB - DIMM 288-pin - 3200 MHz / PC4-25600 - registered	21	$565.04	$11,865.84

OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644) **Total:** **$33,894.51**

AGENDA ITEM 4E

Request for Council Action

Acceptance of 2021 JAG Grant

		Fiscal/FTE Impact	Mark all that apply
Meeting Date:	2/14/2022	None	
Item Type:	Consent	Amount included in current budget	
Contact:	Chief Melissa Chiodo	Budget amendment requested	
Prepared by:	Chief Melissa Chiodo	FTE included in current complement	
Reviewed by:	Amy Hove, Finance Director	New FTE requested – N/A	
		Other	x

PURPOSE/ACTION REQUESTED:

The Council is asked to adopt the attached Resolution, accepting a Fiscal Year (FY) 2021 Edward Byrne Memorial Justice Assistance (JAG) Grant.

SUMMARY:

The Bureau of Justice Assistance (BJA) recognizes that many state and local criminal justice systems currently face challenging fiscal environments and that an important, cost-effective way to relieve those pressures is to share or leverage resources through cooperation among federal, state, and local law enforcement. The JAG grant is a disparate grant based on violent crime rates and was eligible to three agencies in Dakota County with Burnsville being the fiscal agent of the grant. Inver Grove Heights was notified that it was one of the three eligible agencies allowed to apply and be awarded the grant.

The Inver Grove Heights Police Department strives to meet the needs of our community through proactive policing, responding to calls for service, and investigating criminal offenses, resulting in numerous and varied interactions daily. Most of these interactions have positive resolutions. At times, however, circumstances arise where reasonable use of force is deemed necessary to protect the safety of the public, the subject, or the officer.

The department will purchase the following with the JAG Grant:

5 Less Lethal Bolawraps and supplies for the wraps.

11 Lenovo Computer Monitors for staff to use for investigations, case work and if they need to work remotely.

The federal government approved our requests on what supplies we would purchase with the JAG grant. We are then required to purchase the items up front and submit our reimbursement request through the Burnsville Police Department.

The Inver Grove Heights Police Department is committed to excellence in policing and both the department, and the public will benefit from less-than-lethal equipment and computer monitors for investigators acquired with grant funding.

FISCAL IMPACT

The total cost to purchase the equipment and supplies with the JAG Grant funds is $10,575.46. The JAG Grant award is $10,379.00. The total fiscal impact to the Inver Grove Heights police department is $196.46 to cover the remaining balance on the purchases.

RECOMMENDATION

Staff recommends approval of the attached Resolution accepting the JAG grant and making the necessary budget adjustments so that the 2022 budget will reflect that grant activity.

DAKOTA COUNTY
CITY INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO._____

RESOLUTION APPROVING ACCEPTANCE OF FY 2021 JAG GRANT

WHEREAS, the Bureau of Justice Assistance (BJA) recognizes that many state and local criminal justice systems currently face challenging fiscal environments; and

WHEREAS, BJA has created their JAG grant program based on violent crime rates and determined that the City of Inver Grove Heights would be one of three Dakota County eligible agencies invited to make application to the program; and

WHEREAS, the City of Inver Grove Heights applied for and was awarded a JAG grant in the amount of $10,379 for the purchase of equipment and supplies.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS, MINNESOTA, does hereby accept the JAG Grant for the purchase of approved supplies for the Inver Grove Heights Police Department and directs staff to increase the 2022 budget to reflect those grant activities.

Adopted this 14th day of February 2022 by the City Council of Inver Grove Heights, MN

_____
Tom Bartholomew, Mayor

ATTEST:

_____
Rebecca Kiernan, City Clerk

CITY OF INVER GROVE HEIGHTS

AGENDA ITEM 4F

Request for Council Action

Consider Resolution Receiving and Accepting Planning Commission's Findings Regarding Consistency of Proposed Street Reconstruction Projects with City's Comprehensive Plan

		Fiscal/FTE Impact	Mark all that apply
Meeting Date:	February 14, 2022	None	x
Item Type:	Consent	Amount included in current budget	
Contact:	Steve Dodge, Assistant City Engineer	Budget amendment requested	
Prepared by:	Bridget Nason, City Attorney	FTE included in current complement	
Reviewed by:	Brian Connolly, Public Works Director	New FTE requested – N/A	
		Other	

PURPOSE/ACTION REQUESTED

The Council is asked to adopt the attached Resolution, receiving and accepting the Planning Commission's findings regarding consistency of proposed street reconstruction projects with City's Comprehensive Plan.

SUMMARY

The Council is asked to receive and accept the Planning Commission's written findings (Resolution) regarding the consistency of proposed street reconstruction projects with the City's Comprehensive Plan and ratifying and affirming its approval of Resolution No. 2022-019 and 2022-020, ordering improvements and authorizing preparation of plans and specifications for City Project No. 2022-09E – Alison Way Area Rehabilitation and City Project No. 2022-09F Tyne Lane Area Rehabilitation.

In the fall of 2021, eight different street reconstruction projects were proposed for consideration in the near future. A street reconstruction project is a type of capital improvement which is required by state statute (Minn. Stat. Sec. 462.356, sub. 2) to be reviewed by the Planning Commission for consistency with the City's existing comprehensive plan. The Planning Commission is required to report, in writing, to the City Council its findings regarding the consistency of the proposed capital improvements with the City's Comprehensive Plan. At its January 18, 2022 meeting, the Inver Grove Heights Planning Commission reviewed all eight potential street reconstruction projects for 2022:

- City Project No. 2022-09E – Alison Way Area Rehabilitation
- City Project No. 2022-09F – Tyne Lane Area Rehabilitation
- City Project No. 2022-09G – Albano Trail and Albright Court Rehabilitation
- City Project No. 2022-09H – Upper 55th Street Rehabilitation (Blackberry Trail to Cahill Ave.)
- City Project No. 2022-09I – Carmen Avenue and Claude Way Rehabilitation
- City Project No. 2022-09J – Cheney Trail and Coffman Path Area Rehabilitation
- City Project No. 2022-09K – Akron Avenue and 50th Street Rehabilitation
- City Project No. 2022-09L – Bolland Trail and 62nd Street Rehabilitation

The Planning Commission subsequently adopted the attached resolution regarding its findings that the proposed projects are consistent with the City's Comprehensive Plan. This action does not mean

that all eight projects must or will go forward; that is a decision for the City Council following a number of additional steps related to the design, assessment and biding of projects. This action simply satisfies a statutory requirement that is one part of the street improvement process.

Staff recommends approval of the attached resolution receiving and accepting the Planning Commission's findings regarding consistency of the proposed street reconstruction projects with City's Comprehensive Plan.

SD/bn
Attachment(s): Resolution
Planning Commission Resolution 2022-01

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

RESOLUTION ACCEPTING WRITTEN RECOMMENDATION OF PLANNING COMMISSION RELATED TO CONSISTENCY OF PROPOSED STREET IMPROVEMENT PROJECTS WITH THE CITY'S COMPREHENSIVE PLAN AND RATIFYING AND AFFIRMING ITS DECISION TO APPROVE RESOLUTION NO. 2022-019 AND 2022-020

WHEREAS, city staff have proposed eight separate street rehabilitation projects for potential construction in the near future, pending a final decision by the City Council approving each of the individual projects and authorizing the award of a construction contract for approved projects; and

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

WHEREAS, at its January 18, 2022 meeting, the Inver Grove Heights Planning Commission reviewed the eight proposed street rehabilitation projects and adopted Planning Commission Resolution 2022-01 (attached hereto as Exhibit A), memorializing its findings that the proposed projects are consistent with the City's Comprehensive Plan.

NOW, THEREFORE, be it resolved by the City Council of the City of Inver Grove Heights, Minnesota as follows:

1. The City Council hereby receives and accepts Planning Commission Resolution 2022-01, attached hereto as Exhibit A, which constitutes the written recommendation of the Planning Commission regarding the consistency of the eight proposed street rehabilitation projects with the City's comprehensive plan.

2. The City Council hereby ratifies and affirms its decision in Resolution No. 2022-19 and 2022-020 to order the improvements in City Project No. 2022-09E – Alison Way Area Rehabilitation and City Project No. 2022-09F – Tyne Lane Area Rehabilitation, subject to final Council authorization awarding construction contracts for the projects.

Adopted by the City Council of the City of Inver Grove Heights this 14th day of February, 2022.

_____
Thomas Bartholomew, Mayor

ATTEST:

_____
Rebecca Kiernan, City Clerk

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. PC 2022-01

A RESOLUTION FINDING

WHEREAS, city staff have identified eight (8) street rehabilitation projects (Capital Improvement Projects) in various locations within the City of Inver Grove Heights for potential approval by the City Council and construction in 2022 or 2023 as identified below:

- City Project No. 2022-09E - Alison Way Area Rehabilitation
- City Project No. 2022-09F - Tyne Lane Area Rehabilitation
- City Project No. 2022-09G - Albano Trail and Albright Court Rehabilitation
- City Project No. 2022-09H - Upper 55th Street Rehabilitation (Blackberry Trail to Cahill Ave.)
- City Project No. 2022-09I - Carmen Avenue and Claude Way Rehabilitation
- City Project No. 2022-09J - Cheney Trail and Coffman Path Area Rehabilitation
- City Project No. 2022-09K - Akron Avenue and 50th Street Rehabilitation
- City Project No. 2022-09L - Bolland Trail and 62nd Street Rehabilitation

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

WHEREAS, the Planning Commission has reviewed the proposed Capital Improvement Projects identified above for compliance with the City of Inver Grove Heights' comprehensive plan.

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

1. The Planning Commission has reviewed the proposed Capital Improvement Projects listed above and finds that the same are consistent with the City's Comprehensive Plan.

Adopted by the Planning Commission of the City of Inver Grove Heights this 18th day of January, 2022.

Ayes: 9
Nays: 0

Elizabeth Niemioja, Chair

ATTEST:

Rebecca Kiernan, City Clerk

CITY OF INVER GROVE HEIGHTS

4G

AGENDA ITEM_____

Request for Council Action

Approval of Final Plans and Specifications and Authorizing Advertisement for Bids for the 2022 Pavement Management Program, City Project No. 2022-09E – Alison Way Area Street Rehabilitation

		Fiscal/FTE Impact	Mark all that apply
Meeting Date:	February 14, 2022	None	
Item Type:	Consent	Amount included in current budget	
Contact:	Jake Moser, 651-450-2489	Budget amendment requested	
Prepared by:	Jake Moser, Civil Engineer	FTE included in current complement	
Reviewed by:	Thomas J. Kaldunski, City Engineer Brian Connolly, Public Works Director	New FTE requested – N/A	
		Other: Pavement Management Fund, Stormwater Utility Fund, Water Fund, Sewer Fund and Special Assessments	**X**

PURPOSE/ACTION REQUESTED

The Council is asked to adopt the attached Resolution, approving final plans and specifications and authorizing advertisement for bids for the 2022 Pavement Management Program, City Project No. 2022-09E – Alison Way Area Street Rehabilitation

SUMMARY

On January 24, 2022, Council ordered the project and authorized preparation of plans and specifications for City Project No. 2022-09E – Alison Way Area Street Rehabilitation.

The final plans and specifications have been prepared by staff, with assistance from Bolton & Menk, and are available for viewing at the City Engineering Office. The bid opening is tentatively scheduled for April 5 and Council is scheduled to receive bids and consider awarding the project on April 25.

Staff recommends adoption of the attached Resolution.

Attachment(s):

Resolution
Plan title sheet

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE 2022 PAVEMENT MANAGEMENT PROGRAM, CITY PROJECT NO. 2022-09E – ALISON WAY AREA STREET REHABILITATION

RESOLUTION NO. _____

WHEREAS, On January 24, 2022 following published notice given pursuant to Minnesota Statutes, Section 429.031 and a public hearing, the City Council ordered City Project No. 2022-09E – Alison Way Area Street Rehabilitation; and

WHEREAS, pursuant to a resolution passed by the City Council on January 24, 2022, plans and specifications for City Project No. 2022-09E – Alison Way Area Street Rehabilitation were authorized to be prepared by the City Engineer with the assistance of Bolton & Menk; and

WHEREAS, Staff and Bolton & Menk have prepared plans and specifications for City Project No. 2022-09E – Alison Way Area Street Rehabilitation for council review and approval.

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

1. The plans and specifications for City Project No. 2022-09E – Alison Way Area Street Rehabilitation on file with the City are hereby approved as the plans and specifications in accordance with which said improvements shall be constructed.

2. The City Engineer is designated as the engineer for this improvement project and is hereby authorized to advertise for bids pursuant to the provisions of Minnesota Statutes Chapter 429, with respect to City Project No. 2022-09E.

3. The contract for these improvements shall be no later than two years after the adopting of the resolution.

Adopted by the City Council of Inver Grove Heights, Minnesota this 14th day of February 2022.

_____
Thomas Bartholomew, Mayor

ATTEST:

_____
Rebecca Kiernan, City Clerk

CITY OF INVER GROVE HEIGHTS

CONSTRUCTION PLANS FOR

ALISON WAY AREA STREET REHABILITATION
CITY PROJECT NO. 2022-09E

JANUARY 2022

RESOURCE LIST

CITY OF INVER GROVE HEIGHTS

City Hall
8150 Barbara Avenue
Inver Grove Heights, MN
55077
651-450-2500

City Engineer
Tom Kaldunski
651-450-2572

Assistant City Engineer
Steve Dodge
651-450-2541
sdodge@ighmn.gov

Senior Engineering Technician
Nick Hahn
651-470-6767
nhahn@ighmn.gov

Utility Superintendent
Eric Kramer 651-450-2565
ekramer@ighmn.gov

Street Maintenance
Superintendent
Barry Underdahl
651-450-2556

UTILITIES

Arvig
Brian Applequist
612-501-0091
metroosp@arvig.com

Century Link
Branden Heidelberger
651-312-7184 (office)
763-760-2885
branden.heidelberger1@centurylink.com

Comcast
Ben Ueland
651-493-6158 (office)
612-462-7911 (cell)
benjamin_ueland@comcast.com

Dakota Electric
Matt Zeidler
651-463-6373 (office)
mzeidler@dakotaelectric.com

Xcel Energy - Electric
Jeremy Moore
651-458-1265 (office)
651-788-3374 (cell)
jeremy.a.moore@xcelenergy.com

Xcel Energy - Gas
Bill Lynaugh
651-328-4358
william.lynaugh@xcelenergy.com

NOTE: EXISTING UTILITY INFORMATION SHOWN ON THIS PLAN HAS BEEN PROVIDED BY THE UTILITY OWNER. THE CONTRACTOR SHALL FIELD VERIFY EXACT LOCATIONS PRIOR TO COMMENCING CONSTRUCTION AS REQUIRED BY STATE LAW. NOTIFY GOPHER STATE ONE CALL, 1-800-252-1166 OR 651-454-0002.

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D UNLESS OTHERWISE NOTED. THIS UTILITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."

MAP OF THE
CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MN

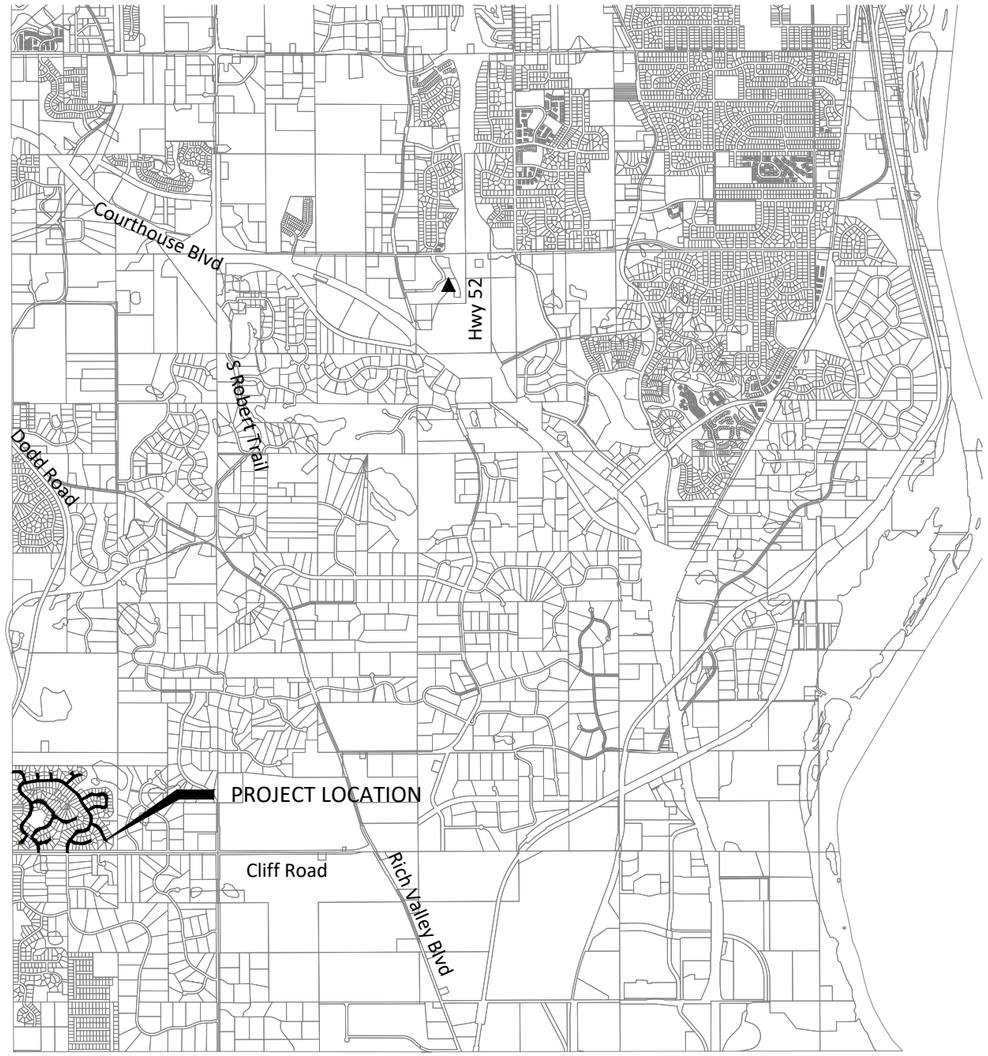
N

0 250 500
SCALE FEET

MAP LEGEND

PROJECT LIMITS

BID LOCATION



SHEET NUMBER	SHEET TITLE
GENERAL	
G0.01 - G0.02	TITLE SHEET & LEGEND
G1.01	STATEMENT OF ESTIMATED QUANTITIES
G2.01	LOCATION PLAN
CIVIL	
C1.01	TYPICAL SECTIONS
C2.01 - C2.03	EROSION CONTROL PLAN
C6.01 - C6.03	STREET IMPROVEMENTS
C8.01 - C8.02	STANDARD DETAIL PLATES

THIS PLAN SET CONTAINS 13 SHEETS.

REVIEWED & APPROVED _____ DATE: 02/14/2022
CITY ENGINEER

©Bolton & Menk, Inc. 2022. All Rights Reserved
Y:\PublicWorks\Engineering\AUTO_CAD\Southern Lakes Overlay\CAD\2022-Southern Lakes\G001.dwg 2/8/2022 8:21:35 AM

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.

JACOB D. MOSER
LIC. NO. 53088 DATE 02/14/2022

DESIGNED	NO.	ISSUED FOR	DATE
JDM			
DRAWN AKG			
CHECKED JDM			
CITY PROJ. NO. 2022-09E			

INVER GROVE HEIGHTS, MN
ALISON WAY AREA STREET REHABILITATION
TITLE SHEET

SHEET G0.01

4H

AGENDA ITEM_____

Request for Council Action

Approval of Final Plans and Specifications and Authorizing Advertisement for Bids for the 2022 Pavement Management Program, City Project No. 2022-09F – Tyne Lane Area Street Rehabilitation

		Fiscal/FTE Impact	Mark all that apply
Meeting Date:	February 14, 2022	None	
Item Type:	Consent	Amount included in current budget	
Contact:	Jake Moser, 651-450-2489	Budget amendment requested	
Prepared by:	Jake Moser, Civil Engineer	FTE included in current complement	
Reviewed by:	Thomas J. Kaldunski, City Engineer Brian Connolly, Public Works Director	New FTE requested – N/A	
		Other: Pavement Management Fund, Stormwater Utility Fund, Water Fund, Sewer Fund and Special Assessments	**X**

PURPOSE/ACTION REQUESTED

The Council is asked to adopt the attached Resolution, approving final plans and specifications and authorizing advertisement for bids for the 2022 Pavement Management Program, City Project No. 2022-09F – Tyne Lane Area Street Rehabilitation.

SUMMARY

On January 24, 2022, Council ordered the project and authorized preparation of plans and specifications for City Project No. 2022-09F – Tyne Lane Area Street Rehabilitation.

The final plans and specifications have been prepared by staff, with assistance from Bolton & Menk, and are available for viewing at the City Engineering Office. The bid opening is tentatively scheduled for April 5 and the Council is scheduled to receive bids and consider awarding the project on April 25.

Staff recommends adoption of the attached Resolution.

Attachment(s):

Resolution
Plan title sheet

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE 2022 PAVEMENT MANAGEMENT PROGRAM, CITY PROJECT NO. 2022-09F – TYNE LANE AREA STREET REHABILITATION

RESOLUTION NO. _____

WHEREAS, On January 24, 2022 following published notice given pursuant to Minnesota Statutes, Section 429.031 and a public hearing, the City Council ordered City Project No. 2022-09F – Tyne Lane Area Street Rehabilitation; and

WHEREAS, pursuant to a resolution passed by the City Council on January 24, 2022, plans and specifications for City Project No. 2022-09F – Tyne Lane Area Street Rehabilitation were authorized to be prepared by the City Engineer with the assistance of Bolton & Menk; and

WHEREAS, Staff and Bolton & Menk have prepared plans and specifications for City Project No. 2022-09F – Tyne Lane Area Street Rehabilitation for council review and approval.

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

1. The plans and specifications for City Project No. 2022-09F – Tyne Lane Area Street Rehabilitation on file with the City are hereby approved as the plans and specifications in accordance with which said improvements shall be constructed.

2. The City Engineer is designated as the engineer for this improvement project and is hereby authorized to advertise for bids pursuant to the provisions of Minnesota Statutes Chapter 429, with respect to City Project No. 2022-09F.

3. The contract for these improvements shall be no later than two years after the adopting of the resolution.

Adopted by the City Council of Inver Grove Heights, Minnesota this 14th day of February 2022.

_____
Thomas Bartholomew, Mayor

ATTEST:

_____
Rebecca Kiernan, City Clerk

CITY OF INVER GROVE HEIGHTS

CONSTRUCTION PLANS FOR

TYNE LANE AREA STREET REHABILITATION
CITY PROJECT NO. 2022-09F

JANUARY 2022

RESOURCE LIST

CITY OF INVER GROVE HEIGHTS

City Hall
8150 Barbara Avenue
Inver Grove Heights, MN
55077
651-450-2500

City Engineer
Tom Kaldunski
651-450-2572

Assistant City Engineer
Steve Dodge
651-450-2541
sdodge@ighmn.gov

Senior Engineering Technician
Nick Hahn
651-470-6767
nhahn@ighmn.gov

Utility Superintendent
Eric Kramer 651-450-2565
ekramer@ighmn.gov

Street Maintenance
Superintendent
Barry Underdahl
651-450-2556

UTILITIES

Arvig
Brian Applequist
612-501-0091
metroosp@arvig.com

Century Link
Branden Heidelberger
651-312-7184 (office)
763-760-2885
branden.heidelberger1@centurylink.com

Comcast
Ben Ueland
651-493-6158 (office)
612-462-7911 (cell)
benjamin_ueland@comcast.com

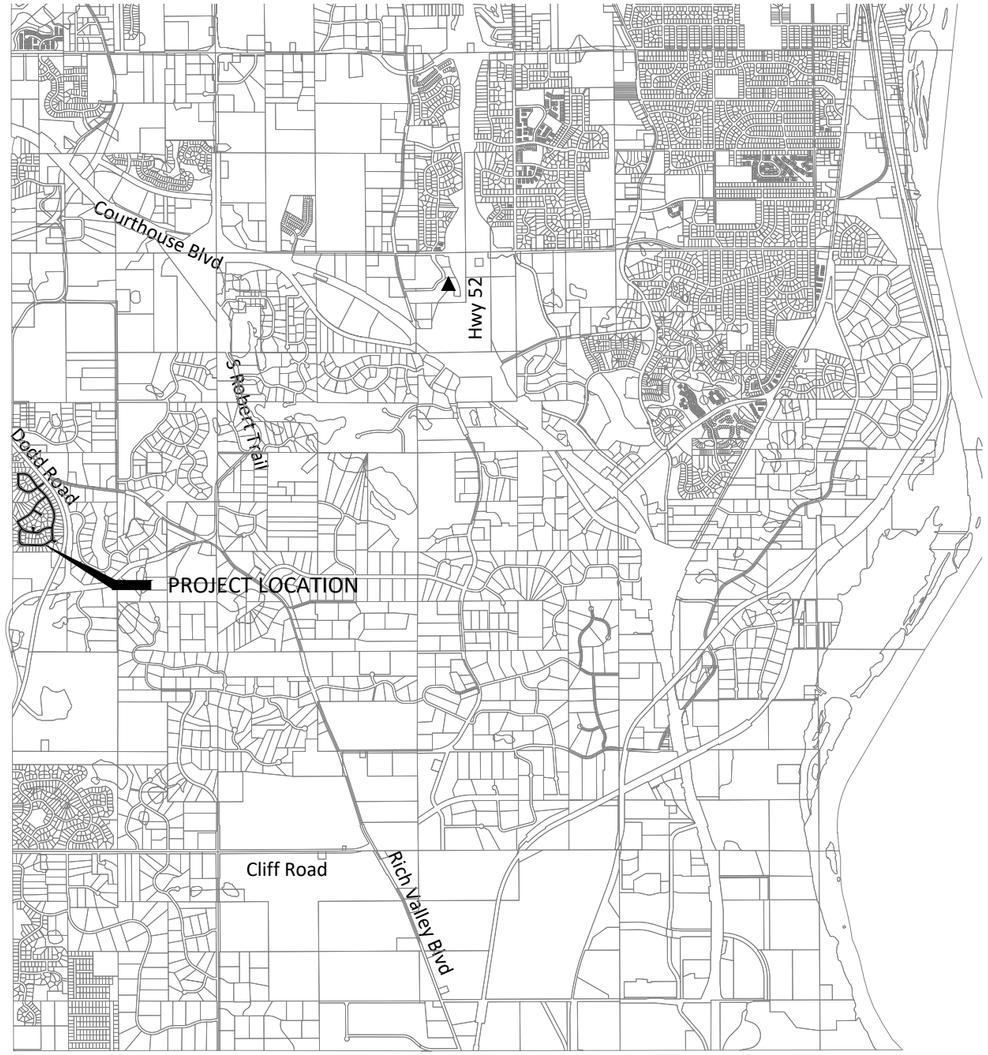
Dakota Electric
Matt Zeidler
651-463-6373 (office)
mzeidler@dakotaelectric.com

Xcel Energy - Electric
Jeremy Moore
651-458-1265 (office)
651-788-3374 (cell)
jeremy.a.moore@xcelenergy.com

Xcel Energy - Gas
Bill Lynaugh
651-328-4358
william.lynaugh@xcelenergy.com

NOTE: EXISTING UTILITY INFORMATION SHOWN ON THIS PLAN HAS BEEN PROVIDED BY THE UTILITY OWNER. THE CONTRACTOR SHALL FIELD VERIFY EXACT LOCATIONS PRIOR TO COMMENCING CONSTRUCTION AS REQUIRED BY STATE LAW. NOTIFY GOPHER STATE ONE CALL, 1-800-252-1166 OR 651-454-0002.

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D UNLESS OTHERWISE NOTED. THIS UTILITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."



MAP OF THE
CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MN

N

0 250 500
SCALE FEET

MAP LEGEND

PROJECT LIMITS

BID LOCATION

SHEET NUMBER	SHEET TITLE
GENERAL	
G0.01 - G0.02	TITLE SHEET & LEGEND
G1.01	STATEMENT OF ESTIMATED QUANTITIES
CIVIL	
C1.01	TYPICAL SECTIONS
C2.01	EROSION CONTROL PLAN
C6.01	STREET IMPROVEMENTS
C8.01 - C8.02	STANDARD DETAIL PLATES

THIS PLAN SET CONTAINS 8 SHEETS.

REVIEWED & APPROVED Thomas J Kaldunski CITY ENGINEER DATE: 02/14/2022

©Bolton & Menk, Inc. 2022. All Rights Reserved
Y:\PublicWorks\Engineering\AUTO_CAD\Tyne Lane\2022-09F_Tyne Lane\G001.dwg 2/8/2022 8:29:17 AM

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.

JACOB D. MOSER
LIC. NO. 53088 DATE 02/14/2022

CITY OF INVER GROVE HEIGHTS

DESIGNED	JDM
DRAWN	AKG
CHECKED	JDM
CITY PROJ. NO.	2022-09F

NO.	ISSUED FOR	DATE

INVER GROVE HEIGHTS, MN
TYNE LANE AREA STREET REHABILITATION
TITLE SHEET

SHEET G0.01

AGENDA ITEM 5A

Request for Council Action

Public Hearing to consider approval of liquor license renewal applications for Pilot Travel Center, Speedway #4411, and Speedway #4548

		Fiscal/FTE Impact	Mark all that apply
Meeting Date:	February 14, 2022	None	X
Item Type:	Public Hearing	Amount included in current budget	
Contact:	651-450-2513	Budget amendment requested	
Prepared by:	Rebecca Kiernan, City Clerk	FTE included in current complement	
Reviewed by:	Kris Wilson, City Administrator	New FTE requested – N/A	
		Other	

PURPOSE/ACTION REQUESTED

The Council is asked to conduct a public hearing and consider approval of renewal applications for liquor licenses for the 2022 calendar year for Pilot Travel Center, Speedway #4411, and Speedway #4548.

SUMMARY

The City received renewal applications for 2022 calendar year 3.2 off-sale liquor licenses for Pilot Travel Center, Speedway #4411, and Speedway #4548.

The public hearing notice was published in the Pioneer Press on January 30, 2022.

Information regarding completion of alcohol-server training was also provided by the three applicants to verify that all employees engaged in the selling of alcohol received training within the last 24 months.

RECOMMENDATION:

Staff recommends holding the public hearing and approving the liquor license renewals for Pilot Travel Center, Speedway #4411, and Speedway #4548.

6A

AGENDA ITEM _____

CITY OF INVER GROVE HEIGHTS

Request for Council Action

Fire Relief Association Request for Increase to Pension Benefit

		Fiscal/FTE Impact	Mark all that apply
Meeting Date:	February 14, 2022	None	
Item Type:	Regular Business	Amount included in current budget	**X**
Contact:	(651) 450 - 2511	Budget amendment requested	
Prepared by:	Kris Wilson, City Administrator	FTE included in current complement	
Reviewed by:		New FTE requested – N/A	
		Other	**X**

ACTION REQUESTED

The Council is asked to consider a request from the Inver Grove Heights Fire Relief Association for an increase in the pension benefit per year of service for retiring paid-on-call firefighters and to authorize disbursement of the City's 2022 voluntary contribution to the Relief Association in the amount of $89,975, via adoption of the attached Resolution.

SUMMARY

The Inver Grove Heights Fire Relief Association is requesting an increase to the pension benefit from $10,000 per year of service to $13,650 per year of service. I recommend that the Council consider an increase to the benefit, but at a lower dollar amount than that requested by the Association.

BACKGROUND

The recent history of pension increases for the approved by the City Council for the members of the IGH Fire Relief Association is as follows:

Effective Date	Benefit per Year of Service
January 1, 2021	$10,000
January 1, 2020	$8,600
January 1, 2019	$8,100
January 1, 2018	$8,050

A letter requesting an increase to $13,650 for 2022 is attached, along with supporting information from the Relief Association. The Relief Association also made a recent request to change the vesting schedule for the pension from 20 years for full retirement to 15 years. This request has already been approved by the Council back in December of 2021.

When evaluating the Relief Association's request, it should be noted that the financial analysis supporting an increase of this magnitude (Scenario 6 in the attached data) is based on the

assumption that the City will continue to make a voluntary contribution to the Relief Association on an annual basis through at least 2031 and that this voluntary contribution will continue to grow at the same annual growth rate as it has under the current six-year agreement. However, that current year agreement expires after 2023.

Additionally, at the time the City entered into the current six-year agreement to provide a voluntary contribution, it was suggested that the City's contribution would allow for annual increases to the pension benefit of approximately $100 per year. In hindsight, the City's voluntary contribution seems to have supported substantially larger benefit increases that far exceed the City's compensation practices for other employees.

I recommend that the Council not take action now that would de facto suggest or commit to a continuation of the City's voluntary contribution, much less a steadily increasing contribution. The City should follow through on its current six-year agreement, but reserve taking a position on voluntary contributions beyond that date until such time as the practice can be more thoroughly evaluated and competing demands for the City's resources can be evaluated. One example of an alternative to a continued voluntary contribution to the Relief Association would be the idea of using these funds to increase the hourly wage of paid-on-call firefighters.

The financial analysis of the Relief Association's funding shows that the largest increase that could be supported without assuming a continuation of the City's voluntary contribution beyond the terms of the current agreement is a $2,500 increase – from $10,000 to $12,500 per year of service (Scenario 5). An increase of smaller amount could also be considered, and is outlined in the other scenarios of the attached financial analysis.

A $2,500 increase is still a *very* generous benefit increase and as evidenced by the data collected on other Relief Associations with the same benefit structure as IGH, it would put our paid-on-call firefighters at the top of the list in terms of metro-cities with comparable-type Relief Associations.

Relief Association	**Pension Benefit per Year of Service**	**% Funded**
Golden Valley	$12,000	160%
Apple Valley	$11,000	136%
Lakeville	$10,000	163%
Shakopee	$9,800	136%
Woodbury	$9,300	170%
Prior Lake	$9,000	122%
New Brighton	$9,000	185%
Rosemount	$8,200	152%
Farmington	$7,500	unknown
Hastings	$7,000	240%

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

A RESOLUTION APPROVING A PENSION BENEFIT INCREASE FOR THE INVER GROVE HEIGHTS FIRE RELIEF ASSOCIATION

WHEREAS, the Inver Grove Heights Fire Relief Association (Fire Relief Association) is a nonprofit corporation which provides retirement relief and other benefits to members and their dependents; and

WHEREAS, a professional financial analysis projects that an increase to the benefit level provided by the Relief Association can be provided, while maintaining an appropriate funding level into the future; and

WHEREAS, the membership of the Fire Relief Association has voted in support of and requests an increase to the pension benefit;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Inver Grove Heights, Minnesota that the City Council hereby approves an increase in the pension benefit for the qualified members of the Inver Grove Heights Fire Relief Association, from $10,000 per year of service to _____ per year of service, effective February 15, 2022, and

BE IT FURTHER RESOLVED that, in accordance with an existing agreement between the City and the Inver Grove Heights Fire Relief Association, the Finance Director is hereby authorized to disburse the $89,975 budgeted as a voluntary contribution to the Relief Association for calendar year 2022 to the Association.

Adopted by the City Council of Inver Grove Heights this 14th day of February, 2022.

_____
Thomas Bartholomew, Mayor

ATTEST:

_____
Rebecca Kiernan, City Clerk

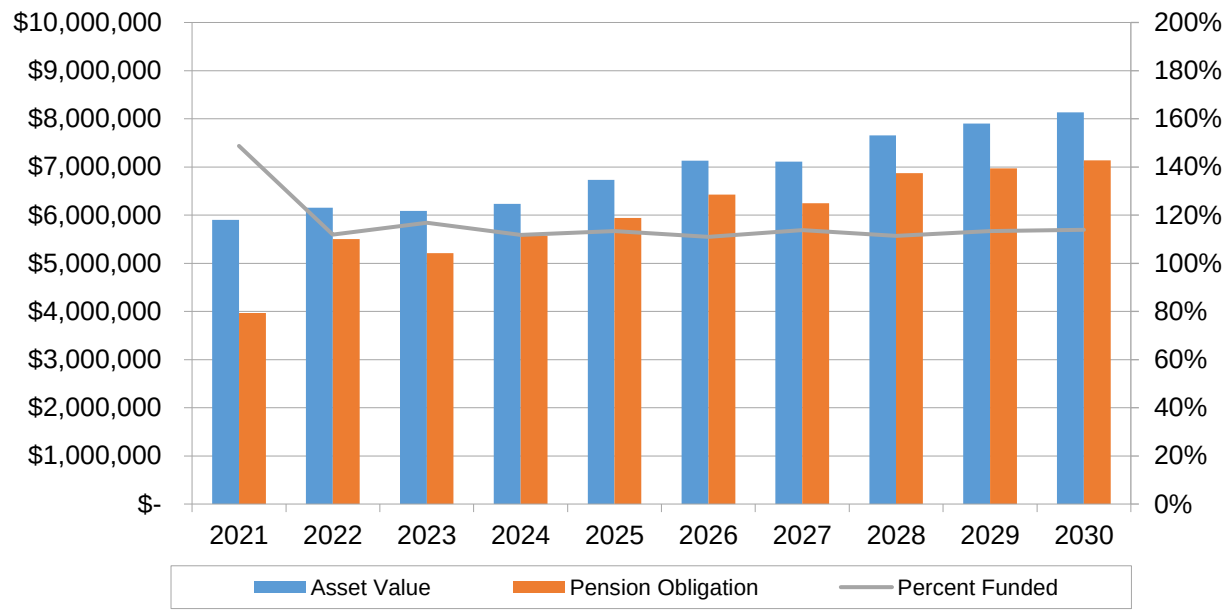
III. Summary of Alternatives - Members Fully Vested After 15 Years of Service (Continued)

Scenario 6 - Benefit Level Increased to $13,650 in 2022 with agreed upon municipal contributions in 2021-2023, 3 % increase in municipal contributions thereafter. Under this scenario, the funding percentage ranges from 110 to 117 percent after increase for the 10-year period, however, the City does not generate a required municipal contribution.

SUMMARY WITH BENEFIT INCREASE TO $13,650 IN 2022, WITH $150 BENEFIT INCREASE EACH YEAR THERAFTER, WITH AGREED UPON MUNICIPAL CONTRIBUTION FOR 2021 - 2023; 3% INCREASE IN CONTRIBUTIONS TROUGH 2031

YEAR	BENEFIT LEVEL	State Maximum Benefit Level ($15K)	MUNICIPAL CONTRIBUTION Voluntary	MUNICIPAL CONTRIBUTION Required	PROJECTED ACCRUED LIABILITY	PROJECTED ASSETS	SURPLUS/ (DEFICIT)	PERCENTAGE FUNDED
2021	$ 10,000	$ 15,000	$ 87,475	$ -	$ 3,968,263	$ 5,902,113	$ 1,933,850	149%
2022	13,650	15,000	89,975	-	5,499,682	6,154,538	654,856	112%
2023	13,800	15,000	92,475	-	5,207,085	6,084,797	877,712	117%
2024	13,950	15,000	95,249	-	5,575,207	6,233,587	658,380	112%
2025	14,100	15,000	98,107	-	5,938,684	6,734,741	796,057	113%
2026	14,250	15,000	101,050	-	6,425,339	7,130,012	704,673	111%
2027	14,400	15,000	104,081	-	6,248,616	7,109,451	860,835	114%
2028	14,550	15,000	107,204	-	6,874,438	7,658,458	784,020	111%
2029	14,700	15,000	110,420	-	6,967,839	7,903,075	935,236	113%
2030	14,850	15,000	113,733	-	7,139,473	8,131,969	992,496	114%
2031	15,000	15,000	117,145	-	7,626,798	8,520,673	893,875	112%
Total			$ 1,116,914	$ -				

Funding Level Scenario 6



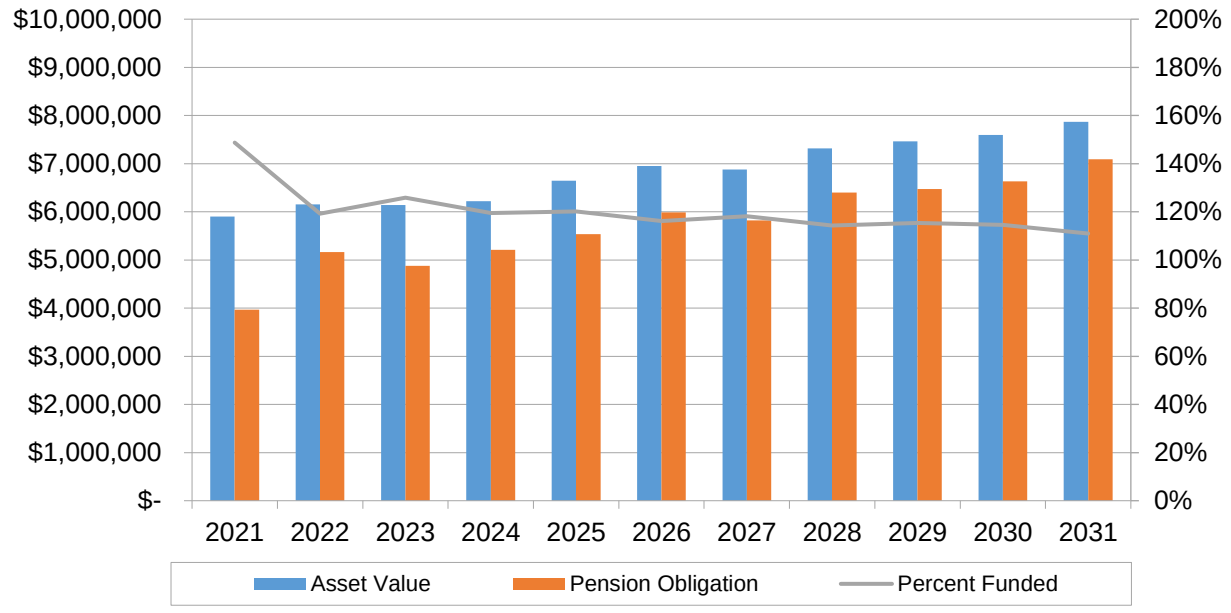
III. Summary of Alternatives - Members Fully Vested After 15 Years of Service (Continued)

Scenario 5 - Benefit Level Increase to $12,000 in 2022, with $150 increase in $150 benefit increase each year thereafter, with agreed upon municipal contributions in 2021-2023. Under this scenario, the funding percentage ranges from 111 percent to 126 percent after increase for the 10-year period, and the maximum level falls below state minimum, which could limit future increases, however, the City does not generate a required municipal contribution.

SUMMARY WITH BENEFIT INCREASE TO $12,500 IN 2022, WITH $150 BENEFIT INCREASE EACH YEAR THERAFTER, WITH AGREED UPON MUNICIPAL CONTRIBUTION FOR 2021 - 2023; MAXIMUM LEVEL FALLS BELOW STATE MINIMUM

YEAR	BENEFIT LEVEL	State Maximum Benefit Level ($15K)	MUNICIPAL CONTRIBUTION Voluntary	MUNICIPAL CONTRIBUTION Required	PROJECTED ACCRUED LIABILITY	PROJECTED ASSETS	SURPLUS/ (DEFICIT)	PERCENTAGE FUNDED
2021	$ 10,000	$ 15,000	$ 87,475	$ -	$ 3,968,263	$ 5,902,113	$ 1,933,850	149%
2022	12,500	15,000	89,975	-	5,160,491	6,154,538	994,047	119%
2023	12,650	15,000	92,475	-	4,878,211	6,138,121	1,259,910	126%
2024	12,800	15,000	-	-	5,210,097	6,222,382	1,012,285	119%
2025	12,950	15,000	-	-	5,535,612	6,647,273	1,111,661	120%
2026	13,100	14,620	-	-	5,987,236	6,952,699	965,463	116%
2027	13,250	13,390	-	-	5,820,791	6,879,105	1,058,314	118%
2028	13,400	13,730	-	-	6,401,560	7,315,381	913,821	114%
2029	13,550	13,780	-	-	6,472,651	7,462,475	989,824	115%
2030	13,700	14,120	-	-	6,633,076	7,596,644	963,568	115%
2031	13,850	14,310	-	-	7,088,103	7,864,724	776,621	111%
Total			$ 269,925	$ -				

Funding Level Scenario 5



Inver Grove Heights
Firefighters' Relief Association

Phone (651) 455-5082

Email: ighfra@ighmn.gov

Dear City Council Members,

Thank you for your time during the December work session. We would also like to thank you for your support on behalf of our membership for your approval of our retirement plan's vesting schedule. This will help us recruit and retain paid-on-call Firefighters. Since that meeting, we have been working diligently to gather the information you requested. You requested that we provide all of the financial analyst projections with summaries (which are included in this submittal).

We also felt the need to reach out to all of the Relief Associations/Cities that City Administrator Wilson showed in the December work session, to gather current benefit levels and other data points we felt were important to share. We also gathered data from each Relief Association to share what position each Relief Association is in financially and what the demand is on each of these fire departments by looking just at call volume as a comparison. We feel that this shows that we are not alone making larger increases as Golden Valley Council approved a 30% raise in benefit level in 2021. Apple Valley's Council approved a 46.5% raise in benefit level in 2021 as well. Prior Lake's City Manager stated they are considering a 30% increase to their benefit amount.

We are requesting City Council action at the February 14th meeting to ratify our bylaw changes to increase our benefit level to $13,650 per year of service. Members are fully vested in that dollar amount at 15 years of service but cannot collect until they are at least 50 years of age. After raising our benefit amount to $13,650 we would still be at least 112% funded in 2022, which is above our agreement goal of 105%. Our audited projection that supports raising to $13,650 follows every requirement of our current 6-year agreement with the city and our current increase amount is even more conservative by not distributing the fund down to 105% funded as our agreement can allow.

Attached are all of our projections with different hypothetical scenarios that our auditor put together at the request of the Relief Association and City Staff to analyze fund performance (as we do every year). Also attached is a spreadsheet we put together where we recorded the data gathered from the other Relief Association representatives or fire department members of the respective cities. If you have any questions about the data or our request, please reach out to me at 612-670-8380, I would be more than happy to discuss. We look forward to meeting again with you to reach a resolution on this request.

Sincerely,

Evan Bohlman
President
Inver Grove Heights Firefighters' Relief Association

City	Calls for service in 2021	Do Paid On-Call FF have to work on 24/7 Duty Crew?	2021 Municipal Contribution	2021 State Aid	Total 2021 Retirement Contribution	Current Benefit Level	Current Funding Percentage	Relief Association Projected/Requested 2022 benefit Increase	NOTES
Golden Valley	653	No	$0	$190,000	$190,000	$12,200	160%	State MBW Limited, may go to Defined Contribution Plan	30% raise in benefit level 2021
Mendota Heights	299*	No	$168,000	$117,000	$285,000	$12,200	Defined Contribution Plan	Increase city contribution by $500 per fire fighter per year.	Each FF received ~$5,750 from city contribution in 2021 for retirement fund. Around 30 Fire Fighters
Lakeville	2789*	No, just day/evening duty crew	$0	$429,690	$429,690	$10,000	163%	projected by relief association to be $2,000 in 2022, $2,000 in 2023, $1,000 in 2024	
Inver Grove Heights	2774*	Yes	$89,975	$235,102	$325,077	$10,000	149%	$3,650 increase requested	Each FF this year received approximately $1,914 from city contribution towards retirement which equals $159/month. Reduces to $1,500/year or $125/month if we are at our max of 60 paid-on-call FF.
Shakopee	~1500	Yes	$0	$306,000	$306,000	$9,800	136%	6% projected per agreement	Shakopee and Rosemount approach benefit increases differently by not doing audited fund projections and instead have enacted an agreement on raises based on funding percentage.
Rosemount	955*	No	$30,000	$160,000	$190,000	$8,200	152%	$400 projected per agreement	
Apple Valley	2333*	day/evening only, and it is optional to work on the duty crew	$276,887	$343,326	$620,213	$11,000	136% in 2020	2022 benefit level of $11,000 in effect on 1/1/2022. This was an increase from $7,500, a 46.6% increase.	Removed their monthy payment benefit option. AV has 73 FireFighters allowed up to 75. City of Apple Valley voluntarily gives the Relief Association 90% of the State Aid amount.
Hastings	4072*	Full time 24/7 with Paid-on-call for station call backs, paid on call also work shifts Fri-Sun only during the day. Runs ALS Ambulance Service for city.	$0	$212,715	$212,715	$7,000	240%	Working on a plan with city to increase substantially due to their funding percent, they could go to $15,000 based on state MBW	
New Brighton	340	No	$66,000	$149,643	$215,643	$9,000	185%	They were state MBW limited to 9,000 in 2021. First year for city contribution in more than 3 years. MBW should increase for 2022.	City Contribution is based on $1500 per Fire-Fighter per year.
Woodbury	~6700	3 ambulances with 2 FT FF only from 6am - 6pm, with 1-2 FT at night and with 1-2 paid on-call at night from 6PM-6AM. Runs ALS Ambulance Service for city.	$0	$491,067	$491,067	$9,300	170%	9,300	Working on dissolving Paid-on-call FireFighters and Relief Association by the end of 2022, will be hiring part-time FireFighters to work along side the current full time FireFighters
Prior Lake	682	No	$20,000	$260,564	$280,564	$9,000	122%	30% increase to $12,000 is proposed.	Applying for SAFER Grant in 2023 to hire 12 FT FireFighters due to losing Paid On-Call FF faster than they can hire them.
Farmington	1059*	No, just partial hours of the week.	$150,000	$169,822	$319,822	$7,500	Waiting for Response	Possibly $1,000 raise in benefit, still working through approvals.	City Contribution is constant at 150,000 per year at this time.

* not including mutual aid calls

These cities were selected to match the cities selected by City Administrator with the addition of Apple Valley. Mendota Heights was also included as they are a close neighboring city with paid on-call FireFighters.

Benefit Projections

Inver Grove Heights Volunteer Fire Department Relief Association

Inver Grove Heights, Minnesota

Years Ended
December 31, 2021 through 2031

ABDO
Certified Public Accountants & Consultants

Inver Grove Heights Volunteer Fire Department Relief Association

Inver Grove Heights, Minnesota
Benefit Projections
December 31, 2021 through December 31, 2031
Table of Contents

		Page No.
I.	Introduction	3
II.	Summary of Assumptions	3 - 4
III.	Summary of Alternatives - Members Fully Vested After 15 Years of Service	5 - 13

Inver Grove Heights Volunteer Fire Department Relief Association
Inver Grove Heights, Minnesota
Benefit Projections
December 31, 2021 through December 31, 2031

I. Introduction

We have performed procedures which were agreed to by the Inver Grove Heights Fire Department Relief Association (the Association), solely to assist in evaluating the projected benefit levels of the Inver Grove Heights Fire Department Relief Association and any subsequent municipal contribution for the City of Inver Grove Heights for the years ended December 31, 2021 through 2031. The Association's management is responsible for the projection format and the assumptions made.

The City of Inver Grove Heights, Minnesota (the City) operates a municipal fire department. The members of the department are also members of the Fire Relief Association which is a separate non-profit corporation. The Association provides for a retirement benefit based on years of service and the City Council ultimately approves and agrees to the benefit level. Annually a calculation is completed under State Statutes (MN Stat. section 69.772) that determines whether a municipal contribution is required based on the projected earnings and costs of the Association. This projection follows the format outlined in section 69.772 and uses the assumptions described below.

The financial projection is based on revenue and expense as summarized in the assumptions listed below and presents, to the best of management's knowledge and belief, the Association's expected results of cash flows for the projection period if such revenue, earnings, retirements and expenses of cash occur. Accordingly, the projection reflects the Associations' judgment as of October 8, 2021, the date of this projection, of the expected conditions and its expected course of action if such results were attained. The presentation is designed to provide information to the City Council concerning the required municipal contribution and should not be considered to be a presentation of expected future results. Accordingly, this projection may not be useful for other purposes. The assumptions disclosed herein are those that management believes are significant to the projection. Furthermore, there will usually be differences between projected and actual results, because events and circumstances frequently do not occur as expected and those differences may be material.

II. Summary of Assumptions

The significant assumptions used are listed below:

Revenue

State Aid - The Inver Grove Heights area was used for the 2021 aid calculation. Subsequent years assume a 3 percent increase over prior years.

*Municipal Contributio*n - A voluntary contribution is assumed each year in addition to the required to maintain consistent municipal contribution

Interest and Investment Returns - Assumes the following combined rate of return:

Interest Rate Assumptions

Year	Scenario 1	Scenario 2	Scenario 3	Scenario 4	Scenario 5	Scenario 6	Scenario 7	Scenario 8	Scenario 9
2021	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
2022	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
2023	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
2024	5.00%	5.00%	-5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
2025	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
2026	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
2027	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
2028	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
2029	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
2030	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
2031	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%

II. Summary of Assumptions (Continued)

Expenditures

Pensions Paid -

Deferred - All members were assumed paid at age 50 if they were on the deferred list

Active - Assumed that members would retire at 50 years of age or known date.

Administrative Expense - Assumed a 3 percent increase per year using 2020 as a base.

*Calculated Municipal Benefi*t - The calculation of a required municipal contribution was completed using the state statue formula outlined in Minnesota Statute Section 69.772.

Other

Vesting - members are vested 100% in their pension after 15 years of service

Maximum Benefit - MN Statues section 424A.02, subd. 3 outline the process to determine the maximum pension benefit allowed per year of service. That amount was calculated and included for each scenario and year.

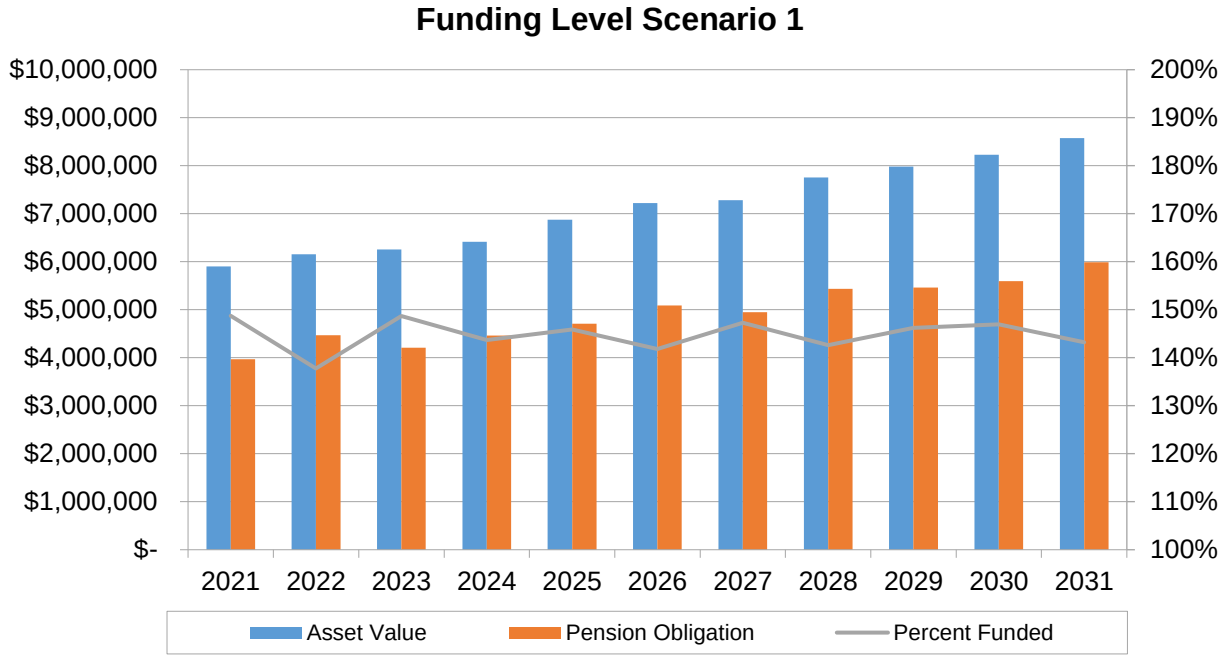
Inver Grove Heights Volunteer Fire Department Relief Association
Inver Grove Heights, Minnesota
Benefit Projections
December 31, 2021 through December 31, 2031

III. Summary of Alternatives - Members Fully Vested After 15 Years of Service

Scenario 1 - Annual Benefit Level Increase of $150 through 2031 with agreed upon municipal contributions in 2021-2023, no contributions thereafter. Under this scenario, the funding percentage ranges from 138 percent to 149 percent after increase for the 10-year period, the City does not generate a required municipal contribution.

SUMMARY WITH $150 BENEFIT INCREASE THROUGH 2031 WITH AGREED UPON MUNICIPAL CONTRIBUTIONS 2021 - 2023, NO CONTRIBUTIONS THEREAFTER

YEAR	BENEFIT LEVEL	State Maximum Benefit Level ($15K)	MUNICIPAL CONTRIBUTION		PROJECTED ACCRUED LIABILITY	PROJECTED ASSETS	SURPLUS/ (DEFICIT)	PERCENTAGE FUNDED
			Voluntary	Required				
2021	$ 10,000	$ 15,000	$ 87,475	$ -	$ 3,968,263	$ 5,902,113	$ 1,933,850	149%
2022	10,150	15,000	89,975	-	4,467,363	6,154,538	1,687,175	138%
2023	10,300	15,000	92,475	-	4,206,164	6,253,218	2,047,054	149%
2024	10,450	15,000	-	-	4,464,003	6,414,559	1,950,556	144%
2025	10,600	15,000	-	-	4,711,943	6,873,384	2,161,442	146%
2026	10,750	15,000	-	-	5,091,982	7,221,951	2,129,970	142%
2027	10,900	15,000	-	-	4,946,540	7,284,252	2,337,712	147%
2028	11,050	15,000	-	-	5,435,245	7,753,026	2,317,781	143%
2029	11,200	15,000	-	-	5,460,745	7,983,411	2,522,666	146%
2030	11,350	15,000	-	-	5,598,265	8,228,044	2,629,780	147%
2031	11,500	15,000	-	-	5,987,292	8,574,695	2,587,402	143%
Total			$ 269,925	$ -				

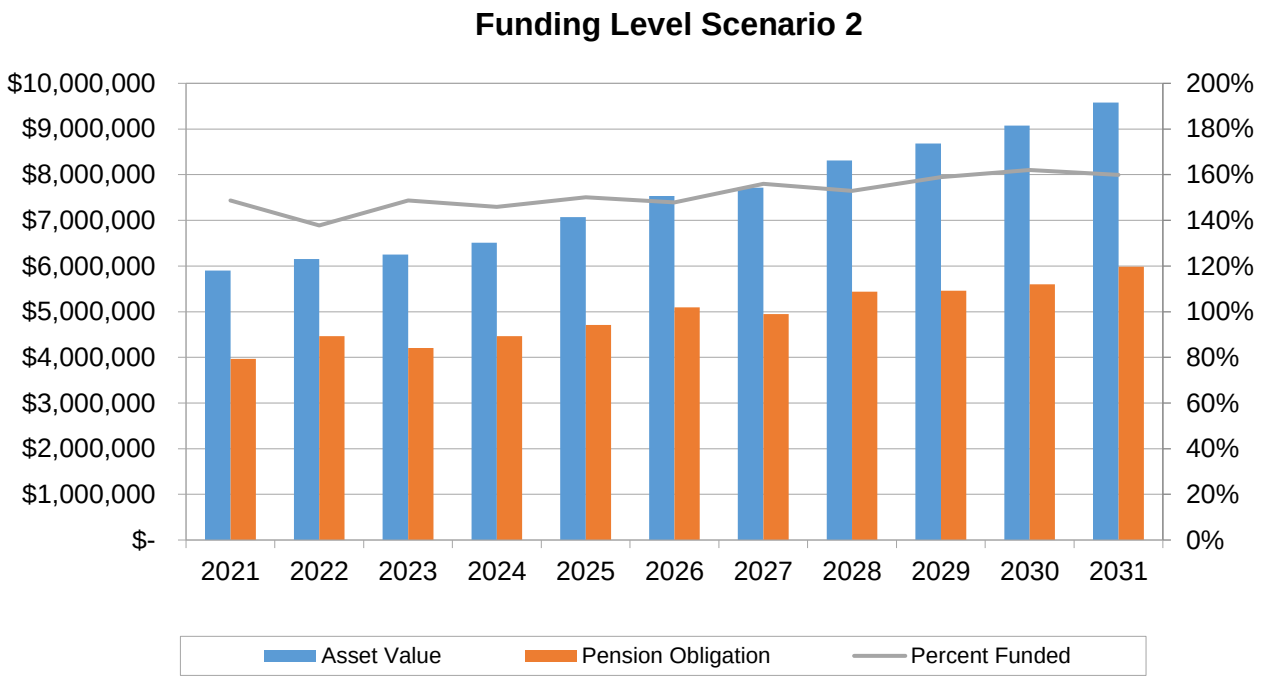


III. Summary of Alternatives - Members Fully Vested After 15 Years of Service (Continued)

Scenario 2 - Annual Benefit Level Increase of $150 through 2031 with agreed upon municipal contributions in 2021-2023, 3 % increase in municipal contributions thereafter. Under this scenario, the funding percentage ranges from 136 percent to 167 percent after increase for the 10-year period, the City does not generate a required municipal contribution.

SUMMARY WITH $150 BENEFIT INCREASE THROUGH 2031 W/ AGREED UPON MUNICIPAL CONTRIBUTIONS 2021 - 2023, 3% INCREASE IN CONTRIBUTIONS TROUGH 2031

YEAR	BENEFIT LEVEL	State Maximum Benefit Level	MUNICIPAL CONTRIBUTION		PROJECTED ACCRUED LIABILITY	PROJECTED ASSETS	SURPLUS/ (DEFICIT)	PERCENTAGE FUNDED
			Voluntary	Required				
2021	$ 10,000	$ 15,000	$ 87,475	$ -	$ 4,133,191	$ 5,902,113	$ 1,768,922	143%
2022	10,150	15,000	89,975	-	4,510,684	6,154,538	1,643,854	136%
2023	10,300	15,000	92,475	-	4,114,201	6,253,218	2,139,017	152%
2024	10,450	15,000	95,249	-	4,173,063	6,536,282	2,363,219	157%
2025	10,600	15,000	98,107	-	4,566,503	7,114,162	2,547,659	156%
2026	10,750	15,000	101,050	-	4,954,955	7,595,547	2,640,592	153%
2026	10,900	15,000	104,081	-	4,837,132	7,815,682	2,978,550	162%
2028	11,050	15,000	107,204	-	5,333,702	8,426,032	3,092,330	158%
2029	11,200	15,000	110,420	-	5,378,253	8,822,482	3,444,229	164%
2030	11,350	15,000	113,733	-	5,542,962	9,249,749	3,706,787	167%
2031	11,500	15,000	117,145	-	5,938,910	9,777,661	3,838,751	165%
Total			$ 1,116,914	$ -				



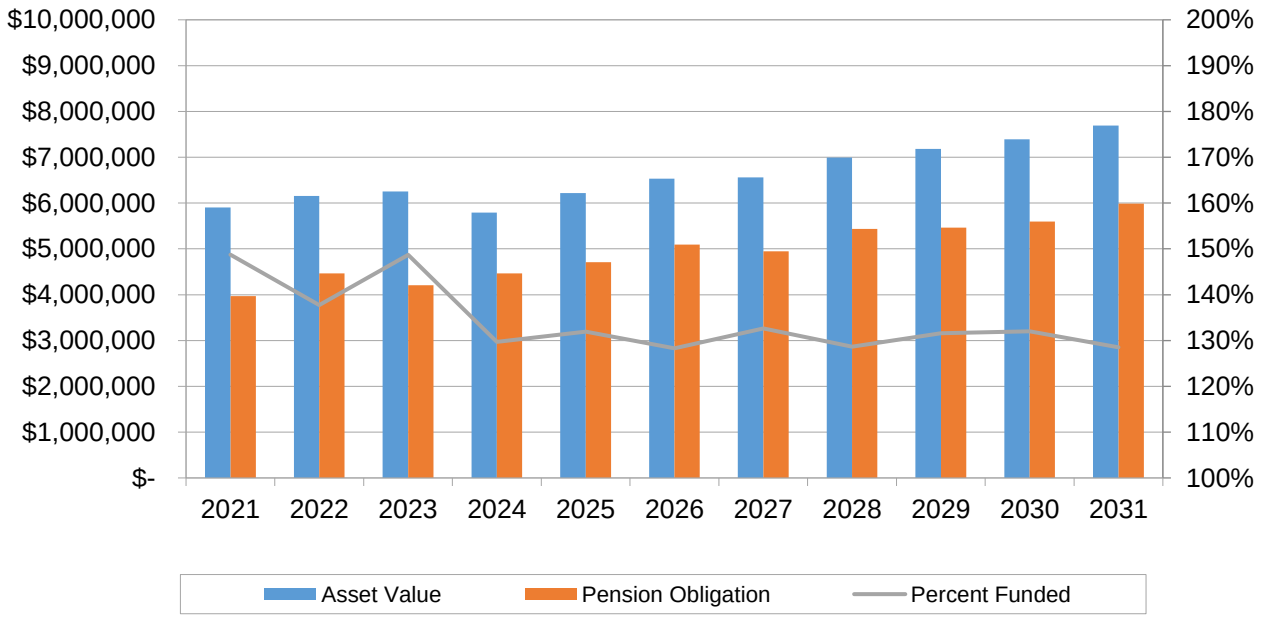
III. Summary of Alternatives - Members Fully Vested After 15 Years of Service (Continued)

Scenario 3 - Annual Benefit Level Increase of $150 through 2031; 5% investment loss in year 2024 with agreed upon municipal contributions in 2021-2023. Under this scenario, the funding percentage ranges from 128 percent to 149 percent after increase for the 10-year period, the City does not generate a required municipal contribution.

SUMMARY WITH $150 BENEFIT INCREASE THROUGH 2031, 5% INVESTMENT LOSS IN YEAR 2024; WITH AGREED UPON MUNICIPAL CONTRIBUTIONS 2021 - 2023, NO CONTRIBUTIONS THEREAFTER

YEAR	BENEFIT LEVEL	State Maximum Benefit Level	MUNICIPAL CONTRIBUTION Voluntary	MUNICIPAL CONTRIBUTION Required	PROJECTED ACCRUED LIABILITY	PROJECTED ASSETS	SURPLUS/ (DEFICIT)	PERCENTAGE FUNDED
2021	$ 10,000	$ 15,000	$ 87,475	$ -	$ 3,968,263	$ 5,902,113	$ 1,933,850	149%
2022	10,150	15,000	89,975	-	4,467,363	6,154,538	1,687,175	138%
2023	10,300	15,000	92,475	-	4,206,164	6,253,218	2,047,054	149%
2024	10,450	15,000	-	-	4,464,003	5,789,237	1,325,234	130%
2025	10,600	15,000	-	-	4,711,943	6,216,797	1,504,854	132%
2026	10,750	15,000	-	-	5,091,982	6,532,534	1,440,552	128%
2027	10,900	15,000	-	-	4,946,540	6,560,364	1,613,824	133%
2028	11,050	15,000	-	-	5,435,245	6,992,943	1,557,698	129%
2029	11,200	15,000	-	-	5,460,745	7,185,324	1,724,579	132%
2030	11,350	15,000	-	-	5,598,265	7,390,053	1,791,788	132%
2031	11,500	15,000	-	-	5,987,292	7,694,804	1,707,512	129%
Total			$ 269,925	$ -				

Funding Level Scenario 3

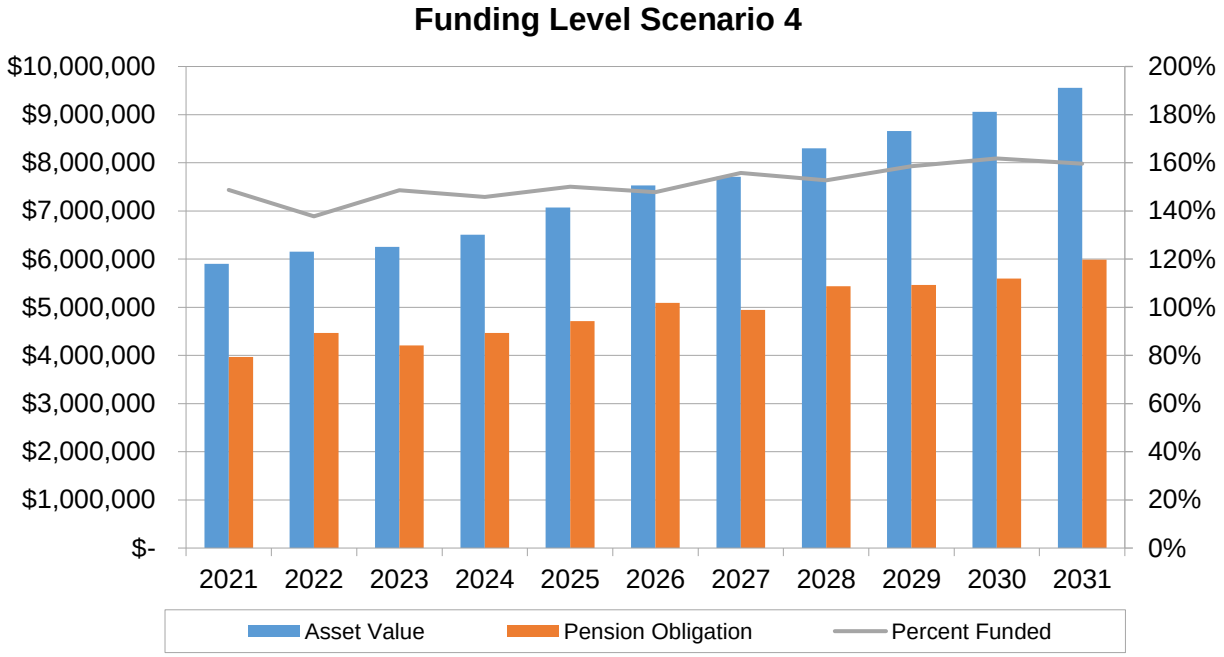


III. Summary of Alternatives - Members Fully Vested After 15 Years of Service (Continued)

Scenario 4 - Annual Benefit Level Increase of $150 through 2031 with agreed upon municipal contributions in 2021-2023, $2,500 increase in municipal contributions each year thereafter. Under this scenario, the funding percentage ranges from 138 percent to 162 percent after increase for the 10-year period, the City does not generate a required municipal contribution.

SUMMARY WITH $150 BENEFIT INCREASE THROUGH 2031 W/ AGREED UPON MUNICIPAL CONTRIBUTIONS 2021 - 2023, $2,500 INCREASE IN CONTRIBUTIONS TROUGH 2031

YEAR	BENEFIT LEVEL	State Maximum Benefit Level ($15K)	MUNICIPAL CONTRIBUTION		PROJECTED ACCRUED LIABILITY	PROJECTED ASSETS	SURPLUS/ (DEFICIT)	PERCENTAGE FUNDED
			Voluntary	Required				
2021	10,000	$ 15,000	$ 87,475	$ -	$ 3,968,263	$ 5,902,113	$ 1,933,850	149%
2022	10,150	15,000	89,975	-	4,467,363	6,154,538	1,687,175	138%
2023	10,300	15,000	92,475	-	4,206,164	6,253,218	2,047,054	149%
2024	10,450	15,000	94,975	-	4,464,003	6,509,534	2,045,531	146%
2025	10,600	15,000	97,475	-	4,711,943	7,070,583	2,358,640	150%
2026	10,750	15,000	99,975	-	5,091,982	7,528,985	2,437,003	148%
2027	10,900	15,000	102,475	-	4,946,540	7,709,113	2,762,573	156%
2028	11,050	15,000	104,975	-	5,435,245	8,304,104	2,868,859	153%
2029	11,200	15,000	107,475	-	5,460,745	8,659,518	3,198,773	159%
2030	11,350	15,000	109,975	-	5,598,265	9,058,432	3,460,167	162%
2031	11,500	15,000	112,475	-	5,987,292	9,559,077	3,571,785	160%
Total			$ 1,099,725	$ -				



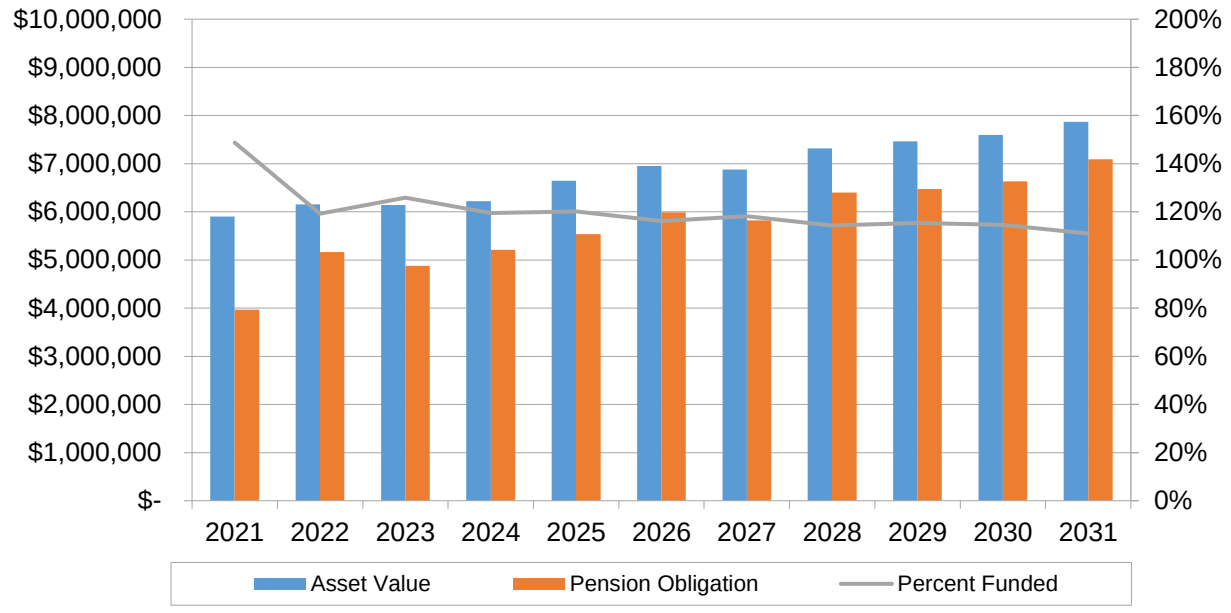
III. Summary of Alternatives - Members Fully Vested After 15 Years of Service (Continued)

Scenario 5 - Benefit Level Increase to $12,000 in 2022, with $150 increase in $150 benefit increase each year thereafter, with agreed upon municipal contributions in 2021-2023. Under this scenario, the funding percentage ranges from 111 percent to 126 percent after increase for the 10-year period, and the maximum level falls below state minimum, which could limit future increases, however, the City does not generate a required municipal contribution.

SUMMARY WITH BENEFIT INCREASE TO $12,500 IN 2022, WITH $150 BENEFIT INCREASE EACH YEAR THERAFTER, WITH AGREED UPON MUNICIPAL CONTRIBUTION FOR 2021 - 2023; MAXIMUM LEVEL FALLS BELOW STATE MINIMUM

YEAR	BENEFIT LEVEL	State Maximum Benefit Level ($15K)	MUNICIPAL CONTRIBUTION Voluntary	MUNICIPAL CONTRIBUTION Required	PROJECTED ACCRUED LIABILITY	PROJECTED ASSETS	SURPLUS/ (DEFICIT)	PERCENTAGE FUNDED
2021	$ 10,000	$ 15,000	$ 87,475	$ -	$ 3,968,263	$ 5,902,113	$ 1,933,850	149%
2022	12,500	15,000	89,975	-	5,160,491	6,154,538	994,047	119%
2023	12,650	15,000	92,475	-	4,878,211	6,138,121	1,259,910	126%
2024	12,800	15,000	-	-	5,210,097	6,222,382	1,012,285	119%
2025	12,950	15,000	-	-	5,535,612	6,647,273	1,111,661	120%
2026	13,100	14,620	-	-	5,987,236	6,952,699	965,463	116%
2027	13,250	13,390	-	-	5,820,791	6,879,105	1,058,314	118%
2028	13,400	13,730	-	-	6,401,560	7,315,381	913,821	114%
2029	13,550	13,780	-	-	6,472,651	7,462,475	989,824	115%
2030	13,700	14,120	-	-	6,633,076	7,596,644	963,568	115%
2031	13,850	14,310	-	-	7,088,103	7,864,724	776,621	111%
Total			$ 269,925	$ -				

Funding Level Scenario 5



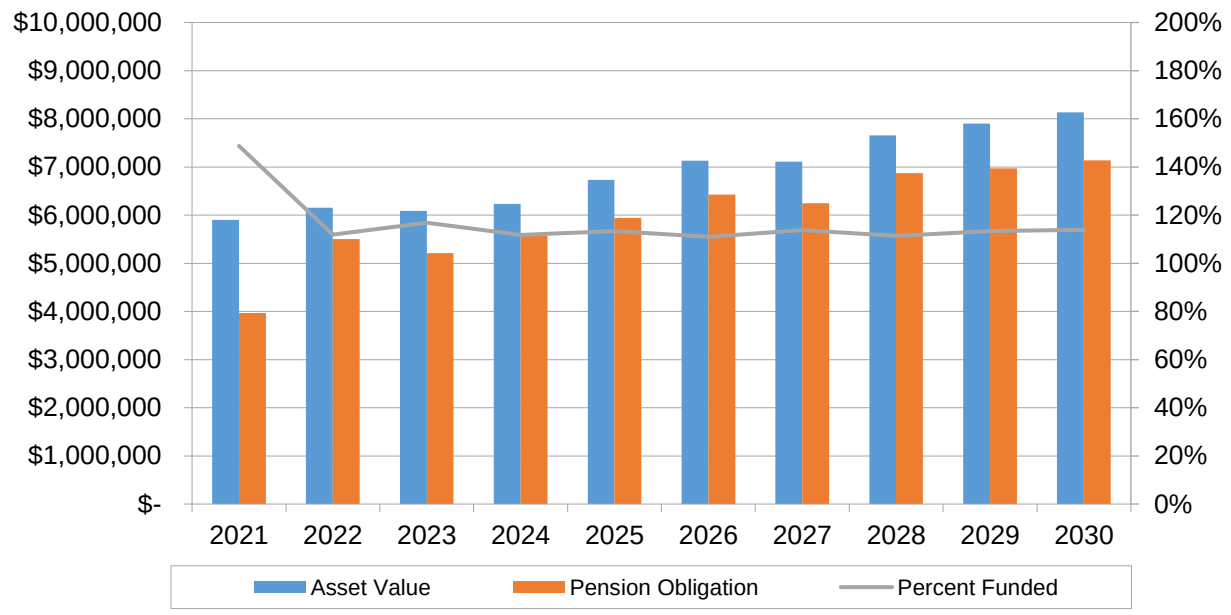
III. Summary of Alternatives - Members Fully Vested After 15 Years of Service (Continued)

Scenario 6 - Benefit Level Increased to $13,650 in 2022 with agreed upon municipal contributions in 2021-2023, 3 % increase in municipal contributions thereafter. Under this scenario, the funding percentage ranges from 110 to 117 percent after increase for the 10-year period, however, the City does not generate a required municipal contribution.

SUMMARY WITH BENEFIT INCREASE TO $13,650 IN 2022, WITH $150 BENEFIT INCREASE EACH YEAR THERAFTER, WITH AGREED UPON MUNICIPAL CONTRIBUTION FOR 2021 - 2023; 3% INCREASE IN CONTRIBUTIONS TROUGH 2031

YEAR	BENEFIT LEVEL	State Maximum Benefit Level ($15K)	MUNICIPAL CONTRIBUTION Voluntary	MUNICIPAL CONTRIBUTION Required	PROJECTED ACCRUED LIABILITY	PROJECTED ASSETS	SURPLUS/ (DEFICIT)	PERCENTAGE FUNDED
2021	$ 10,000	$ 15,000	$ 87,475	$ -	$ 3,968,263	$ 5,902,113	$ 1,933,850	149%
2022	13,650	15,000	89,975	-	5,499,682	6,154,538	654,856	112%
2023	13,800	15,000	92,475	-	5,207,085	6,084,797	877,712	117%
2024	13,950	15,000	95,249	-	5,575,207	6,233,587	658,380	112%
2025	14,100	15,000	98,107	-	5,938,684	6,734,741	796,057	113%
2026	14,250	15,000	101,050	-	6,425,339	7,130,012	704,673	111%
2027	14,400	15,000	104,081	-	6,248,616	7,109,451	860,835	114%
2028	14,550	15,000	107,204	-	6,874,438	7,658,458	784,020	111%
2029	14,700	15,000	110,420	-	6,967,839	7,903,075	935,236	113%
2030	14,850	15,000	113,733	-	7,139,473	8,131,969	992,496	114%
2031	15,000	15,000	117,145	-	7,626,798	8,520,673	893,875	112%
Total			$ 1,116,914	$ -				

Funding Level Scenario 6

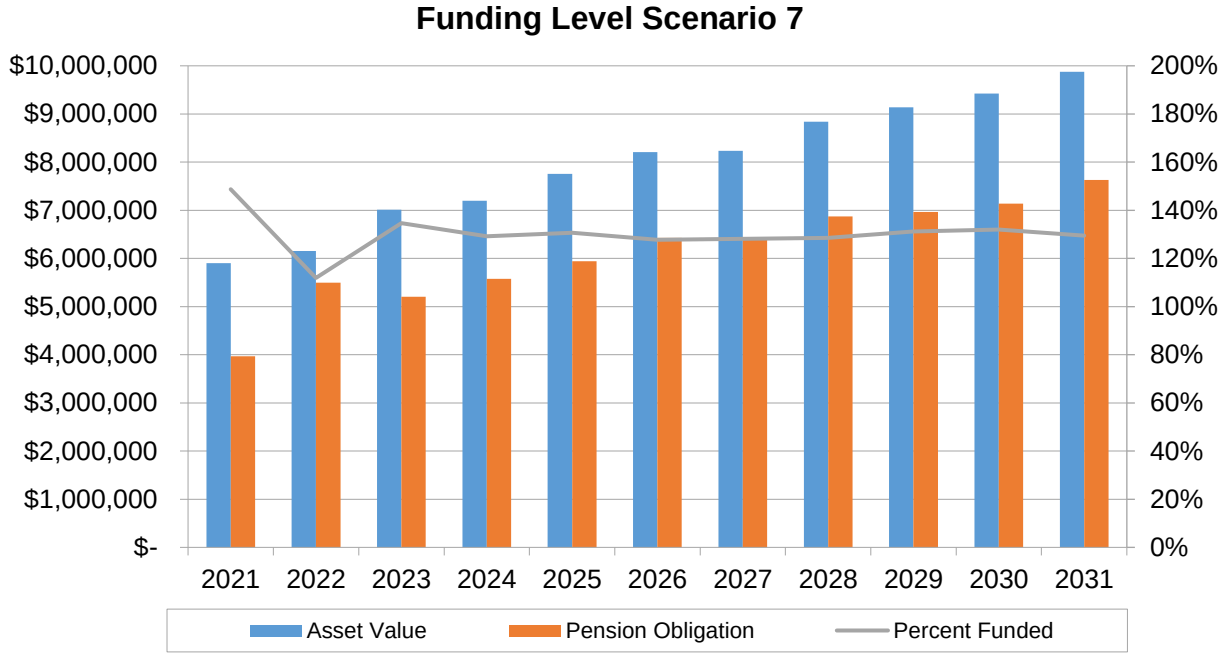


III. Summary of Alternatives - Members Fully Vested After 15 Years of Service (Continued)

Scenario 7 - Benefit Level Increase to $13,650 in 2022 with agreed upon municipal contributions in 2021-2023, $2,500 increase in municipal contributions thereafter. Under this scenario, the funding percentage ranges from 112 percent to 1350 percent after increase for the 10-year period, however, the City does not generate a required municipal contribution.

SUMMARY WITH BENEFIT INCREASE TO $13,650 IN 2022, WITH $150 BENEFIT INCREASE EACH YEAR THERAFTER, WITH AGREED UPON MUNICIPAL CONTRIBUTION FOR 2021 - 2023; $2,500 INCREASE IN CONTRIBUTIONS TROUGH 2031

YEAR	BENEFIT LEVEL	State Maximum Benefit Level ($15K)	MUNICIPAL CONTRIBUTION Voluntary	MUNICIPAL CONTRIBUTION Required	PROJECTED ACCRUED LIABILITY	PROJECTED ASSETS	SURPLUS/ (DEFICIT)	PERCENTAGE FUNDED
2021	$ 10,000	$ 15,000	$ 87,475	$ -	$ 3,968,263	$ 5,902,113	$ 1,933,850	149%
2022	13,650	15,000	89,975	-	5,499,682	6,154,538	654,856	112%
2023	13,800	15,000	92,475	-	5,207,085	7,012,013	1,804,928	135%
2024	13,950	15,000	94,975	-	5,575,207	7,200,039	1,624,832	129%
2025	14,100	15,000	97,475	-	5,938,684	7,759,383	1,820,699	131%
2026	14,250	15,000	99,975	-	6,425,339	8,204,811	1,779,472	128%
2027	14,400	15,000	102,475	-	6,428,616	8,236,384	1,807,768	128%
2028	14,550	15,000	104,975	-	6,874,438	8,839,509	1,965,071	129%
2029	14,700	15,000	107,475	-	6,967,839	9,140,234	2,172,395	131%
2030	14,850	15,000	109,975	-	7,139,473	9,426,955	2,287,482	132%
2031	15,000	15,000	112,475	-	7,626,798	9,876,026	2,249,228	129%
Total			$ 1,099,725	$ -				

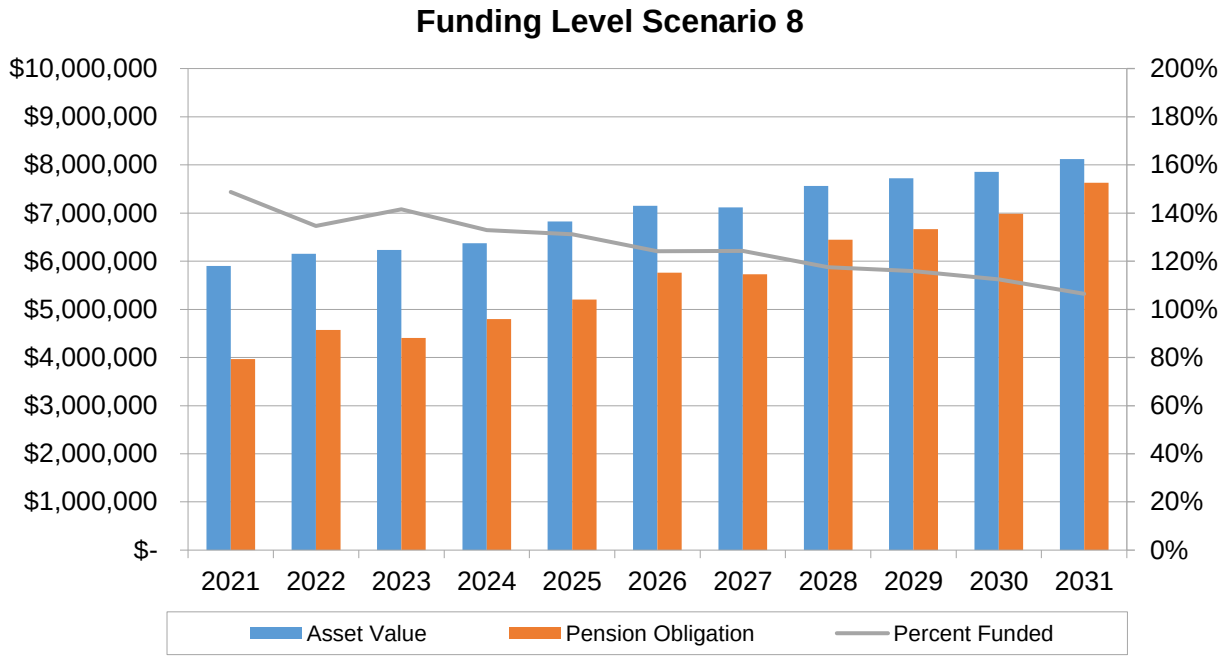


III. Summary of Alternatives - Members Fully Vested After 15 Years of Service (Continued)

Scenario 8 - Annual Benefit Level Increase of $500 through 2031 with agreed upon municipal contributions in 2021-2023, no contributions thereafter, under this scenario, the funding percentage ranges from 106 percent to 135 percent after increase for the 10-year period, however, the City does not generate a required municipal contribution.

SUMMARY WITH $500 BENEFIT INCREASE THROUGH 2031 W/ AGREED UPON MUNICIPAL CONTRIBUTIONS 2021 - 2023, NO CONTRIBUTIONS THEREAFTER

YEAR	BENEFIT LEVEL	State Maximum Benefit Level ($15K)	MUNICIPAL CONTRIBUTION		PROJECTED ACCRUED LIABILITY	PROJECTED ASSETS	SURPLUS/ (DEFICIT)	PERCENTAGE FUNDED
			Voluntary	Required				
2021	$ 10,000	$ 15,000	$ 87,475	$ -	$ 3,968,263	$ 5,902,113	$ 1,933,850	149%
2022	10,500	15,000	89,975	-	4,570,595	6,154,538	1,583,943	135%
2023	11,000	15,000	92,475	-	4,406,348	6,236,076	1,829,728	142%
2024	11,500	15,000	-	-	4,797,364	6,375,314	1,577,950	133%
2025	12,000	15,000	-	-	5,202,639	6,821,308	1,618,669	131%
2026	12,500	15,000	-	-	5,758,660	7,148,306	1,389,646	124%
2027	13,000	15,000	-	-	5,727,785	7,115,751	1,387,966	124%
2028	13,500	15,000	-	-	6,442,680	7,565,162	1,122,482	117%
2029	14,000	14,970	-	-	6,666,420	7,722,132	1,055,712	116%
2030	14,500	14,860	-	-	6,985,352	7,853,118	867,766	112%
2031	15,000	14,540	-	-	7,626,798	8,118,023	491,225	106%
Total			$ 269,925	$ -				



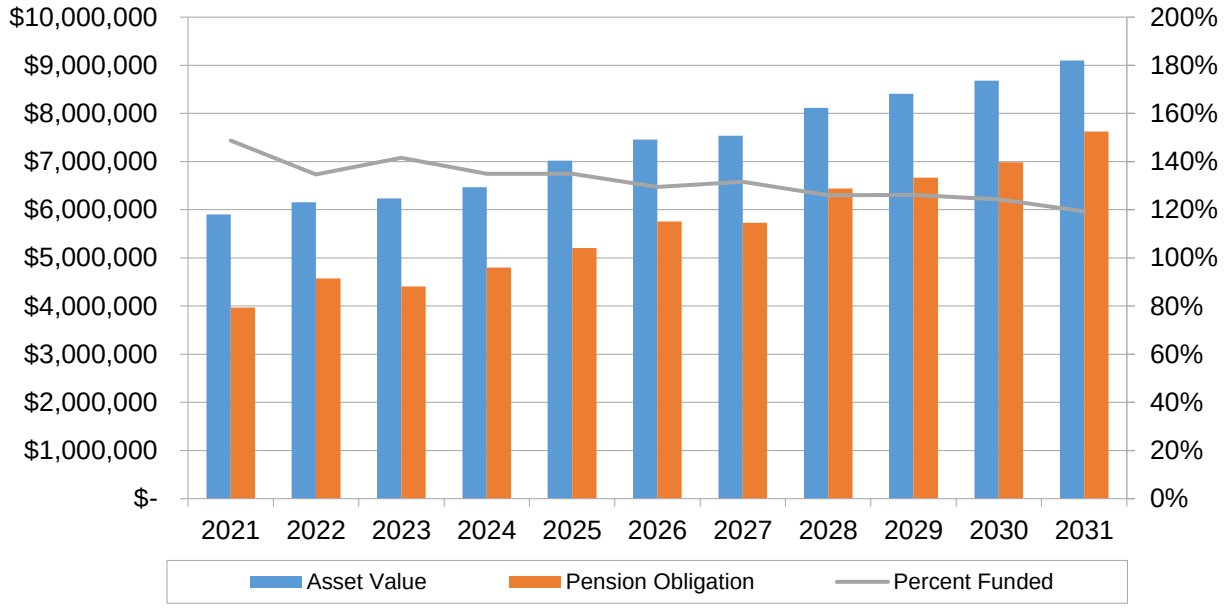
III. Summary of Alternatives - Members Fully Vested After 15 Years of Service (Continued)

Scenario 9 - Annual Benefit Level Increase of $500 through 2031 with agreed upon municipal contributions in 2021-2023, $2,500 increase in municipal contributions thereafter. Under this scenario, the funding percentage ranges from 119 percent to 142 percent after increase for the 10-year period, however, the City does not generate a required municipal contribution.

SUMMARY WITH $500 BENEFIT INCREASE THROUGH 2031 W/ AGREED UPON MUNICIPAL CONTRIBUTIONS 2021 - 2023, $2,500 INCREASE IN CONTRIBUTIONS TROUGH 2031

YEAR	BENEFIT LEVEL	State Maximum Benefit Level ($15K)	MUNICIPAL CONTRIBUTION		PROJECTED ACCRUED LIABILITY	PROJECTED ASSETS	SURPLUS/ (DEFICIT)	PERCENTAGE FUNDED
			Voluntary	Required				
2021	$ 10,000	$ 15,000	$ 87,475	$ -	$ 3,968,263	$ 5,902,113	$ 1,933,850	149%
2022	10,500	15,000	89,975	-	4,570,595	6,154,538	1,583,943	135%
2023	11,000	15,000	92,475	-	4,406,348	6,236,076	1,829,728	142%
2024	11,500	15,000	94,975	-	4,797,364	6,470,289	1,672,925	135%
2025	12,000	15,000	97,475	-	5,202,639	7,018,507	1,815,868	135%
2026	12,500	15,000	99,975	-	5,758,660	7,455,340	1,696,680	129%
2027	13,000	15,000	102,475	-	5,727,785	7,540,612	1,812,827	132%
2028	13,500	15,000	104,975	-	6,442,680	8,116,240	1,673,560	126%
2029	14,000	15,000	107,475	-	6,666,420	8,408,239	1,741,819	126%
2030	14,500	15,000	109,975	-	6,985,352	8,683,506	1,698,154	124%
2031	15,000	15,000	112,475	-	7,626,798	9,102,405	1,475,607	119%
Total			$ 1,099,725	$ -				

Funding Level Scenario 9



AGENDA ITEM _____**6B**_____

CITY OF INVER GROVE HEIGHTS

Request for Council Action

Final Plat and PUD for South Grove Townhomes 2nd Addition

		Fiscal/FTE Impact	Mark all that apply
Meeting Date:	February 14, 2022	None	
Item Type:	Regular Agenda	Amount included in current budget	
Contact:	Allan Hunting 651-450-2554	Budget amendment requested	
Prepared by:	Allan Hunting, City Planner	FTE included in current complement	
Reviewed by:		New FTE requested – N/A	
		Other	

ACTION REQUESTED

The Council is asked to consider a Resolution approving the Final Plat and Final PUD Development Plan for South Grove Townhomes 2nd Addition.

- Requires a 3/5th's vote.
- 60-day deadline: February 19, 2022 (first 60 days)

SUMMARY

The applicant is proposing to develop the second and final phase of the project, consisting of 34 townhome units. Phase 1 of the project was approved last year and is currently under construction.

ANALYSIS

The final plans are consistent with the preliminary plans for phase 2. Most of the grading work was done with phase 1 as well as the construction of the public streets.

An open space agreement along the eastern boundary will be put in place which allows for the maintenance of the area but does not allow any future buildings to be added.

Park dedication will consist of a payment of $4,000 per 34 units for a total of $136,000.

The developer continues to work with the Oaks Homeowners Association to provide for a private pedestrian easement along the north boundary of the lot. This will provide access to the fence on the back side of the Oaks units in this area for maintenance of the Oaks fence. An easement document with a legal description has been provided to the homeowners association for their review.

A development agreement will be required to address the balance of grading and utility construction. These documents are expected to be presented to the Council for approval at the next meeting.

RECOMMENDATION:

Planning Staff: Recommends approval of the final plat/PUD plans as proposed.

Planning Commission: Recommends approval of the final plat/PUD (9-0).

Attachments: Final Plat, Final PUD Resolution
Final Plat
Planning Commission Recommendation
Planning Report

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

A RESOLUTION APPROVING THE FINAL PLAT AND FINAL PUD DEVELOPMENT PLAN FOR THE PLAT OF SOUTH GROVE TOWNHOMES 2ND ADDITION

CASE NO. 22-02S
(M/I Homes)

WHEREAS, a Final Plat and Final PUD Development Plan application has been submitted to the City for property legally described as;

Outlot E, SOUTH GROVE TOWNHOMES, according to the recorded plat thereof, Dakota County, Minnesota

WHEREAS, a public hearing concerning the Preliminary Plat was held before the Inver Grove Heights Planning Commission in accordance with Minnesota Statues, Section 462.357, Subdivision 3 on February 16, 2021;

WHEREAS, the final plat application satisfies the conditions of preliminary plat approval and conforms to all applicable zoning and subdivision regulations (City Code Sections 10-13A and 11-1) and other standards applied by the City in the platting of property;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS that, the Final Plat and Final PUD Development Plan of South Grove Townhomes 2nd Addition hereby approved subject to the following conditions:

1. The project 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:

   Final Plat
   Utility and Street Construction plan set (19 sheets) dated 1-03-22

   ***List of approved plans and date of plans shall be identified in the development contract.**

2. All plans are subject to the review and approval of the City Engineer including comments from city consultants reviewing the plans prior to work commencing on the site.

3. Prior to any work commencing on the site, the developer shall enter into a development contract with the City. The development contract will address all other preliminary conditions of approval relating to other agreements required, park dedication, and other pertinent specific performance standards for this phase of the PUD.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL, that the Mayor and Deputy Clerk are hereby authorized and directed to record a certified copy of this Resolution at the Dakota County Recorder's Office.

Passed this 14th day of February, 2022.

AYES:
NAYS:

_____
Thomas Bartholomew, Mayor

ATTEST:

_____
Rebecca Kiernan, City Clerk

SOUTH GROVE TOWNHOMES 2ND ADDITION

KNOW ALL PERSONS BY THESE PRESENTS: That M/I Homes of Minneapolis/St. Paul, LLC, a Minnesota limited liability company, owner of the following described property:

Outlot E, SOUTH GROVE TOWNHOMES, according to the recorded plat thereof, Dakota County, Minnesota.

Has caused the same to be surveyed and platted as SOUTH GROVE TOWNHOMES 2ND ADDITION and does hereby dedicate to the public for public use the public ways and the drainage and utility easements as created by this plat.

In witness whereof said M/I Homes of Minneapolis/St. Paul, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this _____ day of _____ , 20_____ .

M/I Homes of Minneapolis/St. Paul, LLC

_____

_____ as _____

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me on _____ , by _____ as _____ of M/I Homes of Minneapolis/St. Paul, LLC, on behalf of the company.

_____
Signature

_____
Printed Name

Notary Public, _____ , County, Minnesota

My Commission Expires _____

SURVEYOR'S CERTIFICATE

I Peter J. Hawkinson do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.
Dated this _____ day of _____ 20_____ .

_____
Peter J. Hawkinson, Licensed Land Surveyor
Minnesota License No. 42299

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me on _____ , by Peter J. Hawkinson.

_____
Signature

_____
Printed Name

Notary Public, _____ , County, Minnesota

My Commission Expires _____

CITY PLANNING COMMISSION, Inver Grove Heights, County of Dakota, State of Minnesota

Approved by the Planning Commission of the City of Inver Grove Heights, Minnesota this _____ day of _____ , 20____

By: _____ Chair

By: _____ Secretary

CITY COUNCIL, City of Inver Grove Heights, County of Dakota, State of Minnesota

This plat was approved by the City Council of Inver Grove Heights, Minnesota, this _____ day of _____ , 20_____ , and hereby certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.03, Subd. 2.

By: _____ Mayor

By: _____ Clerk

COUNTY SURVEYOR, County of Dakota, State of Minnesota

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this _____ day of _____ , 20_____ .

By: _____
Todd B. Tollefson
Dakota County Surveyor

DEPARTMENT OF PROPERTY TAXATION AND RECORDS, County of Dakota, State of Minnesota

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9., taxes payable in the year 20_____ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this _____ day of _____ , 20_____ .

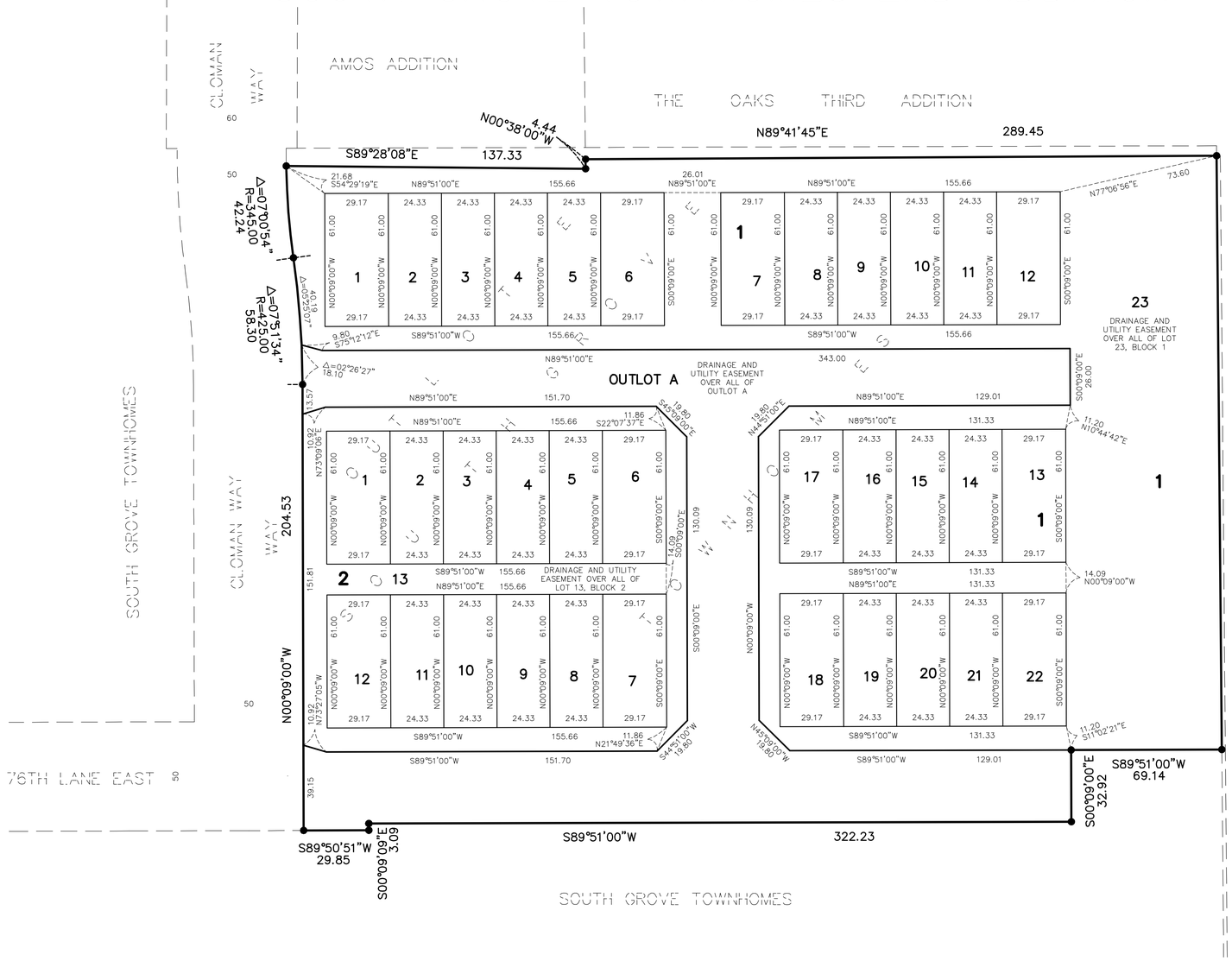
By: _____
Amy A. Koethe
Director, Department of Property
Taxation and Records

COUNTY RECORDER, County of Dakota, State of Minnesota

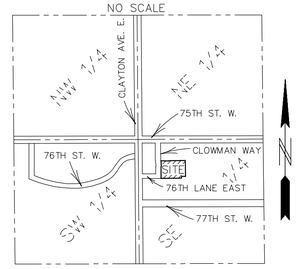
I hereby certify that this plat of SOUTH GROVE TOWNHOMES 2ND ADDITION was filed in the office of the County Recorder for public record on this_____ day of _____ , 20_____ , at ____ o'clock ____ .M. and was duly filed in Book of Plats, Page _____ as Document No. _____ .

By: _____
Amy A. Koethe
Dakota County Recorder

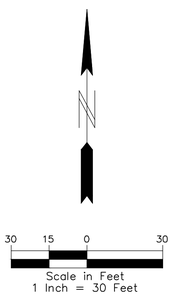
SOUTH GROVE TOWNHOMES 2ND ADDITION



LOCATION MAP
NO SCALE



SECTION 10, TWP. 027, RGE. 22
DAKOTA COUNTY



THE ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WEST LINE OF THE SE 1/4 OF SEC. 10, TWP. 027, RGE. 22, WHICH IS ASSUMED TO HAVE A BEARING OF NORTH 00°30'16" WEST.

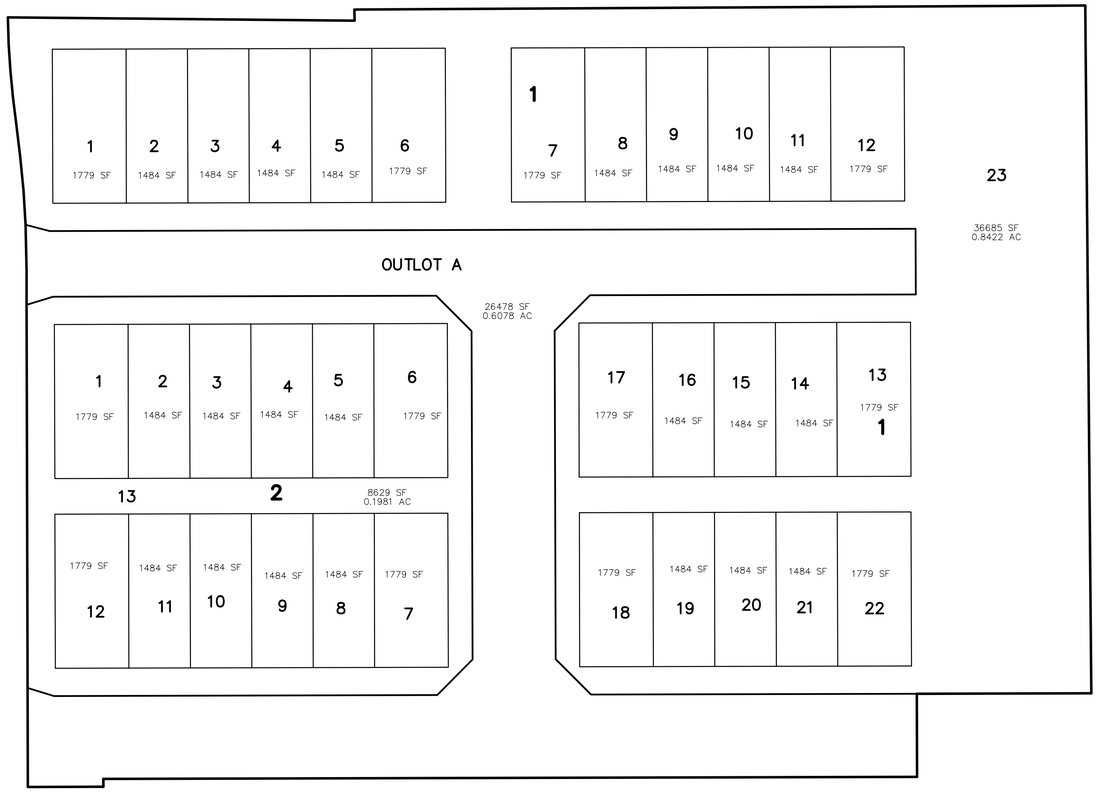
- ◉ DENOTES FOUND DAKOTA COUNTY MONUMENT
- ● DENOTES FOUND 1/2 INCH IRON MONUMENT MARKED BY LICENSE NUMBER 42299 UNLESS OTHERWISE NOTED.
- ○ DENOTES 1/2 INCH BY 14 INCH IRON PIPE MONUMENT SET AND MARKED BY LICENSE NUMBER 42299, OR WILL BE SET IN ACCORDANCE WITH MS SECTION 505.021, SUBD. 10.

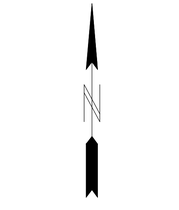
(MEAS.) DENOTES MEASURED BEARING/ DISTANCE

(PLAT) DENOTES PLATS OF THE OAKS THIRD ADDITION AND SOUTH GROVE NO. 14

PIONEERengineering
CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS

SOUTH GROVE TOWNHOMES 2ND ADDITION





AREA SUMMARY

BLOCK 1 =	71,697 SF.	1.6459 AC.
BLOCK 2 =	27,620 SF.	0.6341 AC.
TOTAL LOT AREA =	99,317 SF.	2.2801 AC.
TOTAL OUTLOT AREA =	26,478 SF.	0.6078 AC.
TOTAL R/W AREA =	0 SF.	0 AC.
TOTAL AREA =	125,795 SF.	2.8879 AC.

PIONEER engineering
CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS

RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS

TO: Mayor and City Council of Inver Grove Heights

FROM: Planning Commission

DATE: February 2, 2022

SUBJECT: **M/I HOMES – CASE NO. 22-02S**

Reading of Public Notice

Commissioner Simon read the public hearing notice to consider the request for M/I Homes – Case No. 22-02S. The request is for property located at Outlot E, South Grove Townhomes and consists of a Final Plat and Final PUD for the Plat to be known as South Grove Townhomes 2nd Addition. This is for Phase 2 of the South Grove Subdivision and includes a 34-unit townhome development. Notices were mailed to 137 property owners on January 5th, 2022

Presentation of Request

Allan Hunting, City Planner, described the location of the project with 75th on the north, Clayton Avenue, and public streets going through, Cloman and 76th. This is for Phase 2 of the South Grove Townhome project, the second and final phase. The 1st Phase consisted of 36 units and 10 single family homes, currently under construction. Grading was done for Phase 2. The final 34 units would get started in the spring. The Commission would be confirming consistency with the preliminary plans and preliminary conditions of approval. Staff reviewed and determined the site plan and layout are exactly the same as the preliminary. Engineering has reviewed this and determined everything that is out there now is consistent with current grading plans. Phase 2 was mass graded with Phase 1. Staff has found everything to be consistent with the Preliminary Plans and recommend approval of the final Plat and PUD. The Assistant City Engineer Steve Dodge was also in attendance to answer any questions.

Commissioner Weber questioned when Fire reviewed this, if they were fine with all of the roads.

Mr. Hunting responded in the affirmative.

Commissioner Clancy asked if Staff received any comments about grading or drainage from neighbors in the area, especially in the southeast corner of the lot. It was a concern the first time around.

Mr. Hunting replied Staff did not receive anything with this application and notice. It was his understanding that portion was working.

Commissioner Challeen asked about Condition #8, where there was an area along what she thought was the eastern boundary, where the plan was abutting really close to a fence or

some property lines. She asked if that has been accommodated.

Mr. Hunting replied that was the required open space along the east boundary that would have an easement area over it. He said there was a question about access to the backsides of the lots. It was Staff's understanding the Developer has worked out a private agreement so residents could get access to the backside. It would be a private issue; the city cannot correct it.

Steve Dodge, Assistant City Engineer, mentioned there was a phone call Engineering received from the resident on the south side of the property whose backyard is up against the ponds on 77th Street. He said he explained to the resident that the ponds were rough graded in and the function of the three staged pond system. There would be finished grading, turf, and vegetation as development continues. There are escrows in place to make sure that happens. Staff would be meeting with the resident in the spring/summer once things progress.

Opening of Public Hearing

Emily Becker, M/I Homes, 5354 Parkdale Drive, Suite 100, St. Louis Park, Minnesota, 55416, stated she has read and understands the report. She addressed the access easement that is currently being worked out with the Oaks HOA. There is some discrepancy and feeling that additional access easement should be given on the east side of the property where the open space easement is. She confirmed it is a private agreement.

William Scott, 3732 Conroy Trail, lives at the east end of this site and is the Representative for the Oaks Board. He referred to the access easement and said there has not been an agreement between them and M/I at this point. He was unsure it would work out or not, they have not heard anything back. He pointed out the area on the site plan and said that there was a discrepancy on their property line. It stands out to him if looking at the property line on the north end, it appears to shift a little bit north. He said he has been assured by the City Planner that those lines are correct. They are not debating where the property line is, but asking to get a little bit more movement on the north end of the property. Originally the easement he received gave two feet on the other side of the fence, he did not believe that would be enough. They need to be able to get mowers in there so people can get to the back of their properties for maintenance or fire escape. He asked if a Fire Study was done on this project.

Chair Niemioja responded the Fire Marshall analyzed the plan.

Mr. Scott said he did not see those results.

Chair Niemioja said the Commission has not received those results.

Mr. Hunting replied that he did not recall what the results were. It would have been at the Preliminary stage.

DRAFT

Mr. Scott said safety was one of the reasons why they were asking for the easement. Some of the townhomes are trapped between other townhomes, there is no way for them to get out, especially if they do not have access through the gates currently located in the fence. He requested the Commission consider denying this until the easement can be worked out. He was unsure if that could even be done or not.

Chair Niemioja said the Commission is trying to see if there are consistencies between the first and second plan. She has not noticed a major inconsistency. She mentioned this was a great opportunity to voice some of those concerns, discuss them with the City Planner, and forward them on to the City Council.

Mr. Scott said that some of the homeowners have voiced concerns about the elevation on the north end of the property. He referred to the grading diagram and the north end of the property which has a retaining wall. It could be 5-6 feet on the elevation. Some of the homeowners behind that elevation have concerns about intrusion of their privacy. He assumed some of the homes would have deck lights coming off the back of the properties, he was unsure if they could take action to alleviate the light intrusion or view. The homes would sit quite a bit taller than the current elevation of the Oaks. Some of those consist of people's bedrooms.

Chair Niemioja asked if there were plans for a fence on the retaining wall.

Mr. Dodge replied if there was a fence on a wall, it was typically a protective fence for pedestrians. It could be a 3.5-4-foot black cyclone fence. It would not be anything of significance.

Commissioner Weber mentioned the floor values of the townhomes in the northeast corner are at 862.1. The townhomes are in between 858 and 860 grade lines. Their basement would sit maybe 2-3 feet above the townhome basement. If putting a single-family residence there it would be a two story above ground and bigger than what is being put in with this project. He felt the wall was more protective than increasing the height of homes.

Mr. Scott said looking at the project the way it is now, it looks quite a bit taller. He was sure that wasn't the current grade of where the houses would sit. He is voicing the concerns of the homeowners who were not in attendance. He was unsure if there was any privacy that could be added to that or not.

Chair Niemioja said it was great to voice those concerns now. She mentioned that the pile of dirt would likely not remain there like it is.

Mr. Scott said the wall looks like it's 2 feet from their fence. If the wall stands there, he asked if it could be moved back so they have more than 2 feet from the bottom of the wall to the fence.

Chair Niemioja asked the City Planner what the rules were where there is an abutting

DRAFT

property line and wall/fence.

Mr. Hunting replied there were not any. A retaining wall could be right up to a property line. There could be a comment put in the minutes. If the Developer wanted to look at modifying something it may be possible if it works with grading. It cannot be added as a condition.

Commissioner Weber referenced the diagram shown of the property and the true northern boundary that shows as a straight line, and an off-kilter line 5-10 feet away from that. He knew they had taken the 30-foot setbacks off of the very northern line. He asked what the solid black line was that the wall was located right next to.

Mr. Hunting thought it was matching the property line. He displayed a diagram of the plat and said it was working off of the legal descriptions.

Mr. Scott referenced a diagram and said the developer was saying the property line is the line located in the back. The fence is the dotted line in between. That was why he brought up the discrepancy about the property because they are saying the actual property line is behind their fence. The fence has been sitting there since 1978. He guessed the dotted line was also where the retaining wall would start. Putting a wall there would not allow room for anyone to open their gate, walk, push their mower to the back, or bring equipment in if someone needed to have the back of their house sided. He referred to the east end and said the property line shows they have 4 feet from their fence to the property line. They are requesting a couple more feet, to 6 feet on that side.

Ms. Becker replied she would have to have their Engineer look to see if it would be feasible to move the retaining wall back. They are more than willing to take a look and see if it is feasible and if it would work with grading. She addressed the east side and the request for more room stating that is between the Attorney and the Oaks Representative. It is a private agreement. She said they would work through it.

Mr. Scott discussed additional information that was shared with him during their HOA meeting. One item was about a light on the southeast end where the city has easement access into the Oaks. There is a light there they believe they no longer need. The Board was wondering if they could alleviate that light or transfer it over to M/I. The HOA pays the electricity bill on it.

Commissioner Weber asked if the light was located along the sidewalk going south down to 77th Street.

Mr. Scott agreed that was the location, it sits on the border. The Oaks doesn't use that access, if M/I would be using the access for their residents, their Board suggests/requests they transfer the light to them or get rid of it.

Commissioner Weber said it looked like it was going to be going into the ponds in the southwest corner.

DRAFT

Chair Niemioja said ownership of the light would need to be determined. She suggested calling Utilities at City Hall for a start. It was likely not a condition the Commission would add. She encouraged Mr. Scott to call and said she would like to know the answer to that herself.

Mr. Scott said the city had several windstorms over the summer that tore several trees out on the east end of the property, the south end of the northern retaining pond. There are a lot of trees located there. Before the project began, there were oaks. Some of those trees were removed with the grading, but when the winds came through it took a couple trees out. There are only a few trees standing, the rest are not good shelter trees and just hanging there. He asked if some of those trees could be replanted. There are also dead ones that could be a threat to residents if they come down.

Chair Niemioja asked the City Planner if there was a landscape plan.

Mr. Hunting displayed a diagram of the landscape plan and pointed out the location he believed Mr. Scott was referring to.

Mr. Scott agreed that was the location. The storm took two trees down, one of which landed on a garage and crushed the fence. The trees that remain are just tall limbs leaning toward the Oaks. He was hoping the Commission could help residents have M/I remove and replant trees.

Chair Niemioja asked if Ms. Becker was aware of any further details in the area. If it was disturbed and what would be replaced in the area.

Ms. Becker replied as far as she knew the cleanup planned in the area has been done. She would have to discuss this with her on-site Construction Manager to verify if he was aware that any of them are dead and need to be removed. If there are dead trees, they do not want to pose a safety hazard. It was something they could look at.

Carmen Campbell, 3690 Conroy Court, said her home is located on the north end. She just recently moved there and didn't know the area. She mentioned with the way the mountain of dirt sits against her fence, last year a pool of water had come into their home. Now they have to try to level it out. Her concern was now that they moved the area, they don't have access, before they did. She said someone did come and worked on it prior and had to take the fence down. There is no way now that they can enter their yard. They took the back fence down and dug a hole so the property could be trenched. They were told it would have to be leveled further to prevent further water toward the home. Her concern is now they are not going to have that access. Her other concern was about the privacy of her home. If the homes sit close to where the mound is, they wouldn't have any type of privacy. When the mound of dirt was done, it went into her yard. With the second plan, she would have to keep her windows closed because the dirt blew into her home. She stated she was not happy this was going on but her biggest concern was that she won't be able to have access to that fence for them to level off the area to prevent water from coming in. Being that it is higher up,

DRAFT

could be a problem too.

Chair Neimioja asked the Applicant to speak regarding mitigation of the items the resident just spoke about such as the dust and getting the mound of dirt away from her backyard.

Ms. Becker suggested getting Ms. Campbell in touch with their Construction Manager. He pays close attention to residents' concerns.

Ms. Becker asked Ms. Campbell if she has had conversations with him.

Ms. Campbell responded she has spoken to him, and they have exchanged emails back and forth. She addressed her concerns about what had occurred and did not receive a response back.
Ms. Becker mentioned she would get Ms. Campbell in touch with both herself and the Construction Manager and make sure concerns are addressed and she receives a response.

Commissioner Robertson was concerned that Ms. Becker put the responsibility for the conversation with the Construction Manager onto the resident. It seemed like mitigation and the situation should never had occurred that created the scenario Ms. Campbell has. From her perspective, the ownership of addressing and mitigating the issue rests with Ms. Becker.

Ms. Becker agreed and said she offered to give Ms. Campbell her contact information. She will follow up with Ms. Campbell and make sure her concerns are being addressed.

Ms. Campbell mentioned there would be no way she could try to reconstruct the backyard area now with what happened. There was some reconstruction done in the front yard area, and with that, it narrowed their way. The only way they could have construction done in the back was to come through the back way. With the space in between there is no way anybody can get there because it's just two feet or so that they are able to get in.

Chair Niemioja mentioned that it limits the use of the property.

Ms. Campbell agreed it limits the use of the back area for them to do anything. If they get a heavy rain, she gets a flow of water coming. It needs to be fixed or she would have continuous flooding in her home. She was unsure how fixing it would happen now. She is concerned for the next phase and the cloud of dust and construction, she just moved there.

Chair Niemioja said the Commission is trying to see if there is consistency between the preliminary and final plat. It's important they have those in the town working to be good neighbors. She appreciates attention being brought before Staff, this Commission, and the City Council to make sure everyone is being a good neighbor whether building temporarily or moving here and living here a long time.

Mr. Scott, 3732 Conroy Trail, asked if there was money allotted for clean up after a construction project is done. A lot of the homes have dust, it can't be avoided. He inquired

DRAFT

about how to take advantage of those funds and who to contact to get clean up done.

Assistant City Engineer Dodge responded the escrows and funds they have are development funds related to getting the project completed. He felt what Mr. Scott was talking about is if they feel there is an act that has harmed them, it's a private issue between them and the Developer. If the Developer would be able to do additional work that Mr. Scott was referring to, such as washing or cleaning the outside of the houses. That is not something the city takes on. It's a private issue between the two. The city wouldn't use those funds for that purpose. The city agreement is with the Developer, the Developer would have to deal with the residents around their property.

Commissioner Weber asked the City Planner if Outlot D was created for the fact of the dispute over the northern boundary line.

Mr. Hunting replied Outlot D was on the preliminary, but because there was a discrepancy at that point there is no Outlot D on the final plat. They have determined where their lot line is. Outlot D was the discrepancy area, the lower line.

Commissioner Weber asked if Outlot D became a part of the Oaks. He referenced the east side of the property, while looking at Dakota County GIS, there were so many lines it was confusing to decipher which is which. He questioned if the surveys have been verified, matched, recorded, and this is the final.

Mr. Hunting replied a registered Surveyor does this. The County does a check but looks to more legal descriptions. If there is a discrepancy with a lot line, it's between property owners.

Commissioner Weber referenced the Oaks neighborhood to the north and east and said there were several general areas he believed was owned by the HOA. Each individual property owner owns their own subsection. He asked what the typical rear yard setback was for a fence.

Mr. Hunting replied a fence can be built up to or on a property line.

Commissioner Weber shared an example saying he owns a house and wants to build a fence regardless of if his neighbor has a fence up or not. If he wanted access behind that fence, it would be something he would have to create himself because he can go to his property line.

Mr. Hunting responded in the affirmative.

Commissioner Weber said it was unfortunate because in this neighborhood they are side by sides on top of each other. It was difficult for him to push the line back on this developer because of access issues. He has had to tear fences down to get things in the backyard before. If the Developer is meeting the criteria for this development, that's where he sits.

Kathryn Lawler, 3710 Conroy Trail, lives on the east side and is concerned about the access

DRAFT

issue. She lives in a middle unit, the only access to her backyard is through her home or through her back gate. She currently has a dying tree in her backyard and needs it removed. The only way they can remove that tree is to go through her neighbor's backyard and drop a fence between their properties to try to get to the tree. She was hoping when the development went in, she would have access to her backyard. She thought there would be streets and she could have a delivery to her back gate when it was too large to come in the front. Now it is going to be very close, the only access she would have would be even less than she has now. The access issue is a problem. In her situation, she was unsure how close it was going to be, the retaining wall and pond. Privacy is a concern. She has a picture of the pile of dirt currently located above the fence line, if building on top of it, or the retaining wall goes above it, it would be a different site line that would be hard to get used to. She was hoping the drainage issue had been addressed sufficiently, that the retaining pond is going to keep from flooding their backyards as it has in the past. She hoped it would be diverted. Their homes were below the ground level as it was before, and what it appears to be now. She was hoping it has been addressed. Access and privacy are still a concern and hopes it could be improved.

Chair Niemioja asked the City Planner to address the holding pond area. It was discussed a great deal at the first meeting.

Mr. Hunting replied the city Engineering Department has worked with the Developer's Engineers to make sure this conforms with standards.

Mr. Dodge responded a pond located on the east side is a bio-retention basin. It's been worked very closely with Mr. Scott because his property is located east of this in his backyard. The properties around also have flat and low-lying areas. They made sure where that bio retention basin is, the water will flow south to bigger ponds. The overflow elevation where water would leave the pond has been set so it's lower than the properties. There are no buildings or structures in danger. There is an existing low area that can't be resolved 100% in a large event. There are no structures that would be in jeopardy. Staff made sure elevations were set to function the same or better than it was before.

Commissioner Weber asked if the city would maintain the access to the easement to the ponds on the south side, off of 77th Street. It looked like an extension. He was unsure what that was.

Mr. Dodge replied he was unsure what the line referred to represented. There is an existing sidewalk coming off of 77th Street. The sidewalk ends when it hits the Oaks parcel. The "L" is gone and the sidewalk just ends. They spoke with Maintenance Staff as the project moved forward, there is water main, storm sewer, and manholes within the Oaks open space area. The city has easement over the Oaks open space for the purpose of maintenance crews being able to maintain the hydrant, water main, and stormwater there, they felt keeping the sidewalk in was important. There is no connection way from the sidewalk to what used to be the old school. The decision was that they were not going to require a pedestrian connection to the development. Clayton Avenue would provide a direct connection to the park. This

DRAFT

may be because the ponds would be vegetated and won't always have water in them, people may decide to walk across the area. They worked with the Oaks to make sure when putting the fence back, people won't be walking through their open space. People would be walking along the fence if they needed to walk back there and use the sidewalk to walk to 77th Street. They anticipate some may walk that way across the grass, Staff worked with neighboring properties to make sure it accommodates in a safe manner. The sidewalk was mainly kept for maintenance purposes to drive equipment back there.

Chair Niemioja closed the public hearing.

Planning Commission Discussion

Chair Niemioja said focusing on the purview of the Commission, they know what they need to be doing. This was a special circumstance where a piece of land was switched from Public Institutional with people that had access to their backyards for decades. She appreciated the Applicants willingness to being good neighbors while they are building. She said as a city, there is more responsibility to try to have these conversations referenced to make this go a little more smoothly for residents. This was a big change.

Commissioner Robertson understands the purview is to put a final stamp on something they had discussed earlier as preliminary. She was unsure if she missed something, but she didn't feel she was as concerned then as she is now about this "private discussion" regarding the easement and the size and impact on neighbors. Legally, it probably needs to be a private discussion, she was concerned that the neighbors to the north could fall short in this private discussion. She is nervous about saying yes when she thinks the neighbors do not have confidence in these discussions nor haven't heard anything for a while. That remains a concern for her.

Commissioner Heidenreich said he thought he heard that both are being represented by their Attorneys. The Association has an Attorney, and the Builder has an Attorney and they were doing the communicating, not directly with the homeowners. He asked if that was incorrect.

Chair Niemioja asked if there was an Attorney for the HOA.
Off camera the response was that there is an Attorney for the HOA. Those discussions had stopped at this point.

Commissioner Weber mentioned it was a touchy subject that he feels for everyone. He had a fence that was put in his backyard that he never thought would go there and he didn't like it. From the Planning Commission's standpoint, this is a case of somebody meeting the requirements of what they are doing for land use. They were following rules and have done everything they possibly can. He knew the northern boundary was an argument for two of the Commission's meetings. It was nice to see they had come to an agreement on where the actual property line is.

Commissioner Challeen mentioned that she scoured for more information about the north

DRAFT

side but didn't see anything. If it was just a property line dispute, it's been resolved. She questioned if it was reasonable to have a fence 2 feet from a retaining wall, she didn't believe so. Something is going to have to move, which is what is unfortunate about this. She felt it's probably not going to be the retaining wall; it's going to be the fence.

Commissioner Robertson said another concern she has is she wants to say she has full faith in the Developer. There have been other mitigation issues with other challenges with water that happened during the course of development that caused substantial damage. She questioned if there was a way the city or Council could enforce those mitigations. She wants to trust the Developer when it's said they would get right on it, but she has a sour feeling about that because they dealt with that for a long time in another development. She would like to see something more firmly put in place with a deadline and actions taken because she doesn't think it's fair to the neighbors to the north to have to deal with water running into their homes.

Chair Niemioja did not believe the Commission could add a condition like that.

Mr. Hunting agreed they could not.

Chair Niemioja said it was something the City Council could do. The concern is noted on the record.

Commissioner Robertson replied as long as nothing too adverse happens to the neighbors between now and the Council taking significant action on it.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Scales, to approve the request for M/I Homes – Case No. 22-02S, for property located at Outlot E, for the Final Plat and Final PUD for the Plat to be known as South Grove Townhomes 2nd Addition and the three conditions listed.

Motion carried (9/0). This item goes before the City Council on February 14, 2022.

DRAFT

CITY OF INVER GROVE HEIGHTS

PLANNING REPORT

CASE NO.: 22-02S

APPLICANT: M/I Homes

PROPERTY OWNER: M/I Homes

REQUEST: Final Plat and Final PUD Development Plan

LOCATION: Clayton Avenue, 76th and Cloman Way

MEETING DATE: January 18, 2022

COMPREHENSIVE PLAN: MDR, Medium Density Residential

ZONING: R-1C and R-3B/PUD

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

An application has been submitted for the final plat and final development plan for South Grove Townhomes 2nd Addition which is phase 2 of South Grove Townhomes. Phase 2 contains the remaining 34 townhome units on the east side of the site, east of Cloman Way.

The City Council approved the preliminary plat and development plans on February 16, 2021 and approved the plans for phase 1 on June 14, 2021.

EVALUATION OF THE REQUEST

The final plan review is limited to a review of the plans against the preliminary plat conditions of approval for compliance. The review will address each of the 10 conditions. A copy of the resolution approving the preliminary plans, including the conditions is attached.

Condition #1 relating to consistency with preliminary plans. The submitted final plans are consistent with the preliminary plans approved by Council. No changes have been made to the layout.

Condition #2 relating to plans approved with specific setbacks. The intent of the condition is to show a record of what was approved for flexibility with the PUD. The Final PUD site plan includes the approved setback table, building coverage and impervious surface coverage calculations.

Condition #3 relating to approval of the final grading, drainage and erosion control plans. The Engineering Department approved a final grading plan for the entire site with phase 1. The entire site was graded with phase 1. The phase 2 plans are consistent with the overall approved plans.

Condition #4 relating to drainage and utility easements provided on the plat. The plat provides for easements over the entire common Lot 23 and over Outlot A which is for the private roadway network.

Condition #5 relating to park dedication. Park dedication will consist of a cash contribution due at time of final plat release.

Condition #6 relating to review of plans by the Fire Marshal. The Fire Marshal reviewed the plans on April 9 with no concerns regarding the project.

Condition #7 relating to executing a storm water facilities maintenance agreement. Staff will work with the applicant to provide the above document as well as an improvement agreement. These documents will be approved by the City Council along with the final plans.

Condition #8 relating to preserving the required open space. The applicant has prepared a conservation easement over the required open space along the east boundary, so it is recognized and preserved. The PUD ordinance does allow the area to be maintained and mowed and does not have to be in an undisturbed state. This will become part of the improvement agreement packet.

Condition # 9 relating to acknowledgement of PUD zoning. This condition was drafted by the City Attorney to indicate an acknowledgement will be recorded with the County for each development indicating the zoning and regulations placed on the property. It puts on record for any future landowners that there are special regulations on the property. This same type of notification is used in the Northwest Area developments.

Condition #10 relating to entering into a development contract. A meeting with the developer will be set up prior to council review to address obligations to be covered in the developer agreement. A development contract will be drafted and reviewed by the City Council during their review of the final plan set.

ALTERNATIVES

A. Approval. If the Planning Commission finds the proposed Final plat and Final PUD development plans for South Grove Townhomes 2nd Addition acceptable, a recommendation of approval should be made subject to the following conditions:

1. The project 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:

Final Plat	
Erosion Control Plan	dated 1/3/22
Seeding Plan	dated 1/3/22
Sanitary Sewer & Watermain	dated 1/3/22
Storm Sewer Construction	dated 1/3/22
Draintile Plan	dated 1/3/22
Street Construction (2 sheets)	dated 1/3/22
Sign & Lighting Plan	dated 1/3/22
Grading Plan	dated 1/3/22
Final PUD Site Plan	dated 1/3/22
Landscape Plan	dated 1/3/22

***The final list of approved plans and date of plans shall be identified in the development contract.**

2. All plans are subject to the review and approval of the City Engineer including comments from city consultants reviewing the plans prior to work commencing on the site.

3. Prior to any work commencing on the site, the developer shall enter into a development contract with the City. The development contract will address all other preliminary conditions of approval relating to other agreements required, park dedication, and other pertinent specific performance standards for this phase of the PUD.

B. Denial. If the Planning Commission does not find the application to be acceptable, a recommendation of denial should be made. Specific findings supporting a basis for denial must be stated by the Commission if such a recommendation is made.

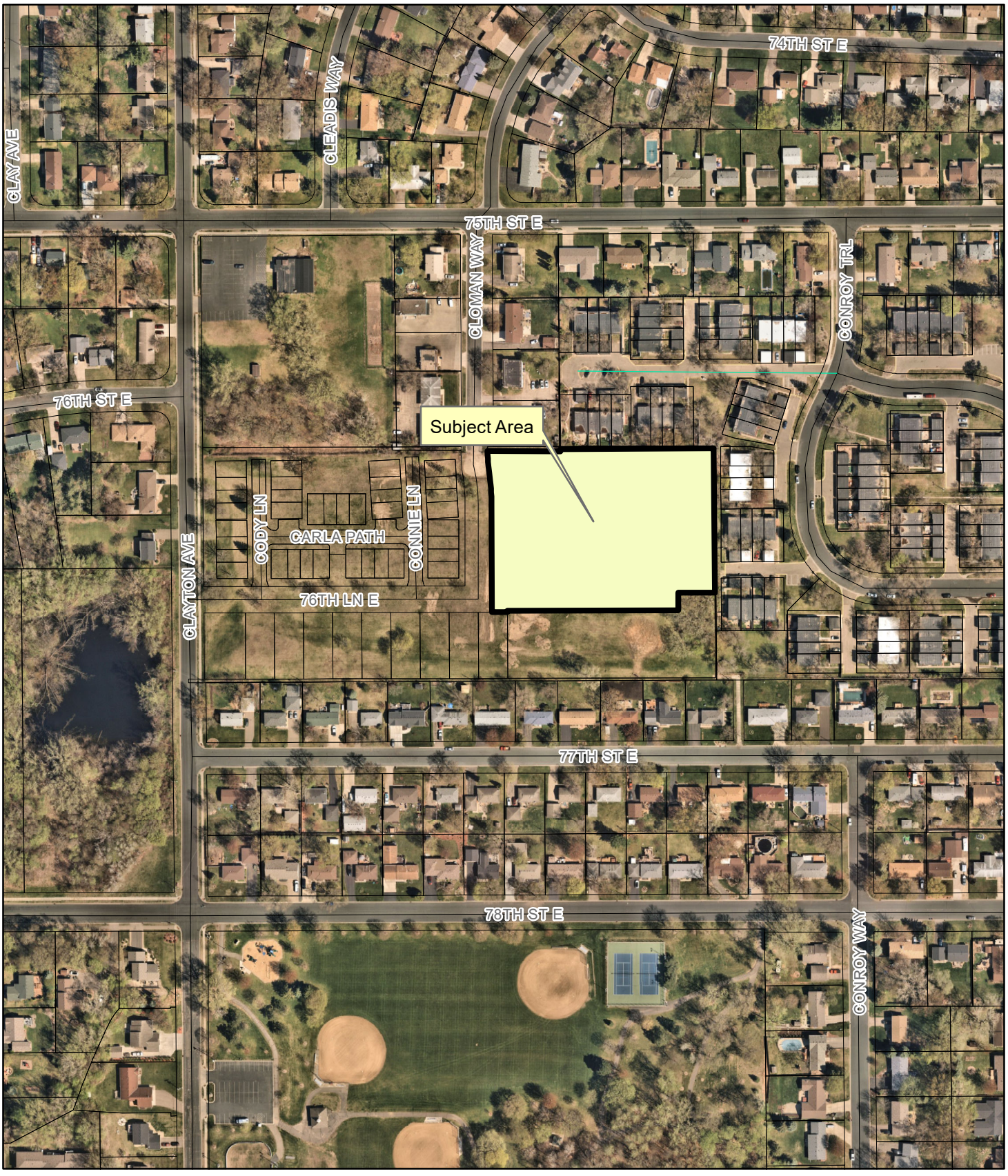
RECOMMENDATION

Based on this review, the Planning Division and Engineering recommends approval of the final plat and PUD development plans for South Grove Townhomes 2nd Addition subject to the conditions stated above.

ATTACHMENTS:

Location Map
Preliminary PUD conditions of approval
Final Plat
Final PUD Site
Plan Grading
Landscape Plan

Location Map
Case No. 22-02S



CITY OF INVER GROVE HEIGHTS

DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. 2021-70

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A 70 UNIT TOWNHOME MULTIPLE FAMILY DEVELOPMENT

CASE NO. 21-06PUD
(M/I Homes)

DP @ pt. NWSE 10-27-22

WHEREAS, an application for Conditional Use Permit has been submitted for property legally described as the following;

The West ten (10) acres of the North one-half (N 1/2) of the South Two-Thirds (S 2/3) of the North one-half (N 1/2) of the Southeast one-quarter (SE 1/4), Section Ten (10), Township Twenty-seven (27), Range Twenty- two (22), Inver Grove Township, Dakota County, Minnesota.

WHEREAS, the aforedescribed property is currently zoned R-3B/PUD, Multiple Family Planned Unit Residential District;

WHEREAS, all conditional use permits are subject to the criteria listed in City Code Title 10, Chapter 3, Article A, Section 10-3A-5, regarding consistency with the Comprehensive Plan, conformity with the Zoning Ordinance and compatibility with adjacent properties, among other criteria;

WHEREAS, a public hearing concerning the Conditional Use Permit was held before the Inver Grove Heights Planning Commission in accordance with Minnesota Statues, Section 462.357, Subdivision 3 on February 16, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that a Conditional Use Permit for a 70 unit townhome multiple family development is hereby granted for the aforedescribed property, 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.

Plan	Date of Plan
Cover Sheet	2/5/21
Preliminary Plat	2/5/21
Preliminary Site Plan	2/5/21
Preliminary PUD Plan	2/5/21
Preliminary Grading Plan	2/5/21
Preliminary Erosion Control Plan	2/5/21
Preliminary Grading Details	2/5/21
Preliminary Sanitary & Watermain/Site Plan	2/5/21
Preliminary Storm Sewer Plan	2/5/21
Preliminary Street Profiles	2/5/21
Preliminary Landscape Plan	2/5/21
Tree Preservation Plan	2/5/21

***List of final approved plans and date of plans shall be identified in the development contract.**

2. The PUD shall be approved with the following specific standards:
   a. Structure setbacks allowed per table shown on the Preliminary PUD Plan.
   b. Reduced lot size and width as shown on the Preliminary Plat.
   c. Total building coverage allowed per table shown on the Preliminary PUD Plan.
   d. Building separation ranging 12 ft -15 ft as shown on the Preliminary PUD Plan.

3. Prior to final plat and plan approval, the final grading, drainage and erosion control, and utility plans shall be approved by the Director of Public Works and shall address the comments contained in the memo from the Assistant City Engineer dated 2/11/21.

4. Drainage and utility easements shall be provided on the final plat as required by the Director of Public Works.

5. Park dedication shall consist of a cash contribution in the amount of the rates in effect at the time the final plat is approved and shall also comply with the dedication requirements of the joint powers agreement.

6. All plans shall be subject to the review and approval of the Fire Marshal.

7. Prior to execution of the plat by the City and prior to recording of the plat with the County, the Owner shall execute a Storm Water Facilities Maintenance Agreement with the City

whereby the developer shall be responsible for the maintenance of storm water improvements on such lots.

8. The developer shall be responsible to ensure the open space depicted on the Preliminary PUD Plan remains in open space and is controlled by the home owner's association. A conservation easement shall be placed over the easement areas to restrict use and restrict cutting of vegetation. It shall remain in its present state. The easement would be part of the improvement agreements for the final plans.

9. The Developer and Owner shall execute an Acknowledgement of Planned Unit Development Zoning. This Acknowledgement shall state that property within the plat is subject to the approved PUD plans and PUD zoning and that the development on the property must conform to the PUD plans and PUD zoning. This Acknowledgement shall be recorded when the plat is recorded.

10. The Developer and Owner shall enter into a Development Contract with the City. The form of Development Contract shall substantially comply with the model Development Contract which is part of the Administrative Code, taking into account the requirements of the Planned Unit Development plans.

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

Adopted by the City Council of Inver Grove Heights this 8thth day of March , 2021.

Thomas Bartholomew, Mayor

Ayes: 5
Nays: 0

ATTEST:

Rebecca Kiernan, City Clerk

SOUTH GROVE TOWNHOMES 2ND ADDITION

KNOW ALL PERSONS BY THESE PRESENTS: That M/I Homes of Minneapolis/St. Paul, LLC, a Minnesota limited liability company, owner of the following described property:

Outlot E, SOUTH GROVE TOWNHOMES, according to the recorded plat thereof, Dakota County, Minnesota.

Has caused the same to be surveyed and platted as SOUTH GROVE TOWNHOMES 2ND ADDITION and does hereby dedicate to the public for public use the public ways and the drainage and utility easements as created by this plat.

In witness whereof said M/I Homes of Minneapolis/St. Paul, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this _____ day of _____ , 20_____ .

M/I Homes of Minneapolis/St. Paul, LLC

_____

_____ as _____

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me on _____ , by _____ as _____ of M/I Homes of Minneapolis/St. Paul, LLC, on behalf of the company.

_____
Signature

_____
Printed Name

Notary Public, _____ , County, Minnesota

My Commission Expires _____

SURVEYOR'S CERTIFICATE

I Peter J. Hawkinson do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.
Dated this _____ day of _____ 20_____ .

_____
Peter J. Hawkinson, Licensed Land Surveyor
Minnesota License No. 42299

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me on _____ , by Peter J. Hawkinson.

_____
Signature

_____
Printed Name

Notary Public, _____ , County, Minnesota

My Commission Expires _____

CITY PLANNING COMMISSION, Inver Grove Heights, County of Dakota, State of Minnesota

Approved by the Planning Commission of the City of Inver Grove Heights, Minnesota this _____ day of _____ , 20____

By: _____ Chair

By: _____ Secretary

CITY COUNCIL, City of Inver Grove Heights, County of Dakota, State of Minnesota

This plat was approved by the City Council of Inver Grove Heights, Minnesota, this _____ day of _____ , 20_____ , and hereby certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.03, Subd. 2.

By: _____ Mayor

By: _____ Clerk

COUNTY SURVEYOR, County of Dakota, State of Minnesota

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this _____ day of _____ , 20_____ .

By: _____
Todd B. Tollefson
Dakota County Surveyor

DEPARTMENT OF PROPERTY TAXATION AND RECORDS, County of Dakota, State of Minnesota

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9., taxes payable in the year 20_____ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this _____ day of _____ , 20_____ .

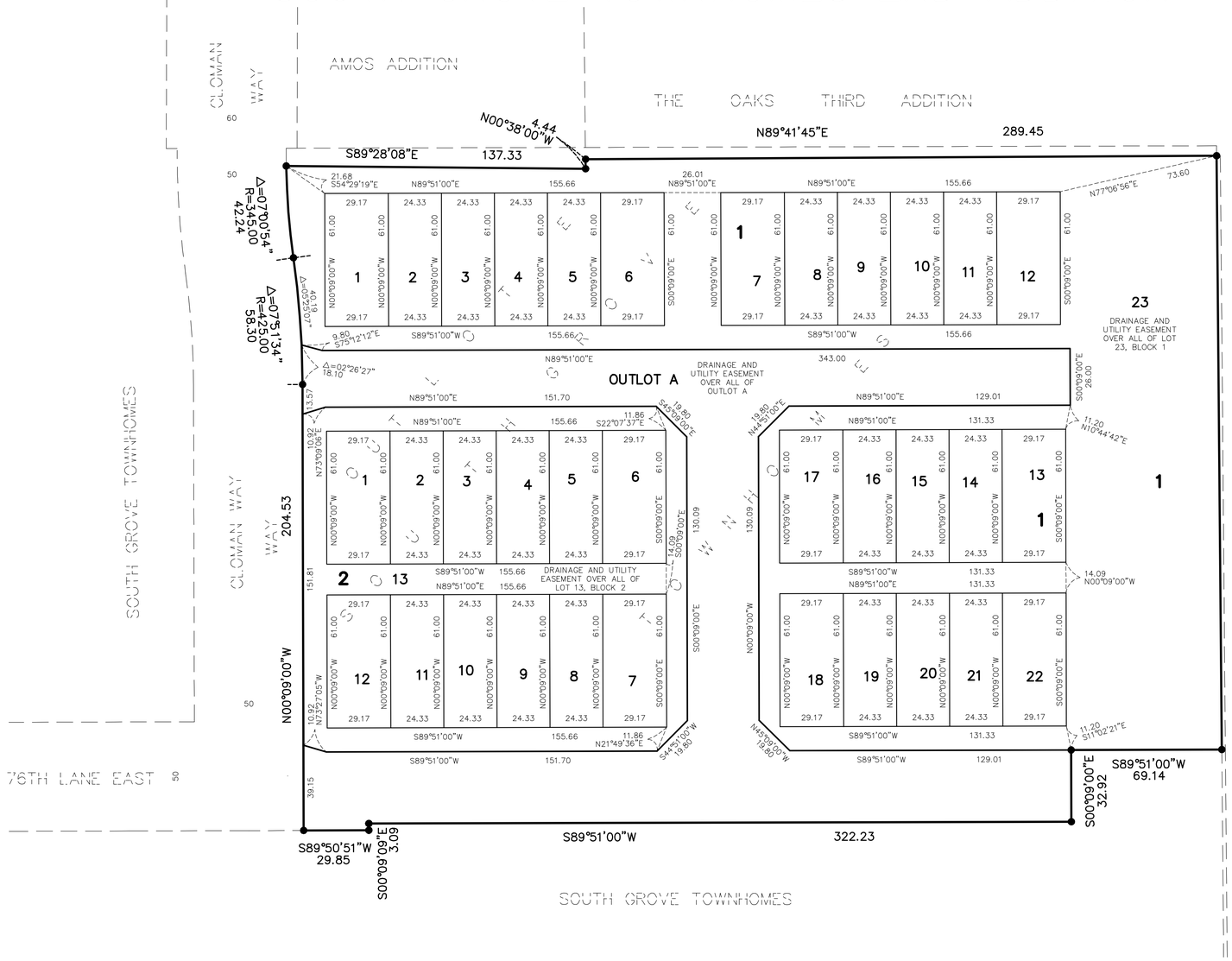
By: _____
Amy A. Koethe
Director, Department of Property
Taxation and Records

COUNTY RECORDER, County of Dakota, State of Minnesota

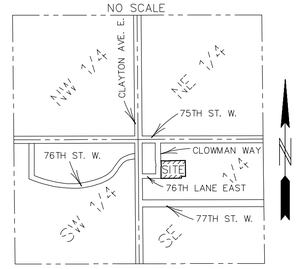
I hereby certify that this plat of SOUTH GROVE TOWNHOMES 2ND ADDITION was filed in the office of the County Recorder for public record on this_____ day of _____ , 20_____ , at ____ o'clock ____ .M. and was duly filed in Book of Plats, Page _____ as Document No. _____ .

By: _____
Amy A. Koethe
Dakota County Recorder

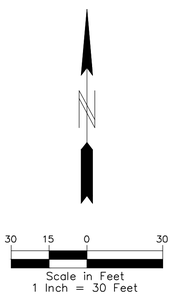
SOUTH GROVE TOWNHOMES 2ND ADDITION



LOCATION MAP
NO SCALE



SECTION 10, TWP. 027, RGE. 22
DAKOTA COUNTY



THE ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WEST LINE OF THE SE 1/4 OF SEC. 10, TWP. 027, RGE. 22, WHICH IS ASSUMED TO HAVE A BEARING OF NORTH 00°30'16" WEST.

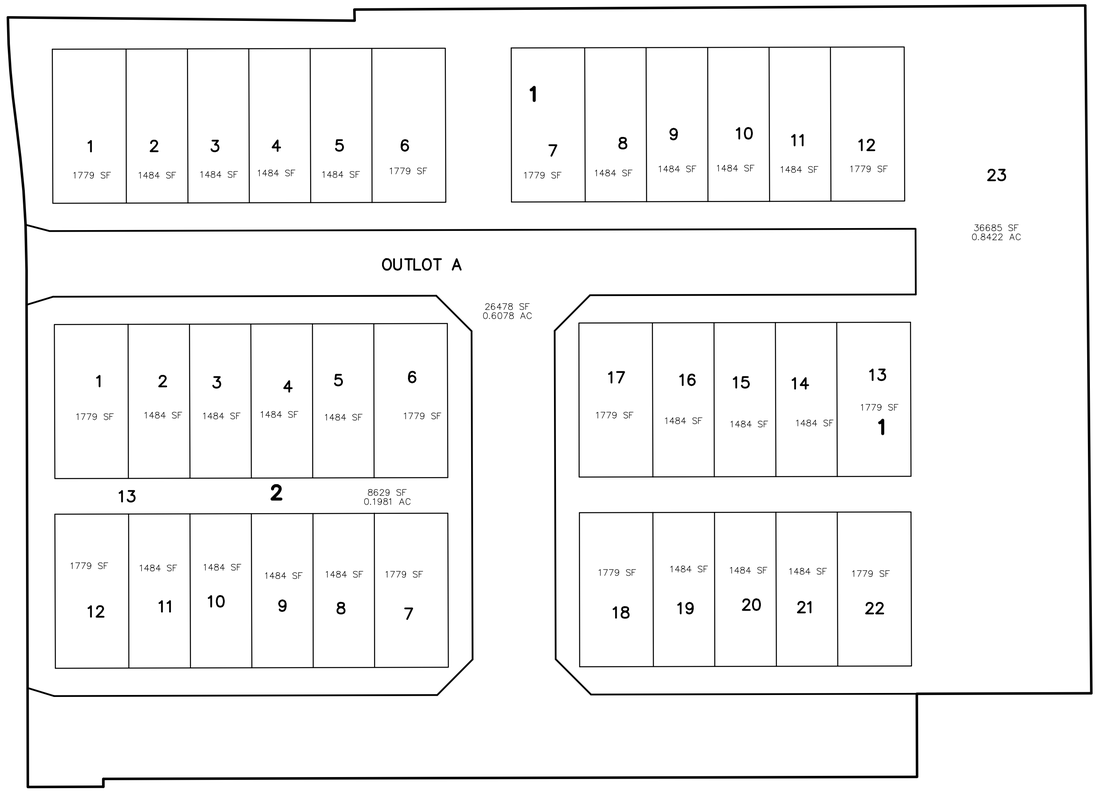
- ◉ DENOTES FOUND DAKOTA COUNTY MONUMENT
- ● DENOTES FOUND 1/2 INCH IRON MONUMENT MARKED BY LICENSE NUMBER 42299 UNLESS OTHERWISE NOTED.
- ○ DENOTES 1/2 INCH BY 14 INCH IRON PIPE MONUMENT SET AND MARKED BY LICENSE NUMBER 42299, OR WILL BE SET IN ACCORDANCE WITH MS SECTION 505.021, SUBD. 10.

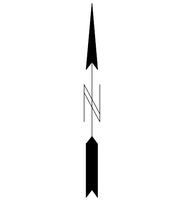
(MEAS.) DENOTES MEASURED BEARING/ DISTANCE

(PLAT) DENOTES PLATS OF THE OAKS THIRD ADDITION AND SOUTH GROVE NO. 14

PIONEERengineering
CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS

SOUTH GROVE TOWNHOMES 2ND ADDITION



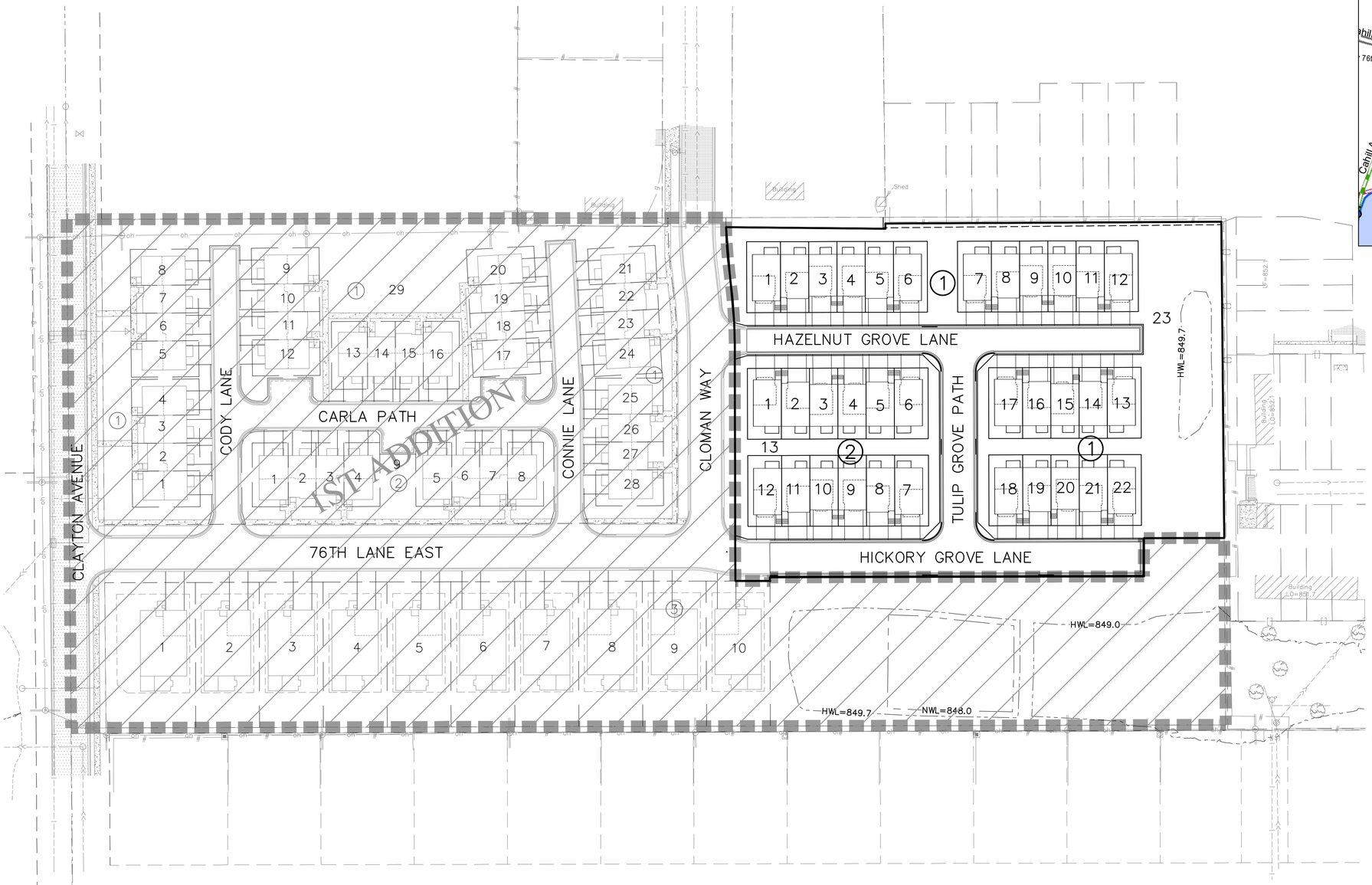


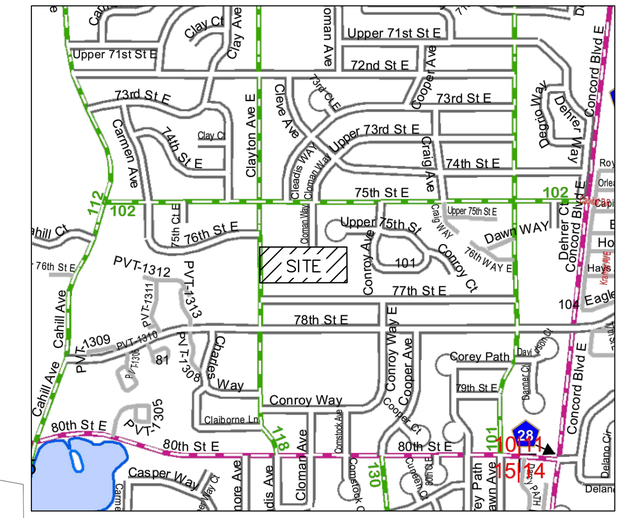
AREA SUMMARY

BLOCK 1 =	71,697 SF.	1.6459 AC.
BLOCK 2 =	27,620 SF.	0.6341 AC.
TOTAL LOT AREA =	99,317 SF.	2.2801 AC.
TOTAL OUTLOT AREA =	26,478 SF.	0.6078 AC.
TOTAL R/W AREA =	0 SF.	0 AC.
TOTAL AREA =	125,795 SF.	2.8879 AC.

PIONEER engineering
CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS

SOUTH GROVE TOWNHOMES 2ND ADDITION
UTILITY & STREET CONSTRUCTION PLAN
INVER GROVE HEIGHTS, MINNESOTA





LOCATION MAP

SHEET INDEX

1.0 COVER SHEET
1.1 LEGEND SHEET
2.1 EROSION CONTROL PLAN
3.1 SEEDING PLAN
4.1 SANITARY SEWER & WATERMAIN
4.2 TOWNHOME SERVICE DETAIL
5.1 STORM SEWER CONSTRUCTION
5.2 DRAINTILE PLAN
6.1-6.2 STREET CONSTRUCTION
7.1 SIGN & LIGHTING PLAN
8.1-8.5 DETAILS

G1 GRADING PLAN
P1 PUD PLAN
L1 LANDSCAPE PLAN

Know what's Call before you dig.

0 25 50 100
GRAPHIC SCALE IN FEET

BENCH MARK
TOP NUT HYDRANT ON WEST SIDE OF SOUTH END OF CLOMAN WAY
ELEV=863.90

02-ENG-120212-SHEET-COVR

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

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota
Name Brian N. Molinaro
Reg. No. 47504 Date 12-10-2021

Revisions
1. 01-03-22 Internal Comments

Date 12-10-2021
Designed NAP
Drawn HW

COVER SHEET

M/I HOMES
5354 PARKDALE DR. #100
ST. LOUIS PARK, MINNESOTA 55416

SOUTH GROVE TOWNHOMES 2ND ADDITION
INVER GROVE HEIGHTS, MINNESOTA

1.0 OF 16

© 2021 Pioneer Engineering, P.A.

EXISTING ZONING: PUBLIC INSTITUTIONAL DISTRICT

PROPOSED ZONING REQUIREMENTS PUD:

PROPOSED LAND USE: MEDIUM DENSITY RESIDENTIAL

NEIGHBORHOOD COLLECTOR STREET ROW: 55'

SETBACKS ARE TO FOUNDATION

CLAYTON AVE SETBACK FRONT: 25'
CLAYTON AVE SETBACK REAR: 25'
PERIMETER SETBACK: 25'

SINGLE FAMILY:
- LOT AREA: 6,875 SF
- WIDTH: 55'
- FRONT SETBACK: 22'
- SIDE INTERIOR SETBACK: 7.5'
- REAR SETBACK: 30'

URBAN ROW TOWNHOMES:
- FRONT SETBACK TO INTERNAL ROW: 15'
- REAR SETBACK TO PRIVATE DRIVE: 22'
- SETBACK BETWEEN BUILDINGS: 14' FOUNDATION TO FOUNDATION (12' ON SECOND STOREY)
- SETBACK TO PARKING: 7.5'

TOWNHOMES:
- FRONT SETBACK TO PRIVATE DRIVE: 22'
- REAR SETBACK: 25'
- SETBACK BETWEEN BUILDINGS: 15'

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

SITE DATA:

GROSS AREA: 10.0 ACRES
TOTAL SINGLE FAMILY UNITS: 10
TOTAL URBAN ROW TOWNHOMES: 70
GROSS DENSITY: 8.0 UNITS/ACRE

LEGEND

3:1 SLOPES SHALL BE AMENDED WITH A MINIMUM OF 2.5 INCHES OF COMPOST ROTOTILLED TO A DEPTH OF 8 INCHES AND REINFORCED WITH EROSION CONTROL BLANKET WITH NATURAL NETTING AND STITCHING

SEE SHEET 3.1 FOR EROSION CONTROL MEASURES.

GRADING QUANTITIES
TOTAL CUT ORIGINAL TO FINISH = 26,064 CY
TOTAL FILL ORIGINAL TO FINISH = 30,552 CY
*NOTE NUMBERS DO NOT REFLECT SHRINKAGE, HOLD DOWNS OR SUBGRADE CORRECTION

0 15 30 60
GRAPHIC SCALE IN FEET

BENCH MARK
TOP NUT HYDRANT ON WEST SIDE OF SOUTH END OF CLOMAN WAY
ELEV=863.90

02-ENG-120212-SHEET-GRAD

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

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota
Name Brian N. Molinaro
Reg. No. 47504 Date 12-10-2021

Revisions
1. 01-03-22 Internal Comments

Date 12-10-2021
Designed NAP
Drawn HW

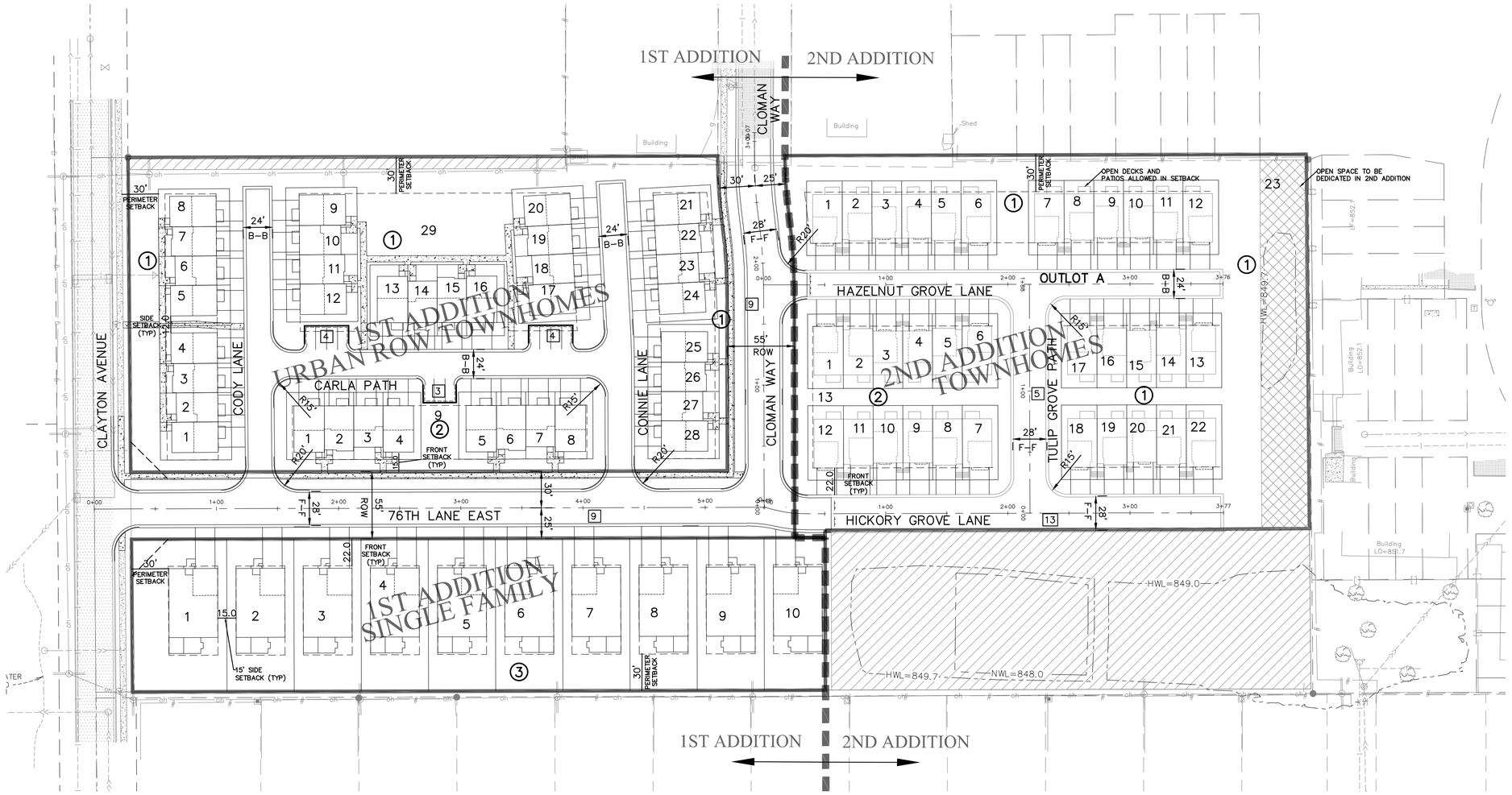
GRADING PLAN

M/I HOMES
5354 PARKDALE DR. #100
ST. LOUIS PARK, MINNESOTA 55416

SOUTH GROVE TOWNHOMES 2ND ADDITION
INVER GROVE HEIGHTS, MINNESOTA

G1 OF 16

© 2021 Pioneer Engineering, P.A.



EXISTING ZONING: PUBLIC INSTITUTIONAL DISTRICT

PROPOSED ZONING REQUIREMENTS PUD:

PROPOSED LAND USE: MEDIUM DENSITY RESIDENTIAL

NEIGHBORHOOD COLLECTOR STREET ROW: 55'

SETBACKS ARE TO FOUNDATION

CLAYTON AVE SETBACK FRONT: 25'
CLAYTON AVE SETBACK REAR: 25'
PERIMETER SETBACK: 25'

SINGLE FAMILY:
- LOT AREA: 6,875 SF
- WIDTH: 55'
- FRONT SETBACK: 22'
- SIDE INTERIOR SETBACK: 7.5'
- REAR SETBACK: 30'

URBAN ROW TOWNHOMES:
- FRONT SETBACK TO INTERNAL ROW: 15'
- REAR SETBACK TO PRIVATE DRIVE: 22'
- SETBACK BETWEEN BUILDINGS: 14' FOUNDATION TO FOUNDATION (12' ON SECOND STOREY)
- SETBACK TO PARKING: 7.5'

TOWNHOMES:
- FRONT SETBACK TO PRIVATE DRIVE: 22'
- REAR SETBACK: 25'
- SETBACK BETWEEN BUILDINGS: 15'

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

SITE DATA:

GROSS AREA: 10.0 ACRES
TOTAL SINGLE FAMILY UNITS: 10
TOTAL URBAN ROW TOWNHOMES: 70

[XX] PARKING STALLS

PARKING SUMMARY
STALLS: 11
PRIVATE STREET: 18
PUBLIC STREET: 18

REQUIRED OPEN SPACE TOTAL:
15% OPEN SPACE REQUIRED
10 ACRES * 15% = 1.5 ACRES REQUIRED
1.5 ACRES OPEN SPACE PROVIDED (SHADED)

1ST ADDITION OPEN SPACE =1.26 ACRES

2ND ADDITION OPEN SPACE =0.27 ACRES

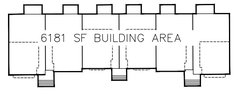
SINGLE FAMILY



URBAN TOWNHOMES



6 UNIT ROW TOWNHOMES



5 UNIT ROW TOWNHOMES



BUILDING COVERAGE CALCULATION

10 SINGLE FAMILY LOTS @ 2608	= 26,800 SF
9 4 UNIT URBAN TOWNHOMES @ 3920	= 35,280 SF
2 5 UNIT ROW TOWNHOMES @ 5209	= 10,418 SF
4 6 UNIT ROW TOWNHOMES @ 6181	= 24,724 SF
TOTAL	= 96,772 SF = 2.22 ACRES

NET AREA = GROSS AREA- PAVED STREET AREA-POND NWL AREA
10 ACRES - 1.55 ACRES - 0.19 ACRES = 8.25 ACRES

BIULDING COVERAGE =2.22/8.25 = 26.93%

IMPERVIOUS COVERAGE CALCULATION

BUILDING IMPERVIOUS	= 96,772 SF
DRIVEWAY IMPERVIOUS	= 30,271 SF
SIDEWALK	= 7,810 SF
STREET	= 67,518 SF
TOTAL	= 2020,371 SF = 4.65 ACRES

IMPERVIOUS COVERAGE = 4.65 ACRES /10 ACRES = 46.50%

SINGLE FAMILY

	R-1C ZONING STANDARDS	PROPOSED PUD STANDARDS	ZONING VARIANCE
LOT AREA INTERIOR LOT	12,000 SF	6,875 SF	5,125 SF
LOT AREA CORNER LOT	12,500 SF	9,000 SF	3,500 SF
FRONT SETBACK	30 FEET	22 FEET	8 FEET
SIDE SETBACK	10 FEET	7.5 FEET	2.5 FEET
REAR SETBACK	30 FEET	30 FEET	0 FEET
HEIGHT (MAXIMUM)	35 FEET	35 FEET	0 FEET
NEIGHBORHOOD COLLECTOR STREET ROW	60 TO 80 FEET	55 FEET	5 FEET
0-9,000 SF LOT SIZE MAXIMUM IMPERVIOUS	40%	45%	5%

URBAN ROW TOWNHOMES

	R-3B ZONING STANDARDS	PROPOSED PUD STANDARDS	ZONING VARIANCE
LOT AREA	3,630 SF	1,320 SF	2,310 SF
FRONT SETBACK	30 FEET	15 FEET	15 FEET
SIDE SETBACK	20 FEET	12' BUILDING-BUILDING	8 FEET
REAR SETBACK	30 FEET	22 FEET	8 FEET
HEIGHT (MAXIMUM)	35 FEET	35 FEET	0 FEET

TOWNHOMES

	R-3B ZONING STANDARDS	PROPOSED PUD STANDARDS	ZONING VARIANCE
LOT AREA	3,630 SF	1,529 SF	2,101 SF
FRONT SETBACK	30 FEET	22 FEET	8 FEET
SIDE SETBACK	20 FEET	7.5 FEET	12.5 FEET
REAR SETBACK	30 FEET	25 FEET	5 FEET
HEIGHT (MAXIMUM)	35 FEET	35 FEET	0 FEET

0 25 50 100
GRAPHIC SCALE IN FEET

BENCH MARK
TOP NUT HYDRANT ON WEST SIDE OF SOUTH END OF CLOMAN WAY
ELEV=863.90
02-ENG-120212-SHEET-PUD

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

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota
Name Brian N. Molinaro
Reg. No. 47504 Date 12-10-2021

Revisions
1. 01-03-22 Internal Comments

Date 12-10-2021
Designed NAP
Drawn HW

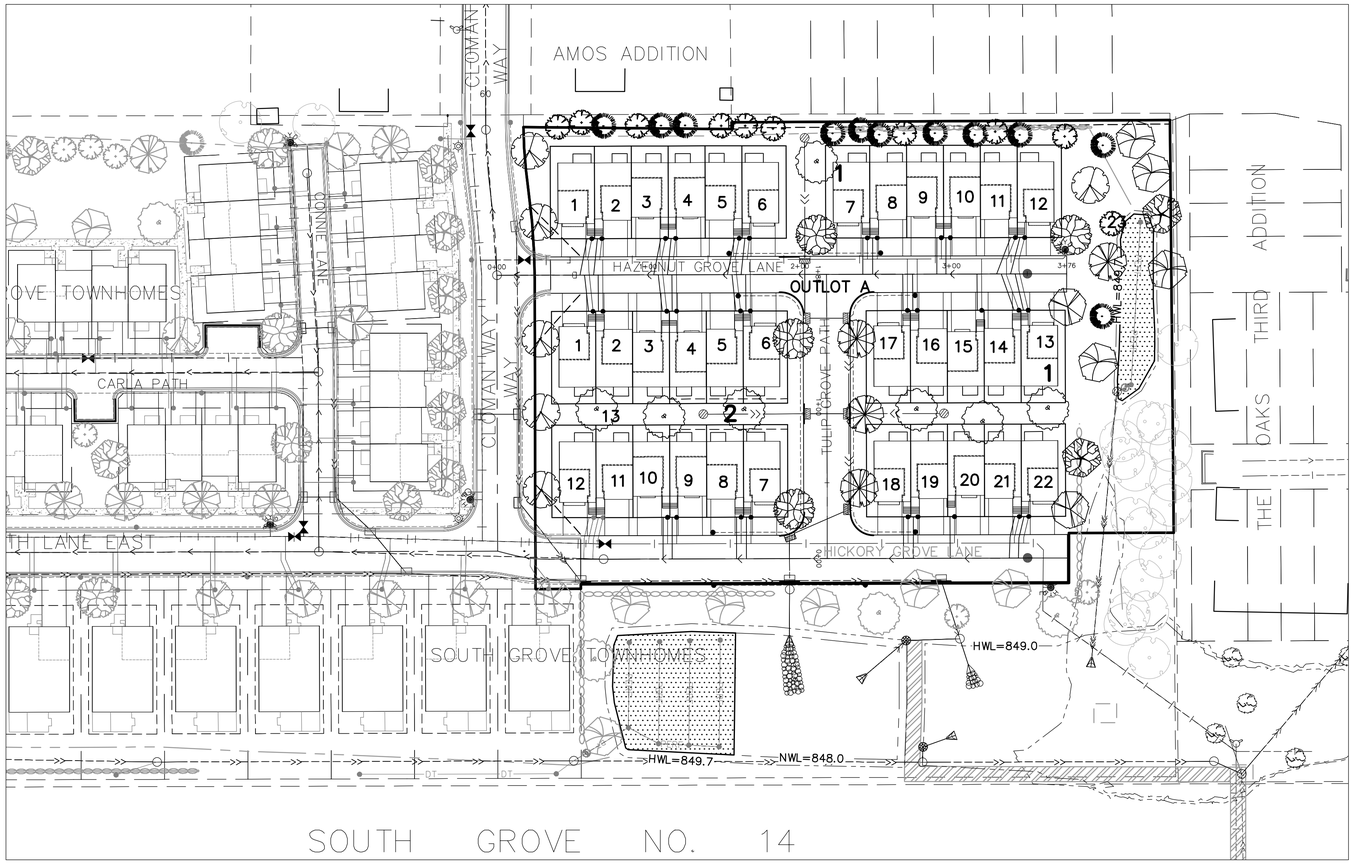
FINAL PUD PLAN

M/I HOMES
5354 PARKDALE DR. #100
ST. LOUIS PARK, MINNESOTA 55416

SOUTH GROVE TOWNHOMES 2ND ADDITION
INVER GROVE HEIGHTS, MINNESOTA

P1 OF 16

© 2021 Pioneer Engineering, P.A.



PLANTING SCHEDULE (SECOND ADDITION)

KEY	COMMON NAME/SCIENTIFIC NAME	ROOT	QUANTITY	MATURE HT. & SPREAD
	OVERSTORY TREES			
	SWAMP WHITE OAK/QUERCUS BICOLOR	2.5" B&B	4	55 X 45
	HACKBERRY/CELTIS OCCIDENTALIS	2.5" B&B	4	60 X 50
	SENTRY LINDEN/TILIA AMERICANA 'SENTRY'	2.5" B&B	6	50 X 40
	RED OAK/QUERCUS RUBRA	2.5" B&B	2	60 X 50
	THORNLESS HONEYLOCUST/GLEDITSIA TRIACANTHOS VAR INEMIS	2.5" B&B	2	40 X 40
	RIVER BIRCH/BETULA NIGRA 'HERITAGE' (CLUMP)	10' B&B	7	40 X 30
	NORTHWOODS MAPLE/ACER RUBRUM 'NORTHWOODS'	2.5" B&B	4	50 X 40
	EVERGREEN TREES			
	WHITE PINE/PINUS STROBUS	8' B&B	11	65 X 30
	NORWAY SPRUCE/PICEA ABIES	8' B&B	10	70 X 25

LANDSCAPE REQUIREMENTS:

ONE TREE PER UNIT: MULTI-FAMILY=70 TREES
SINGLE FAMILY=10 TREES

MITIGATION REQUIRED: 99"=40 TREES
(SEE SUBMITTED TREE PRESERVATION PLAN)

PROPOSED TREES: 120

EXISTING TREES TO BE SAVED

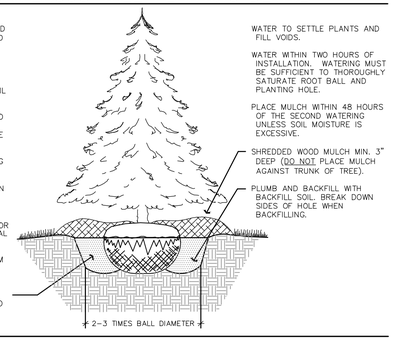
INFILTRATION AND RAIN GARDEN AREA TO BE PLANTED WITH PLUGS SPACED 5' ON CENTER. SPECIES CHOSEN FROM SEED MIX BELOW

Finalized — **Stormwater Pond Pollinator Northeast**

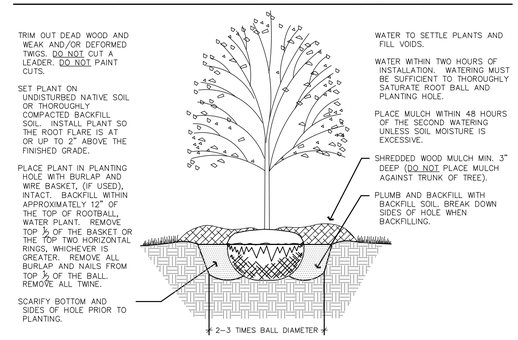
Function: Stormwater
Intent: Stormwater pond vegetation establishment for pollinator habitat establishment
Planting Area: NE
Specialization:

	Scientific Name	Common Name	Seeds/ sq ft	Rate (lb/ac)	% Mix (by sqft)	% Mix (by wt)
Cover						
	Avena sativa	Oats* (See Cover crop note)	11.14	37.91		
		Total Guild:	11.14	37.91	8.76%	79.9%
Forb						
	Agastache foeniculum	Blue Giant Hyssop	3	0.09		
	Asclepias incarnata	Marsh Milkweed	0.22	0.12		
	Asclepias syriaca	Common Milkweed	0.16	0.11		
	Asclepias tuberosa	Butterfly Milkweed	0.09	0.06		
	Eupatorium perfoliatum	Common Boneset	4	0.07		
	Eutrochium maculatum	Spotted Joe Pye Weed	2	0.06		
	Gentiana andrewsii	Bottle Gentian	5	0.05		
	Helenium autumnale	Autumn Sneezeweed	6.5	0.14		
	Lobelia siphilitica	Great Lobelia	6	0.03		
	Mimulus ringens	Blue Monkey Flower	20	0.02		
	Monarda fistulosa	Wild Bergamot	5	0.19		
	Oligoneuron rigidum	Stiff Goldenrod	3.1	0.21		
	Pycnanthemum virginianum	Virginia Mountain Mint	3	0.04		
	Rudbeckia hirta	Black-eyed Susan	4	0.12		
	Sisyrinchium campestre	Field Blue-eyed Grass	0.17	0.01		
	Symphyotrichum novae-angliae	New England Aster	2	0.08		
	Verbena hastata	Blue Vervain	5.8	0.17		
	Zizia aurea	Golden Alexanders	0.05	0.01		
		Total Guild:	70.09	1.58	55.09%	3.3%
Graminoid						
	Andropogon gerardii	Big Bluestem	5	1.36		
	Beckmannia syzigachne	American Slough Grass	10	0.54		
	Bromus ciliatus	Fringed Brome	3	0.82		
	Elymus canadensis	Canada Wild Rye	1.5	0.79		
	Elymus trachycaulus	Slender Wheatgrass	2	0.99		
	Elymus virginicus	Virginia Wild Rye	1.5	0.97		
	Panicum virgatum	Switchgrass	4	0.78		
	Poa palustris	Fowl Bluegrass	12	0.25		
	Sorghastrum nutans	Indian Grass	4	0.91		
		Total Guild:	43	7.41	33.80%	15.6%
Legume						
	Dalea purpurea	Purple Prairie Clover	3	0.54		
		Total Guild:	3	0.54	2.36%	1.1%
		Total Seed Mix:	127.23	47.44		

CONIFEROUS TREE PLANTING DETAIL

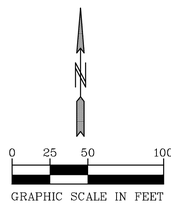


DECIDUOUS TREE PLANTING DETAIL



LANDSCAPE NOTES

- THE LANDSCAPE CONTRACTOR SHALL VISIT THE PROJECT SITE TO BECOME FAMILIAR WITH THE EXISTING CONDITIONS PRIOR TO SUBMITTING A BID.
- THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT OF PROPOSED PHYSICAL START DATE AT LEAST 7 DAYS IN ADVANCE.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FIELD VERIFICATION OF ALL EXISTING UTILITY LOCATIONS ON THE PROJECT SITE WITH GOPHER STATE ONE CALL 1-800-252-1166 PRIOR TO COMMENCING WORK. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF EXISTING UTILITIES DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER. NOTIFY THE LANDSCAPE ARCHITECT OF ANY CONFLICTS TO FACILITATE PLANT RELOCATION.
- GRADING TO BE PERFORMED BY OTHERS.
- NO PLANT MATERIAL SHALL BE INSTALLED UNTIL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
- ALL PLANT MATERIAL SHALL MEET THE STANDARDS FOUND IN THE AMERICAN ASSOCIATION OF NURSERYMEN-AMERICAN STANDARD FOR NURSERY STOCK.
- ALL CONTAINER MATERIAL TO BE GROWN IN THE CONTAINER A MINIMUM OF SIX (6) MONTHS PRIOR TO PLANTING ON SITE.
- DECIDUOUS AND CONIFEROUS TREES SHALL NOT BE STAKED, BUT THE LANDSCAPE CONTRACTOR MUST GUARANTEE STANDABILITY TO A WIND SPEED OF 60 M.P.H.
- THE LANDSCAPE CONTRACTOR SHALL PROVIDE A MINIMUM GUARANTEE OF ONE YEAR ONE TIME REPLACEMENT ON NEW PLANT MATERIALS. GUARANTEE SHALL BE AGREED UPON BY DEVELOPER/BUILDER AND LANDSCAPE CONTRACTOR.
- THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REJECT ANY PLANTS WHICH ARE DEEMED UNSATISFACTORY BEFORE, DURING OR AFTER INSTALLATION.
- IF THERE IS A DESCREPANCY BETWEEN THE NUMBER OF PLANTS SHOWN ON THE PLAN AND THE NUMBER SHOWN ON THE PLANT LIST, THE NUMBER SHOWN ON THE PLAN WILL TAKE PRECEDENCE.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL MULCHES AND PLANTING SOIL QUANTITIES TO COMPLETE WORK SHOWN ON THE PLAN. THE LANDSCAPE CONTRACTOR SHALL VERIFY ALL QUANTITIES SHOWN ON THE PLANT SCHEDULE.
- COMMERCIAL GRADE POLY LAWN EDGING SHALL BE INSTALLED WHERE NOTED.
- THE LANDSCAPE CONTRACTOR SHALL REPAIR ALL DAMAGE TO THE SITE CAUSED BY THE PLANTING OPERATION AT NO COST TO THE OWNER.
- THE LANDSCAPE CONTRACTOR SHALL KEEP PAVEMENTS CLEAN UNSTAINED. ALL PEDESTRIAN AND VEHICLE ACCESS TO BE MAINTAINED THROUGHOUT CONSTRUCTION PERIOD. ALL WASTES SHALL BE PROMPTLY REMOVED FROM THE SITE. ANY DAMAGE TO EXISTING FACILITIES SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE CODES, REGULATIONS AND PERMITS GOVERNING THE WORK.
- STORAGE OF MATERIALS OR SUPPLIES ON-SITE WILL NOT BE ALLOWED.



02-PLAN-120212-SHEET-LAND.DWG

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

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

Name Jennifer L. Thompson
Reg. No. 44763 Date 12-10-2021

Revisions
1. 01-03-22 Internal Comments

Date	12-10-2021
Designed	JLT/TLM
Drawn	JLT/TLM

LANDSCAPE PLAN

M/I HOMES
5354 PARKDALE DR. #100
ST. LOUIS PARK, MINNESOTA 55416

SOUTH GROVE TOWNHOMES 2ND ADDITION
INVER GROVE HEIGHTS, MINNESOTA

L1 OF 1

© 2021 Pioneer Engineering, P.A.

6C

AGENDA ITEM _____

CITY OF INVER GROVE HEIGHTS

Request for Council Action

Consider Variance for 6050 Concord Boulevard - Terry Trkla

		Fiscal/FTE Impact	Mark all that apply
Meeting Date:	February 14, 2022	None	
Item Type:	Regular Agenda	Amount included in current budget	
Contact:	Allan Hunting 651-450-2554	Budget amendment requested	
Prepared by:	Allan Hunting	FTE included in current complement	
Reviewed by:		New FTE requested – N/A	
		Other	

ACTION REQUESTED:

The Council is asked to consider the following Resolutions for property located at 6050 Concord Boulevard:

- A Resolution Denying a Variance from exterior building material requirements to allow a structure with a canvas/poly exterior material.
    - Requires a 3/5th's vote.

- A Resolution Approving a Variance to allow a structure with reduced side and rear yard setbacks.
    - Requires a 3/5th's vote.
    - 60-day deadline: February 20, 2022 (first 60 days)

SUMMARY

The applicant is requesting variances from siding requirements to allow an accessory structure with hoop type construction covered with a canvas/poly exterior material. The structure also does not meet the required side and rear yard setbacks for the I-1 district.

The applicant operates a tree/landscaping business at 6050 Concord Boulevard and constructed an accessory structure without permits as a temporary structure to house equipment in the winter months. The building does not meet side and rear yard setbacks. All structures are to maintain at least a 40 foot setback from side and rear property lines in the I-1 District.

The zoning ordinance does not differentiate between temporary and permanent structures, all must comply with all zoning regulations.

ANALYSIS

Exterior Material Variance. The hoop structure with canvas/poly exterior is in violation of Section 10-15-17. Exterior Materials. Allowed exterior materials include a combination of brick veneer; sculptured, textured or concrete block or panels; natural wood siding; steel, aluminum or vinyl lap siding; natural stone or glass. The existing material is not consistent with this section as canvas type material is not allowed.

Concord Boulevard has a mix of building types and exterior materials due to the age of the buildings along the street. There are two other quonset hut or hoop type buildings on adjacent properties, but these have been in place for some time and so would be grandfathered regarding their exterior material. In order to support and encourage redevelopment of the area, all structures should be required to be constructed to meet current exterior material standards.

Setback Variance.The building setbacks for the structure are in violation of Section 10-11A-2 which require side and rear yard setbacks to be no less than 40 feet from property lines. The setbacks identified on the applicant's site plan are not accurate. Staff has measured setbacks from aerials and found they are approximately 15 feet from the north (side) property line, 27 feet from the rear property line and 19 feet from the south (side) property line.

The property is small in size (1/3 acre) and about 100 feet wide thus limiting the buildable area of the lot.

RECOMMENDATION:

Planning Staff: Staff recommends approval of the setback variance due to the small size of the lot. Staff recommends denial of the siding variance as there appears to be no practical difficulty to support the request.

Planning Commission: The Planning Commission recommends approval (7-2) of a setback variance to allow a 15-foot setback for both side and rear yard setback as proposed with the practical difficulty being the small size of the lot and limited building pad area. The Planning Commission recommends denial (9-0) of the siding variance as they could not find a practical difficulty to complying with the city code.

ATTACHMENTS:

Resolution approving setback variance
Resolution denying siding Variance
Planning Commission Recommendation
Planning Report

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

RESOLUTION APPROVING A VARIANCE TO ALLOW AN ACCESSORY STRUCTURE WITH REDUCED SIDE AND REAR YARD SETBACKS

CASE NO. 22-03V
Terry Trkla

Property located at 6050 Concord Boulevard and legally described as follows:

Lots 7 & 8, Block 2, Laura Riebe Addition and including 16 feet of alley vacation on east side of lot accruing thereto.

WHEREAS, an application has been received for a Variance to allow reduced side and rear yard setbacks;

WHEREAS, the afore described property is zoned I-1, Limited Industry District;

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 2, 2022 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 small lot size limits the buildable area for structures on the lot.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the variance to allow reduced setbacks is hereby approved subject to the following conditions:

1. Variance for the structure shall allow 15 foot side yard setbacks and 27 foot rear yard setback .

2. All building and electrical permits shall be pulled and approved by the respective agencies before occupying the structure.

Adopted by the City Council of Inver Grove Heights this 14th day of February, 2022.

_____
Tom Bartholomew, Mayor

Ayes:
Nays:

ATTEST:

_____
Rebecca Kiernan, City Clerk

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

RESOLUTION DENYING A VARIANCE TO ALLOW A STRUCTURE WITH A CANVAS/POLY EXTERIOR NOT MEETING THE EXTERIOR MATERIAL STANDARDS OF SECTION 10-15-17

CASE NO. 22-03V
Terry Trkla

Property located at 6050 Concord Boulevard and legally described as follows:

Lots 7 & 8, Block 2, Laura Riebe Addition and including 16 feet of alley vacation on east side of lot accruing thereto.

WHEREAS, an application has been received for a Variance from exterior material siding requirements allowed in the I-1 zoning district;

WHEREAS, the afore described property is zoned I-1, Limited Industry District;

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 2, 2022 in accordance with City Code Section City Code 10-3-3:C;

WHEREAS, a practical difficulty or uniqueness was not found to exist based on the following findings:

1. Denying the variance request does not preclude the applicant from reasonable use of the property.

2. The facts presented did not satisfy the criteria needed to show a practical difficulty on the lot to support granting a variance. Allowing a structure not

meeting the exterior materials standards appears to be a convenience to the landowner and not dictated by unique circumstances of the property.

NOW, **THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS,** that the variance to allow a structure with a canvas/poly exterior not meeting the exterior material standards of section 10-15-17 is hereby denied.

Adopted by the City Council of Inver Grove Heights this 14th day of February, 2022.

_____
Tom Bartholomew, Mayor

Ayes:
Nays:

ATTEST:

_____
Rebecca Kiernan, City Clerk

RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS

TO: Mayor and City Council of Inver Grove Heights

FROM: Planning Commission

DATE: February 2, 2022

SUBJECT: **TERRY TRKLA - CASE NO. 22-03V**

Reading of Public Notice

Commissioner Simon read the Public Hearing notice to consider the request for Terry Trkla – Case No. 22-03V for property located at 6050 Concord Boulevard. The request consists of a variance from the exterior building material requirements for a hoop structure, a variance from the side and rear setbacks, and any other variances. Notices were mailed to six property owners on January 19, 2022.

Presentation of Request

Allan Hunting, City Planner, explained the location on the east side of Concord Boulevard where the Applicant operates a landscaping/tree business on site and had constructed a temporary hoop type structure behind the main building. The structure is erected during the winter months and used for storing equipment. It was constructed without a Permit and is being addressed tonight regarding the material. That type of structure has an outer coating of a canvas/poly type material that does not meet the exterior material requirements for commercial or industrial buildings in the city. The exterior should consist of block, metal, brick, or glass, not this type of material which is in violation of the City Code.

He addressed setbacks with the structure having been constructed behind the building. Setbacks in the I-1 District for side and rear yards are 40 feet. In this case, it is about 15 feet from the north, 27 feet from the rear property line, and about 19 feet from the south. Variances would be required from those three property line setbacks. One of the two requests for consideration is with the canvas structure; it is not in compliance. Staff believed it difficult to come up with a Practical Difficulty. There are other Quonset hut type structures immediately to the south that have been in the location for a long time and were grandfathered in with the material they consist of. Those cannot be used as a Practical Difficulty as they were grandfathered in. Staff felt since they are trying to redevelop the area, anything that is built new should meet exterior building material requirements. For setback variances, the I-1 District has a 1-acre minimum lot size with 100 feet of width. This and other lots along Concord are smaller/substandard in size. This lot is 100 feet wide and less than ½ acre in size. Any building built there would be limited to the size and would have difficulty fitting something within the required setbacks. That could be a potential Practical Difficulty. A factor to consider is that a majority of lots along Concord were platted a long time ago and substandard in size. While looking at aerials it was noted that a lot of the buildings don't meet setbacks because they were built so long ago, assuming most were built before the 1965 Code. He said the Commission could look at it as fitting the area, but need to look at

the precedence and if it's different than any other lot. He mentioned there was potential in looking at the variance request. Staff does not support the material requirements whether it's a temporary or permanent structure, all have to meet all City Code standards.

Commissioner Simon asked when the hoop structure was built.

Mr. Hunting responded he was unsure. He recommended the Applicant answer the question.

Chair Niemioja referenced the temporary Quonset hut structure and said a lot of cities have them for temporary garden sales in, for example, a Cub Foods parking lot. She did not believe she had ever noticed one in Inver Grove Heights. She asked if the city doesn't typically allow anything like that.

Mr. Hunting replied the garden sales noticed seasonally by Code are only allowed in Arbor Pointe. The Arbor Pointe Ordinance has the provision for temporary sales, the standard Zoning Ordinance does not. They would not be allowed anywhere else in the city because there is not a provision for seasonal type structures. It's supposed to be permanent.

Commissioner Robertson mentioned as recently as last year there was a significant number of hoop type structures on residential lots. They have all been removed. She thought those were intended to be temporary but may have been reported.

Commissioner Heidenreich said there are a number of them located nearby and used as a greenhouse structure. He asked how those were allowed, if it was grandfathered in or agricultural.

Mr. Hunting responded the Agricultural District allows for greenhouses and would have different poly-type material to allow sunlight in.

Commissioner Robertson mentioned if it's determined the Quonset building cannot remain and would have to be replaced with something, she questioned if it was too early to be addressing setbacks. She asked if setbacks should be addressed at the time a Permit is granted for a different building.

Chair Niemioja said that may have to be addressed when they know about the failure/success of the Motion. She believed this item may need to be taken in two parts.

Mr. Hunting replied the Commission needs to address the currently existing structure. If denied, the City Council could say it should be removed and something should be built that meets requirements.

Commissioner Challeen questioned the term grandfathering. She asked if there was a length of time a structure has to be in place before its considered grandfathered.

DRAFT

Mr. Hunting replied some could be when the original Code was established in 1965. Something becomes grandfathered any time the Zoning Ordinance rules, size, setbacks, materials, or something has changed from when the building was originally built and what was allowed then. If the rules changed, it's grandfathered in. It's technically called a Legal Non-Conforming Structure.

Commissioner Weber asked when the Code changed.

Mr. Hunting replied he was unsure when the exterior material rule was put in place. He was unsure if it was from 1965 and was amended at some point. It has been around for 30 years or more.

Opening of Public Hearing

Terry Trkla, Owner of Kaposia Tree Service, has read and understands the report. He mentioned the material on the structure is fire retardant. It is a temporary structure. They only planned to put it up in the winter and take the canvas off in the summer. He said he doesn't own the property but plans on buying it. The variances were included because he showed interest in buying the property and would want to build a new building there.

Chair Niemioja said the goal was to create an actual building.

Mr. Trkla responded in the affirmative.

Commissioner Simon asked when the hoop structure was placed.

Mr. Trkla responded it was last summer. It was covered right before winter. They store their trucks inside.

Commissioner Simon asked if the huge tree trunks on the other side of the structure were his.

Mr. Trkla responded in the affirmative.

Commissioner Robertson asked Mr. Trkla if he was unaware of the need for a Permit when the hoop structure was built.

Mr. Trkla replied he was not aware. They considered it a temporary structure. There was a Quonset hut in the same spot that was grandfathered in but was condemned and had to be torn down. He had one year to build one exactly like it but was unable to.

Commissioner Heidenreich asked if there was a timeline for purchasing the property and constructing a building.
Mr. Trkla replied that Jim Kamish owns JAK Properties. They have been negotiating. It could be next year. Mr. Kamish is ready to sell, they are working on it.

Chair Niemioja closed the Public Hearing.

DRAFT

Planning Commission Discussion

Chair Niemioja said this was unique because they have an owner in transition. Something that used to be grandfathered in currently no longer exists. There is a new temporary structure there that has been denied in other parts of the city.

Commissioner Scales did not have a problem with the side yard setbacks. The site is unique, the lots are small, the businesses have run that way for many years. He fully supports the variance for the setbacks. He struggles with the exterior material and has a hard time coming up with a Practical Difficulty. He would not support.

Commissioner Weber asked Mr. Hunting what the typo was that was referenced earlier.

Mr. Hunting replied it was on Page 3 under the description, under the number two, Criteria Variance. It stated "the current lot size standards for the I-1 District is 40 feet". It should be 100 square feet not 40 feet.

Commissioner Weber said it states it was 15 feet from the north property line. The drawing in the packets show 35 feet 6 inches from the north property line. He believed it was backwards.

Mr. Hunting responded he wasn't sure where those measurements were taken from, they are not accurate. Its 27 feet from the rear property line. Their measurements may have been taken into the railroad right of way.

Commissioner Clancy said if talking about approving any sort of setback variance, it would be more applicable to apply it to the actual permitted structure that is going to go there. The Code doesn't differentiate between temporary and permanent. It's understood they know what the final intent would be. He doesn't understand why the issue can't be revisited when they have a permanent building to show what is being approved and can explain that to anyone down the line in the future.

Commissioner Scales questioned what if he decides to change some material on the side of the building. If changing the material to a conforming material then he can put it on if he has a variance.

Commissioner Robertson said he would need to get a Permit. At that time the setback can be addressed.

Commissioner Weber asked if it was a concrete footing that was on the site currently.

Mr. Hunting responded he was unsure.

Chair Niemioja said the Applicant shook his head no in regards to the footing.

DRAFT

Commissioner Simon said she has a difficult time without a timeline. If the hoop was started last summer, she believed a year was a good time to decide whether he would be purchasing this or not. It was an after the fact variance. If running a business in the city she would think the first thing would be to check with the City Hall to see what Permits would be required. She was unsure if that was required, but just to be sure he wasn't going to get into trouble doing something that isn't allowed in this city that is allowed in other cities. She said she has an after the fact issue with the after the fact variance. She would not approve of the variance setbacks. She mentioned if choosing to make a new building the same size and it was ok on the temporary building, she questioned what was to say he wasn't going to ask if it would be ok to keep the permanent building at the same settings. There was nothing written in stone. She requested taking this issue as two variances for the same thing. One for the building and one for the setbacks. If coming in with a permanent building for a Permit or another variance, then a discussion could be had on the new variance for the new building.

Mr. Hunting clarified and said if approving setback variances, it would be for the structure if the Council chooses to allow this to exist, or it could be used for the future permanent. There are two years from the date of Council approval to get a Permit or do something with that variance otherwise it expires. This would be looked at for this structure and maybe the future permanent. If the Commission is fine with the setbacks, the Applicant, if purchasing the property tomorrow, could come in for a Building Permit, this size meeting those setbacks and conforming to exteriors. They would just need a Permit because the city would have approved the setback variances.

Chair Niemioja said it comes down to if having a Practical Difficulty. She said it sounded like there was consensus from the Commission on the second matter having a Practical Difficulty. There is a clear understanding if moving forward on that variance it would allow the Applicant not to have to come back again if he is looking to build. The Commission still needs to determine if there is a Practical Difficulty for the building's materials, the canvas hoop structure.

Commissioner Robertson commented the usual protocol is they address issues about setbacks when receiving a formal request to build and/or a preliminary plat. The Commission has dealt with setbacks at the point of preliminary plat. This felt rushed to her. She said if there is a belief that upon the time of building there was a Practical Difficulty, that would be the time to address it. They are assuming a Practical Difficulty without knowing what is going to be built there. She felt it was a bit premature. She would not support approving the setbacks at this time.

Commissioner Scales said they know exactly what the Applicant was looking to build there, it's what was requested in the Application. Splitting them allows the opportunity to look at them individually along with the Council. He wanted to look at them individually.

Commissioner Robertson said the Applicant has indicated a desire to own the property at some point and build on it. She has not seen an application for a building. What was said was hopefully in the future, which is not the same as an application.

DRAFT

Commissioner Heidenreich said his concern was about the structure itself. Looking at the property, nobody can see it, there is a railroad behind it. He hopes they could come up with a creative way to help retain a business in Inver Grove Heights. He suggested maybe setting a time limit on it, letting the Applicant keep it for two more years until he agrees to build something. It's hidden from view. All of the properties around it have similar structures. He knows an economic reason couldn't be used to accept/deny, but would like to see a creative way to help keep businesses in the city and not force them due to hardship.

Chair Niemioja asked Commissioner Heidenreich if he has a Practical Difficulty for that under the Variance Law and Code.

Commissioner Heidenreich hoped the group could help him find it. He is newer and doesn't have the history. He knows it sets a precedence, but this is a unique property with the railroad behind it and a busy road in front of it. It's a necessary business to our environment.

Commissioner Weber asked if it was known when the plat changed. The original plat filed with the County is different than what is available online. The railroad took a wider berth around the railroad tracks.

Mr. Hunting was unsure, but assumed it was a while back. The layouts have been like this for a long time.

Commissioner Weber asked if they could utilize the railroad setback as a Practical Difficulty and the fact that it doesn't affect that many properties in the city.

Mr. Hunting replied it affects all of the properties on the east side of Concord. That makes it a challenge. He was unsure if it was used before.

Commissioner Weber replied they used it on the farm property off of Barnes. They used the railroad tracks as a Practical Difficulty. He said he made the Motion.

Chair Niemioja asked if Commissioner Weber was referring to the setbacks.

Commissioner Weber replied in the affirmative.

Commissioner Challeen thought the setback variance was a given in that the lot is substandard for an I-1 lot and could be approved based on that as a Practical Difficulty.

Planning Commission Recommendation

Motion by Commissioner Weber to approve the variance for a 27-foot rear yard setback and side yard setback set at 15 feet with the Practical Difficulty that it is a reasonably smaller lot than the typical I-1.

Commissioner Simon asked Commissioner Weber if he wanted to leave the setbacks

DRAFT

registered as is.

Commissioner Weber responded he would have to trust Staff's numbers better than the drawing the Commission has. He trusts Mr. Hunting's numbers.

Commissioner Simon asked if the different numbers make a difference.

Mr. Hunting replied the numbers are clearly not accurate. Staff remeasured using aerials. Some of the numbers are physically not possible. He was unsure what they were using for property lines. He said if/when this is a permanent structure, a survey will be needed to identify. They couldn't exceed the footprint already there, which could be determined at that time. Staff is confident it was pretty accurate using the aerial photography from mapping.

Associate Planner Heather Botten asked if 15 feet was wanted for both side yards or just the north one.

Commissioner Weber suggested going with 15 feet for side yard setback.

Chair Niemioja requested hearing the Motion one more time for clarity.

Motion by Commissioner Weber, second by Commissioner Scales, to approve the side yard and rear yard setbacks at the side yard setback of 15 feet and the rear yard setback of 27 feet for the property with the Practical Difficulty of the I-1 Lot being smaller than normal for Terry Trkla and property located at 6050 Concord Boulevard

Motion carried (7/2) Robertson, Simon.

Chair Niemioja stated the Commission needs to make a decision about the building materials. She said Commissioner Heidenreich's point was well made that they want to support businesses. The city has a vision for the area, it's hard to get everyone in compliance moving forward but somebody has to. She doesn't see a Practical Difficulty.

Commissioner Weber said he didn't like saying hoop structure in general. He asked if it could be constricted to being a hoop style building but have metal.

Mr. Hunting replied it could but metal is only allowed on a certain portion of the sides of the building. They couldn't do the arched type and just put metal on it because it doesn't comply with exterior standards. They can't be that general and have to be careful how to classify.

Commissioner Scales hoped the Council does something that is good for the business. Helps a local business with a building that is not in the way of anything. It doesn't take away from anything in the neighborhood, doesn't affect the neighbor. He hopes the Council would look at this openly and help the business the best they can. He cannot come up with a Practical Difficulty to support it.

DRAFT

Motion by Commissioner Scales, second by Commissioner Challeen, to deny a variance from the exterior building material requirement to allow a hoop structure for Terry Trkla for property located at 6050 Concord Boulevard

Motion carried (9/0). Motion to deny passes unanimously. This item goes to the City Council on February 14, 2022.

DRAFT

CASE NO: 22-03V

APPLICANT: Terry Trkla

PROPERTY OWNER: JAK Properties

REQUEST: Variance from exterior siding requirements and from building setbacks.

HEARING DATE: February 2, 2022

LOCATION: 6050 Concord Boulevard

COMPREHENSIVE PLAN: Mixed Use

ZONING: I-1, Limited Industrial District

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The applicant is requesting variances from siding requirements and setbacks to allow the accessory structure with hoop type construction covered with a canvas/poly exterior material. The structure also does not meet the required side and rear yard setbacks for the I-1 district.

The applicant operates a tree/landscaping business on the site and constructed the accessory structure some time in past as a temporary structure to house the equipment in the winter months. The structure was constructed without permits and also does not meet required side and rear yard setbacks. The building is approximately 1,997 square feet in size and is located approximately 15 feet from the north property line, 27 feet from the rear property line and 19 feet from the south property line. All structures are to maintain at least a 40 foot setback from side and rear property lines in the I-1 District.

The zoning ordinance does not differentiate between temporary and permanent structures, all must comply with all zoning regulations.

EVALUATION OF THE REQUEST

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

North: Industrial type uses; zoned I-1; guided Mixed Use

East: Railroad tracks, Heritage Village Park

West: Single family homes; zoned R-1C; guided Mixed Use

South: Industrial type uses; zoned I-1; guided Mixed Use

The hoop structure with canvas/poly exterior is in violation of Section 10-15-17. Exterior Materials. Below is the language from the zoning code.

A. Commercial, Industrial And Institutional Buildings: All exterior vertical surfaces of any principal or accessory structure in a B, I or P zoning district shall have an equally attractive or the same fascia as the front. At least fifty percent (50%) of the exterior vertical surface shall consist of one or a combination of the following or similar materials: brick veneer; sculptured, textured or concrete block or panels; natural wood siding; steel, aluminum or vinyl lap siding; natural stone or glass. A maximum of one-third ($^1/_3$) of a building wall is permitted to have sheet or corrugated steel or aluminum finish.

The existing material is not consistent with this section as canvas type material is not allowed.

The building setbacks for the structure are in violation of Section 10-11A-2 which require side and rear yard setbacks to be no less than 40 feet from property lines.

VARIANCE

City Code Title 10, Chapter 3. Variances, states that the City Council may grant variances when they are in harmony with the general purposes and intent of the zoning ordinance and consistent with the comprehensive plan and establishes that there are practical difficulties in complying with the official control. In order to grant the requested 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 intent of the code is to require all commercial and industrial buildings to have a high grade of materials for aesthetic and valuation purposes. Concord Boulevard has a mix of building types and exterior materials due to the age of the buildings along the street. There are two other quonset hut or hoop type buildings on adjacent properties, but these have been in place for some time and so would be grandfathered regarding their exterior material. In order to help redevelop the area, all structures should be required to be constructed meeting current exterior material standards.

Setback standards are designed to maintain consistency and conformity to all structures in an area. The reduced setbacks are not consistent with intent of the code.

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

The property is being used in a similar fashion as other along Concord with a mix of industrial type uses. Allowing an accessory structure for storage is consistent with the I-1 District.

The property size is 16,505 square feet and approximately 100 feet wide. Current lot size standards for the I-1 district is one acre and lot width of 100 feet. The small size of the lot limits placing of structures and always meeting setbacks. There is an existing building housing the offices of the business and the storage building. Maximum building coverage in the I-1 District is 30% which in this case would have a maximum coverage of 4,951 square feet. The two structures combined equal 3,733 square feet. While the storage structure does not meet setbacks, combined building coverage is in compliance.

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

There does not appear to be any unique circumstances to the property to allow a structure not meeting the exterior standards.

The discussion listed in #2 provides some rationale to determine unique circumstances. However, there are many properties along Concord that are substandard in size, so this is not the only case of a lot under one acre in size.

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

The buildings in the area are a mix of building materials with some that may not be fully in compliance with current exterior standards. Due to the age of many buildings, they were most likely built prior to the current standards. Allowing a new building not meeting the exterior standards could begin to alter the character and affecting aesthetics and valuations.

Again, due to the historical age of the Concord area, there are many buildings that do not comply with current setback standards. These would be considered non-conforming. Should a new structure, even temporary, be allowed to encroach into setbacks?

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

The applicant has indicated the temporary structure was built this way as they don't currently own the property but will in the near future. The applicant has indicated their long range plan is to redevelop the site and that is one of the reasons they constructed this temporary structure as new buildings may be in place in the future.

ALTERNATIVES

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

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

- Approval of the **Variance** to allow a structure not meeting the exterior materials standard for industrial buildings subject to the following conditions:

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

  2. There are noted stormwater issues in the area. Engineering recommends if and when a permanent structure is constructed, that will require a storm water management plan.

  3. Regardless of temporary or permanent, the structure is required to comply with all building and fire codes.

Practical Difficulty: To be stated by Planning Commission if supported.

- Approval of the **Variance** to allow the structure with reduced sideyard and rear yard setback.

Practical Difficulty: To be stated by Planning Commission if supported.

B. **Denial**. If the Planning Commission does not favor the proposed application, or portions thereof, 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 does not support the exterior material variance as there does not appear to be any practical difficulty rationale.

Staff notes in the report there may be some rationale to approve the setback variances since the lot is smaller in size.

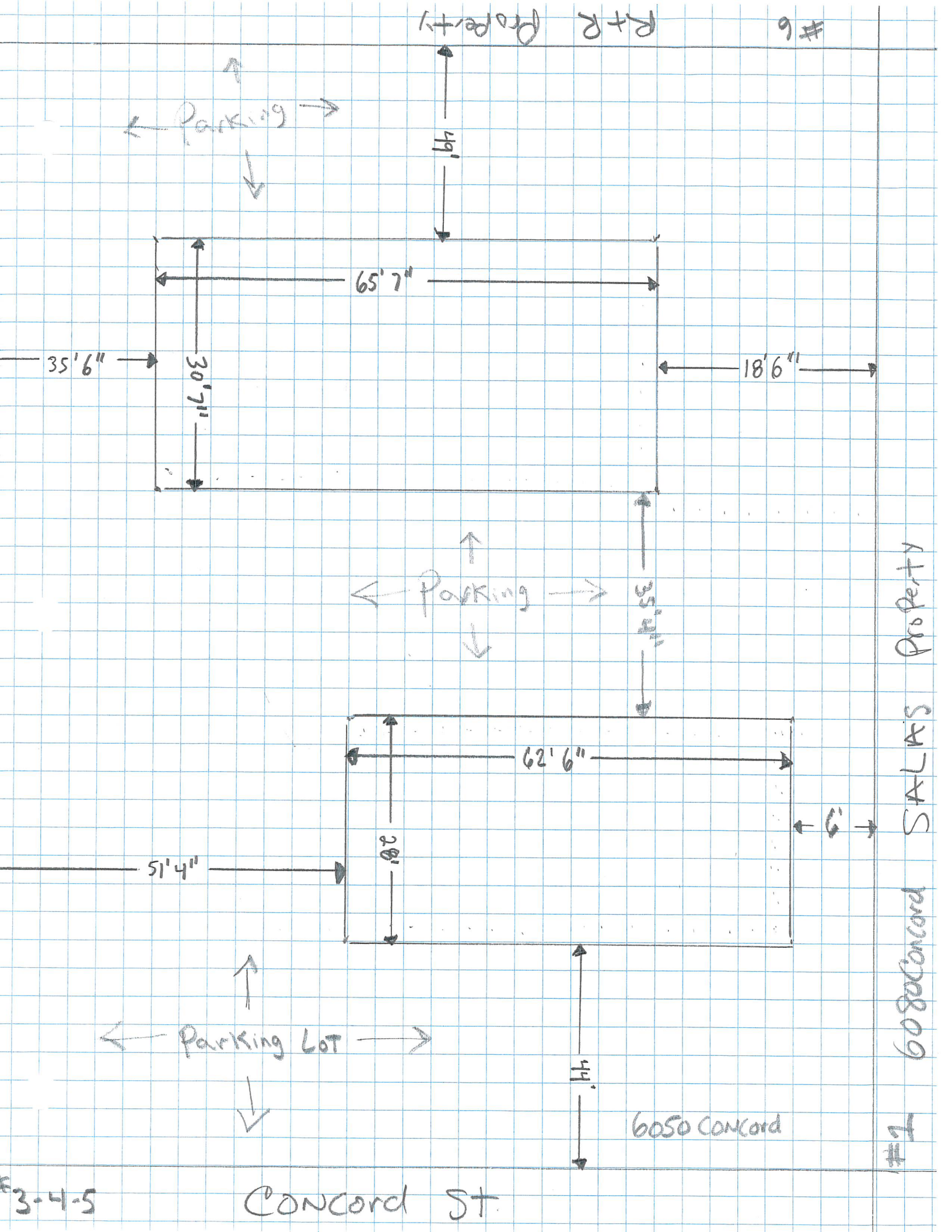
Attachments: Location Map
Applicant Narrative with general site plan
Letter from Adjacent Business Owner

Location Map
Case No. 22-03V



Kaposia tree Service LLC
6050 Concord Blvd
55076

Kaposia tree Service LLC (Terry Trkla) is
ASKing for a Variance to Put up a
Temporary Shelter to protect our EQUIPMENT
from the Elements


R+R Property
#9
Parking
49'
65'7"
35'6"
30'7"
18'6"
Parking
35'5"
62'6"
6'
SALES
51'4"
38'2"
Parking Lot
Hwy.
6050 Concord
6080 Concord
#7
3-4-5
Concord St

January 24, 2022

Ms. Kim Fox
Planning Department
City of Inver Grove Heights
8150 Barbara Avenue
Inver Grove Heights, Minnesota 55076

RE: Public Hearing Comment
Terry TRKLA – Case No. 22-03V

Ms. Fox:

Please accept this letter in response to the Public Hearing Notice we received as it pertains to Terry TRKLA – Case No. 22-03V that will come before the Planning Commission on February 2, 2022.

We own the properties (collectively one property at 6010 Concord Boulevard) directly to the north of Kaposia Tree Service. We have no objection and take no exceptions to their use of the property as it relates to variances being requested.

If you have any questions or request anything further from us, please feel free to contact me.

Thank you in advance for your considerations.

Sincerely,

Taylor Luke
Managing Partner

North Coast Capital
13840 23rd Street North,
Stillwater, Minnesota 55082
(612) 554-9764
taylor.d.luke@gmail.com

AGENDA ITEM 6D

Request for Council Action

TITLE: AT HOME APARTMENTS

		Fiscal/FTE Impact	Mark all that apply
Meeting Date:	February 14, 2022	None	
Item Type:	Regular Agenda	Amount included in current budget	
Contact:	Allan Hunting 651-450-2554	Budget amendment requested	
Prepared by:	Allan Hunting	FTE included in current complement	
Reviewed by:		New FTE requested – N/A	
		Other	

ACTION REQUESTED:

The Council is asked to consider the following requests for property located at the northwest quadrant of Hwy 3 and 70th Street;

- A Resolution approving a Comprehensive Plan Amendment to change Lot 1, Block 2 from HDR, High Density Residential to MDR, Medium Density Residential.
    - Requires a 4/5th's vote.

- An Ordinance Rezoning Lot 1, Block 1 and Lot 1, Block 2 from A, Agricultural to R-3B/PUD Multiple Family Residential District.
    - Requires a 3/5th's vote.

- A Resolution approving a Preliminary Plat for a three lot, four outlot plat and Preliminary PUD Development Plan for a 253 unit Residential development over Lot 1, Block 1 and Lot 1, Block 2 to be known as At Home Apartments.
    - Requires a 3/5th's vote.

    - 60-day deadline: March 2, 2022 (extended by applicant)

SUMMARY

The applicant is proposing to construct 253 units with a mix of townhomes, twin homes and apartment building for the first phase of the development. The primary change is the location of the apartment building that now fronts along future Agate Trail, south of the original location and not fronting 67th Street. The project area contains approximately 29.47 acres. The project will also include a 4 acre park in phase one.

Future phases of the project are expected to include 300 apartment units and 16,000 square feet of retail.

ANALYSIS

This group of land-use applications raises the following issues for the Council's consideration:

1. **Comp Plan Amendment:** The overall site is currently guided for a combination of High Density Residential and Medium Density Residential. The requested Comp Plan Amendment simply shifts the dividing line between the two designations to the east, resulting in a slightly larger share of the site being guided for medium density residential and a slightly smaller share of the site being guided for high density residential. If approved, all of the development proposed at this time would be in the area guided medium density residential.

2. **Rezoning Request:** The entire parcel is currently zoned A, Agricultural District. The requested rezoning would zone the western portion, which is proposed to be developed first, to R-3B. The allowable density in an R-3B zoning district is 8 - 12 units per acre. The density of the development being proposed is 8.6 units per acre. A rezoning of the eastern portion of the site would be requested at a later date, when more detailed plans for that phase are submitted.

3. **Flexibility Under PUD/NWA Overlay:** The developer is requesting flexibility when it comes to the mix of unit/building types and certain setbacks, as follows:
   - To allow buildings along 70th Street to be 40 feet from the right-of-way, when the standard requirement is 50 feet.
   - To allow Building #36, which is internal to the site and fronts a private road, to have a corner setback of 14 feet, when the standard is 20 feet.
   - To allow a greater percentage of the units to be in buildings of 5 or more units per building. The developer seeks to have 72% of units in buildings of 5 units or more on Lot 1, Block 1, and 86% of units on Lot 1, Block 2 when the standard is 50%. The proposed development would have the following mix and number of building types:

Lot 1, Block 1	Proposed Units	Percentage of units on lot	Maximum Percentage of units in each building type allowed if zoned R-3B
Total 2 unit buildings	42	Proposed 25%	Allowed 30%
Total 4 unit buildings	4	Proposed 2%	Allowed 100%
Total 5+ (6 unit+apt building)	119	Proposed 72%	Allowed 50%

Lot 1, Block 2	Proposed Units	Percentage of units on lot	Maximum Percentage of units in each building type allowed if zoned R-3B
Total 2 unit buildings	0	Proposed 0%	Allowed 30%
Total 4 unit buildings	12	Proposed 14%	Allowed 100%
Total 5+ (6 unit+apt building)	76	Proposed 86%	Allowed 50%

4. **Park Dedication:** The proposed development would meet its park dedication requirement by dedicating 4.08 acres of land for a park (68% of the obligation) and paying $323,840 in cash (32% of dedication). The proposed park would be along the northern portion of the site, in the southeast corner of the intersection of 67th St. and Agate Trail. The Parks & Recreation Advisory Commission has reviewed this proposal and recommends its acceptance.

5. **Other Concerns.** Questions have been raised regarding a tree inventory and planned tree removal. The applicant will be required to conduct a full tree inventory and present results and a reforestation plan with the final PUD plan set. Questions were also raised regarding the height of the large (95 unit) apartment building. The maximum building height for a multi-family building in the R-3B zoning district is 56 feet. The proposed apartment would be approximately 55 feet. For comparison, single family homes can have a maximum height of 35 feet.

***NOTE: The Comprehensive Plan Amendment Resolution and Rezoning Ordinance remain unchanged from those distributed in the 1/24/22 packet. The Preliminary Plat/PUD Resolution has been amended, notably conditions #2, 20, 21, 22, to clarify the scope of PUD plan approvals and obligations.**

RECOMMENDATION:

Planning Staff: Staff recommends approval of the requested items for the following reasons:

- It is largely consistent with the City's adopted 2040 Comprehensive Plan, which guides this area for medium and high density residential development. The Comp Plan calls for increasing the type and mix of housing units available in the community and this project would contribute toward that.
- Public investments in transportation and utility infrastructure have been or are currently being made in this area specifically to support growth and development such as this. The development will bring in revenue to help pay off the significant investment the City has already made in area infrastructure.
- The proposed development will result in more than 253 additional households in the area, which will support existing and desired new growth in retail, restaurant and commercial businesses.
- The grouping of units into fewer, but larger buildings, reduces the amount of grading and tree removal needed and allows for more open space to be retained. The proposed project falls within the allowable density for the zoning district (at 8.6 units per acre when 8-12 is allowed), it is just the mix of buildings that the City would be providing some flexibility on.

Planning Commission: Recommended approval of the revised preliminary plat and PUD with new apartment location (8-0).

Recommended approval of the comp plan amendment to MDR (8-0) and Recommended denial of the rezoning to R-3B (6-2).

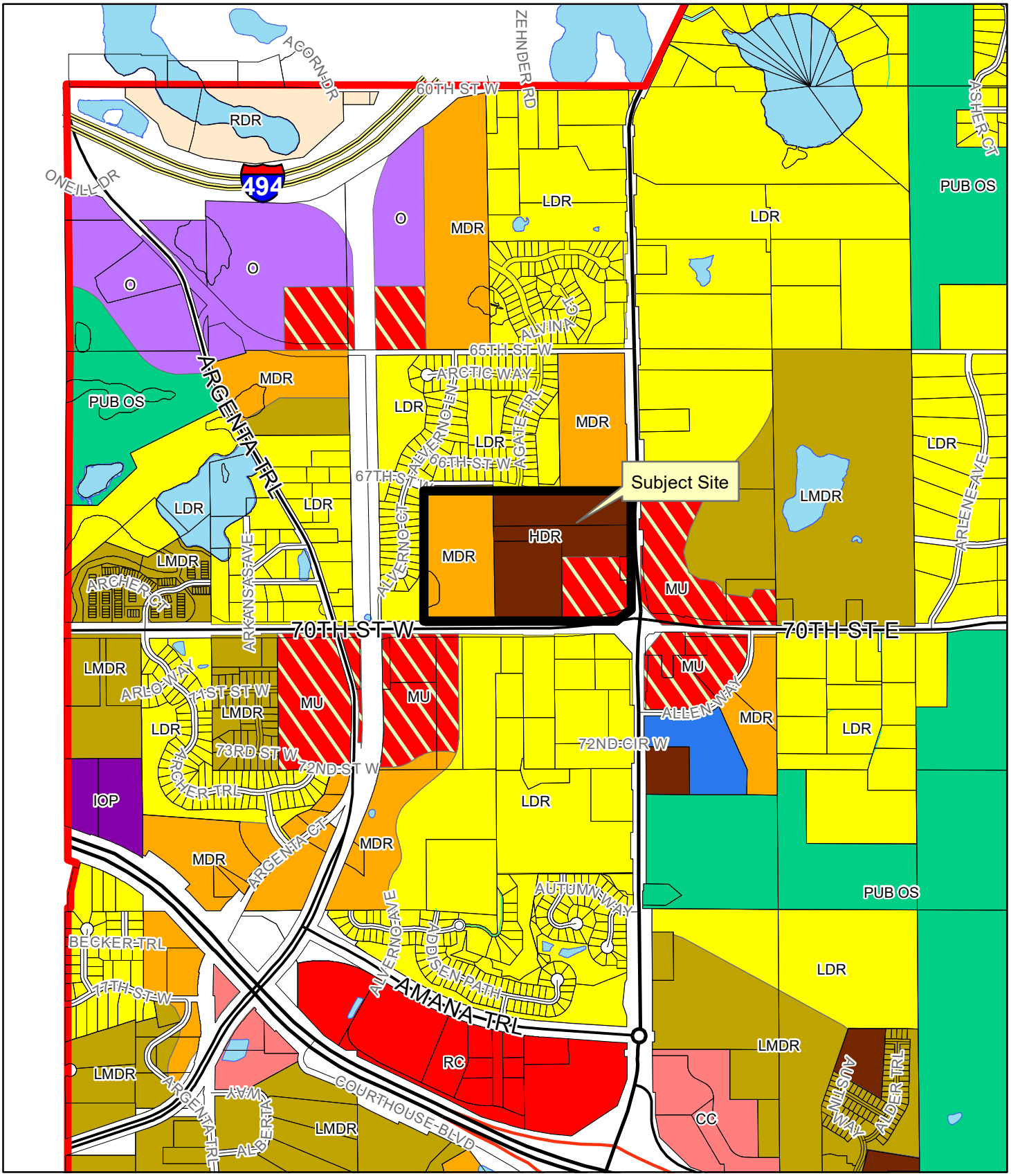
Attachments: Preliminary Park Dedication Calculations
Maps: Location, Preliminary Plat, Site Plan, Zoning and Comp Plan Maps
Resolution for Comprehensive Plan Amendment
Rezoning Ordinance
Resolution for Preliminary Plat and Preliminary PUD
Planning Commission Recommendation for October 5 and December 21 meetings
Planning Report for October 5 and December 21 Planning Commission meetings

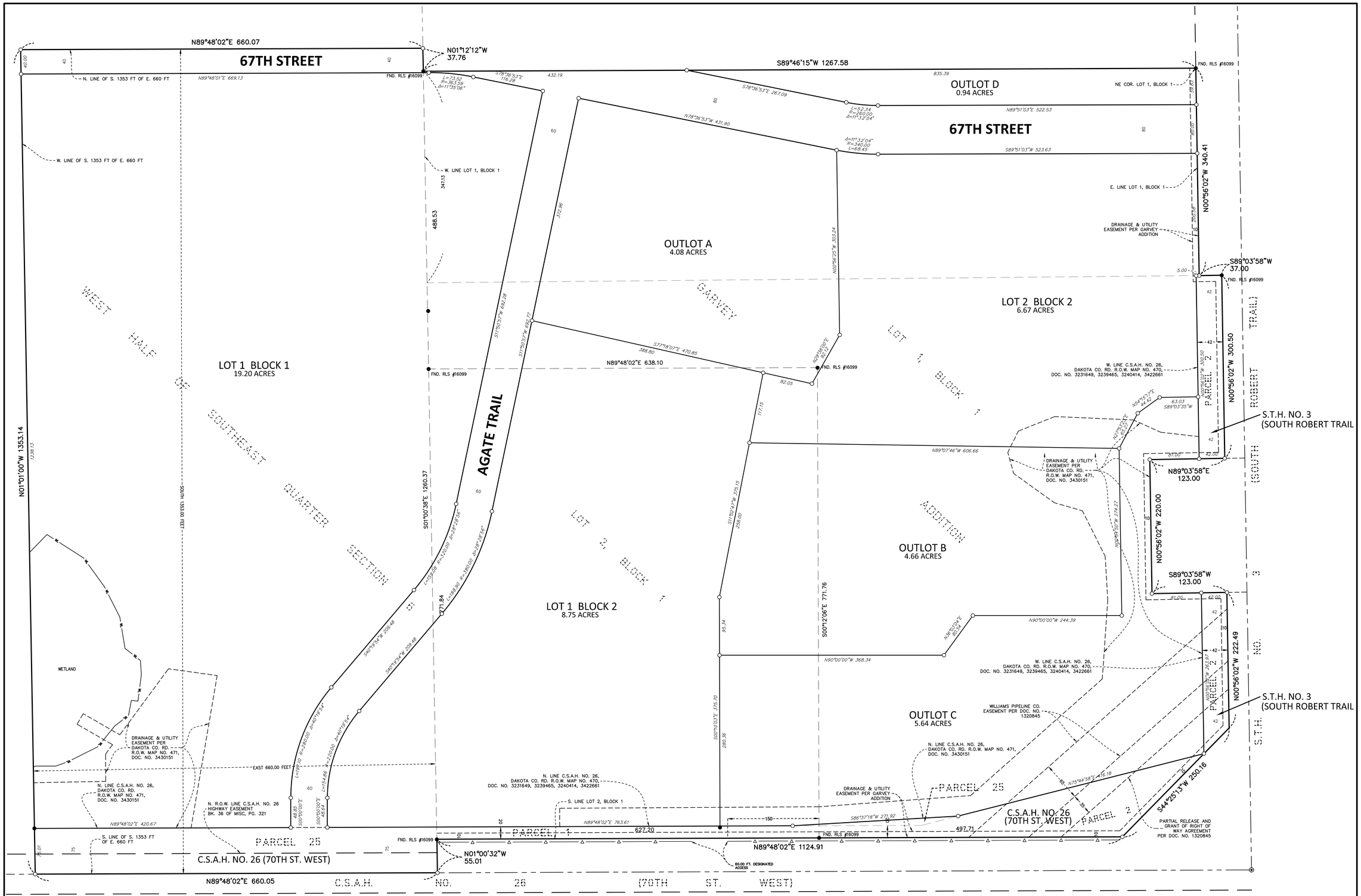
PRELIMINARY PARK CONTRIBUTION CALCULATIONS (1/16/22)

Name of Subdivision	At Home Apartments
Net Land Area	33.56 acres
Zoning	R-3B
100% thru Land Dedication	R-3B – 6.04 acres (18% of net land area)
100% thru Cash Dedication	R-3B - $4,000 x 253 = $1,012,000
Proposed Land Dedication	4.08 acres (68% of obligation)
Proposed Cash Contribution	R-3B - $323,840 (32% of obligation)*
Park & Rec Recommendation	4.08 acres land, balance in cash

*The required cash payment *may* be reduced *if* credits are awarded to the developer for significant site amenities provided by developer as allowed for by City Code 11-4-5, item G3. This would be accomplished through the Final Plat process.

Location/Comprehensive Plan Map
Case No. 21-45PUD





SUBJECT PROPERTY

Description from title commitment:

Parcel 1:

The South 1353.00 feet of the East 660.00 feet of the West Half of the Southeast Quarter of Section 6, Township 27, Range 22.

Dakota County, Minnesota
Abstract Property

Parcel 2:

That part of Lot 1, Block 1, Garvey Addition, Dakota County, Minnesota which lies Northerly of a line described as follows: Commencing at the Northeast corner of said Lot 1; thence Southerly along the East line of said Lot 1, a distance of 340.41 feet to an angle point in said East line, said point being the point of beginning of the line to be described; thence Westerly a distance of 1267.06 feet to a point on the West line of said Lot 1 which is 347.13 feet South of the Northwest corner thereof, as measured along said West line, and there terminated.

Dakota County, Minnesota
Abstract Property

Parcel 3:

That part of Lot 1, Block 1, Garvey Addition, Dakota County, Minnesota which lies Southerly of a line described as follows:
Commencing at the Northeast corner of said Lot 1; thence Southerly along the East line of said Lot 1, a distance of 340.41 feet to an angle point in said East line, said point being the point of beginning of the line to be described; thence Westerly a distance of 1267.06 feet to a point on the West line of said Lot 1 which is 347.13 feet South of the Northwest corner thereof, as measured along said West line, and there terminating.

Dakota County, Minnesota
Abstract Property

Parcel 4:

Lot 2, Block 1, Garvey Addition.

Dakota County, Minnesota
Abstract Property

PROPERTY SUMMARY

THE GROSS LAND AREA OF THE SUBJECT PROPERTY IS 56.96 ACRES OR 2,481,134 SQUARE FEET.

PROPOSED:

LOT 1, BLOCK 1	836,239 SQ. FT. OR 19.20 ACRES
LOT 1, BLOCK 2	381,337 SQ. FT. OR 8.75 ACRES
LOT 2, BLOCK 2	290,707 SQ. FT. OR 6.67 ACRES
OUTLOT A	177,780 SQ. FT. OR 4.08 ACRES
OUTLOT B	203,029 SQ. FT. OR 4.66 ACRES
OUTLOT C	245,853 SQ. FT. OR 5.64 ACRES
OUTLOT D	41,060 SQ. FT. OR 0.94 ACRES
RIGHT -OF- WAY	305,129 SQ. FT. OR 7.02 ACRES

DEVELOPMENT NOTES

1. DRAINAGE AND UTILITY EASEMENTS SHALL BE PROVIDED AS REQUIRED.
2. THE BEARING SYSTEM IS BASED ON THE DAKOTA COUNTY COORDINATE SYSTEM, NAD83 (1986 ADJUST).
3. SUBJECT PROPERTY'S ADDRESSES & PID:
   1285 70th Street West, Inver Grove Heights, MN. PID# 20-00600-78-012 (Parcel 1)
   6815 Robert Trail South, Inver Grove Heights, MN. PID# 20-28500-01-012 (Parcel 2)
   1165 70th Street West, Inver Grove Heights, MN. PID # 20-28500-01-020 (Parcel 4)
   The property address for Parcel 3 is unassigned. PID # 20-28500-01-011

NORTH
0 60 120
SCALE IN FEET

Sambatek
www.sambatek.com
12800 Whitewater Drive, Suite 300
Minnetonka, MN 55343
763.476.6010 telephone
Engineering | Surveying | Planning | Environmental

Client
COLLAGE ARCHITECTS

708 NE 15TH AVE
MINNEAPOLIS, MN 55413

Project
AT HOME APARTMENTS

Location
INVER GROVE HEIGHTS, MN
LOCATION ADDRESS

Certification

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.

George D. Abernathy
Registration No. 43505 Date: MM/DD/2021

If applicable, contact us for a wet signed copy of this plan which is available upon request at Sambatek's, Minnetonka, MN office.

Summary

Designed: GDA Drawn: JGP
Approved: JMM Book / Page:
Phase: PRELIMINARY Initial Issued: MM/DD/2021

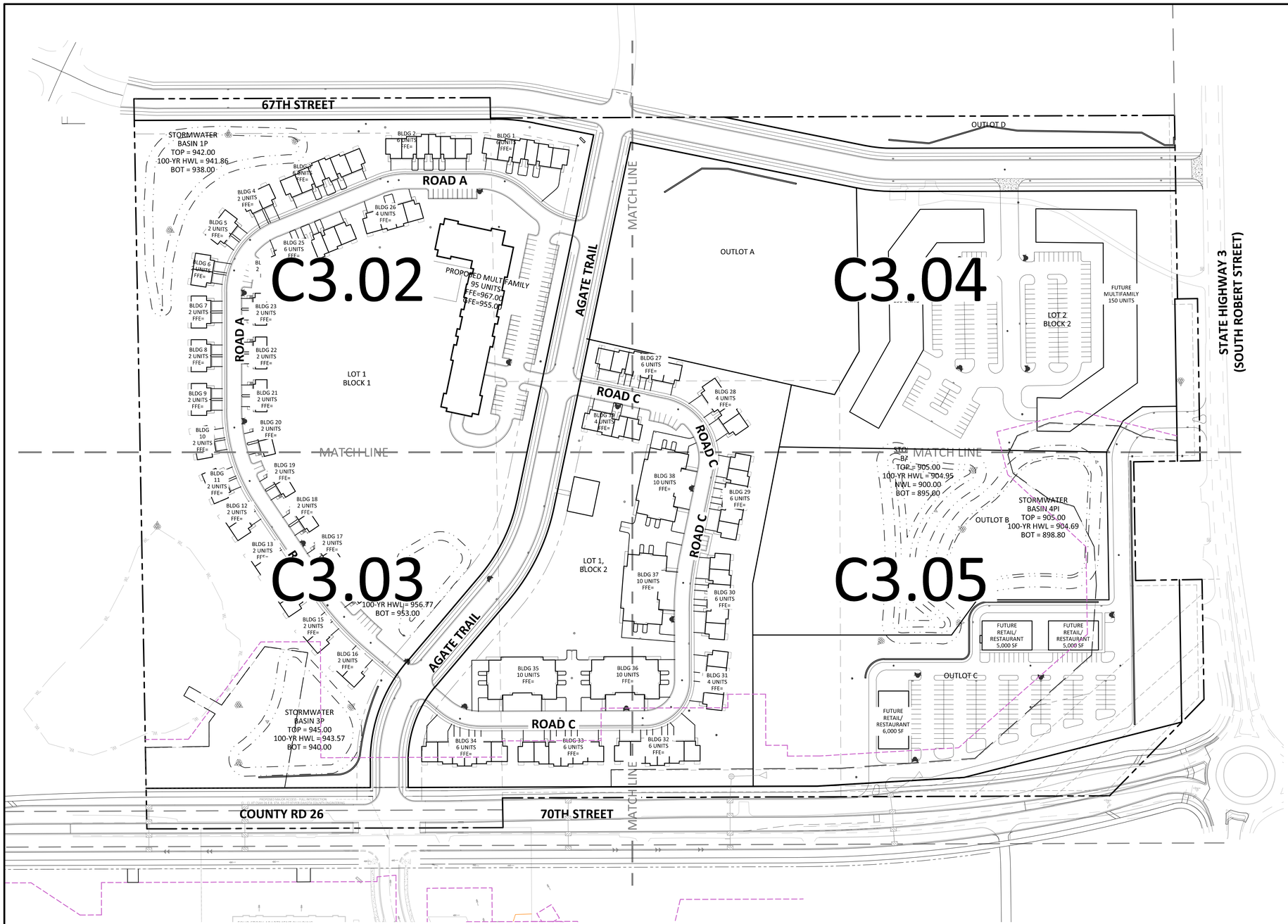
Revision History

No.	Date	By	Submittal / Revision
A	6/7/21		Preliminary PUD Submittal

Sheet Title

Sheet No. Revision

Project No. 22291.02



DEVELOPMENT SUMMARY

AREA		
GROSS SITE AREA	2,481,134 SF	56.96 AC
LOT 1, BLOCK 1	836,239 SF	19.20 AC
LOT 1, BLOCK 2	381,337 SF	8.75 AC
LOT 2, BLOCK 2	290,707 SF	6.67 AC
LESS OUTLOT A	177,780 SF	4.08 AC
LESS OUTLOT B	203,029 SF	4.66 AC
LESS OUTLOT C	245,853 SF	5.64 AC
LESS OUTLOT D	41,060 SF	0.94 AC
LESS RIGHT-OF-WAY	305,129 SF	7.02 AC
NET SITE AREA	1,508,283 SF	34.62 AC
UNIT TOTALS		
APARTMENT BUILDING		84 UNITS
DUPLEX BUILDINGS (x21)		42 UNITS
FOUR-PLEX BUILDINGS (x4)		16 UNITS
SIX-PLEX BUILDINGS (x10)		60 UNITS
TEN-PLEX BUILDINGS (x4)		40 UNITS
TOTAL		242 UNITS
PROPOSED BUILDING SETBACKS		
FRONT YARD		25 FEET
REAR YARD		25 FEET
SIDE YARD		10 FEET
ZONING		
EXISTING ZONING		A-AGRICULTURAL
PROPOSED ZONING		PUD, A-AGRICULTURAL
PARKING SUMMARY - MULTIFAMILY SITE		
PARKING REQUIRED		158 STALLS
PARKING PROVIDED		157 STALLS
PARKING SUMMARY - TOWNHOME SITES		
PARKING REQUIRED		342 STALLS
PARKING PROVIDED		489 STALLS
PARKING SUMMARY - FUTURE MULTIFAMILY SITE		
PARKING REQUIRED		563 STALLS
PARKING PROVIDED		450 STALLS
IMPERVIOUS SURFACES		
AREA (R3-C)	262,724 SF	6.03 AC
PERCENT		31.4 %
AREA (R3-B)	152,916 SF	3.51 AC
PERCENT		40.1 %
BUILDING SURFACE COVERAGE		
AREA (R3-C)	123,697 SF	2.84 AC
PERCENT		14.8 %
AREA (R3-B)	72,606 SF	1.67 AC
PERCENT		19.0 %

DEVELOPMENT NOTES

1. ALL DIMENSIONS ARE ROUNDED TO THE NEAREST TENTH FOOT.
2. ALL DIMENSIONS SHOWN ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
3. CONTRACTOR SHALL REVIEW PAVEMENT GRADIENT AND CONSTRUCT "GUTTER OUT" WHERE WATER DRAINS AWAY FROM CURB. ALL OTHER AREAS SHALL BE CONSTRUCTED AS "GUTTER IN" CURB. COORDINATE WITH GRADING CONTRACTOR.
4. ALL AREAS ARE ROUNDED TO THE NEAREST SQUARE FOOT.
5. ALL PARKING STALLS TO BE 9' IN WIDTH AND 18' IN LENGTH UNLESS OTHERWISE INDICATED.
6. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF EXIT PORCHES, RAMPS, PRECISE BUILDING DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
7. SEE ARCHITECTURAL PLANS FOR PYLON SIGN DETAILS.
8. LIGHT STANDARD LOCATIONS ARE FOR REFERENCE ONLY, SITE LIGHTING PLAN IS DESIGN BUILD BY CONTRACTOR. CONTRACTOR SHALL CONFIRM LIGHT STANDARD LOCATION WITH LIGHTING VENDOR. OR SEE ARCHITECTURAL PLANS FOR LIGHT POLE FOUNDATION DETAIL AND FOR EXACT LOCATIONS OF LIGHT POLE.
9. REFER TO FINAL PLAT FOR LOT BOUNDARIES, LOT NUMBERS, LOT AREAS, AND LOT DIMENSIONS.
10. ALL GRADIENTS ON SIDEWALKS ALONG THE ADA ROUTE HAVE BEEN DESIGNED WITH A MAXIMUM LONGITUDINAL SLOPE OF 4.5%, AND A MAXIMUM CROSS SLOPE OF 1.5%. THIS IS LESS THAN THE ADA CODE MAXIMUM LONGITUDINAL SLOPE OF 5% (1:20), EXCEPT AT CURB RAMPS (1:12), AND A MAXIMUM CROSS SLOPE OF 2.00% (1:50). THE MAXIMUM DESIGN SLOPE IN ANY DIRECTION ON AN ADA PARKING STALL OR ACCESS AISLE IS 1.5%, LESS THAN THE ADA CODE MAXIMUM SLOPE IN ANY DIRECTION ON AN ADA PARKING STALL OR ACCESS AISLE OF 2.00% (1:50). THE CONTRACTOR SHALL REVIEW AND VERIFY THE GRADIENT IN THE FIELD ALONG THE ADA ROUTES PRIOR TO PLACING CONCRETE OR BITUMINOUS PAVEMENT. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY IF THERE IS A DISCREPANCY BETWEEN THE GRADIENT IN THE FIELD VERSUS THE DESIGN GRADIENT AND COORDINATE WITH GRADING CONTRACTOR.
11. "NO PARKING" SIGNS SHALL BE PLACED ALONG ALL DRIVEWAYS AS REQUIRED BY CITY.
12. STREET NAMES ARE SUBJECT TO APPROVAL BY THE CITY.

CIVIL 3D MODEL LIMITATIONS

SAMBATEK'S DELIVERABLE AND GOVERNING DOCUMENTS FOR CONSTRUCTION SHALL BE A HARD COPY AND/OR PDF PLAN SHEETS. IF A CIVIL 3D MODEL IS GENERATED IN THE PROCESS OF PREPARING THE PLAN SHEETS, IT IS AS A DESIGN TOOL ONLY AND NOT AS A SEPARATE DELIVERABLE. AT THE OWNER'S REQUEST, WE WILL RELEASE OUR CIVIL 3D MODEL FOR THE CONTRACTOR'S USE. HOWEVER, ITS USE IS AT THE CONTRACTOR'S RISK AND SHALL NOT BE USED FOR STAKING OF CURB, SIDEWALK, OR OTHER HARD SURFACE IMPROVEMENTS. IF A CIVIL 3D MODEL FOR STAKING HARD SURFACE IMPROVEMENTS IS REQUIRED, WE CAN PROVIDE A SUPPLEMENTAL AGREEMENT FOR REFINEMENT AND PREPARATION OF THE CIVIL 3D MODEL.

THE SUBSURFACE UTILITY INFORMATION SHOWN ON THESE PLANS IS A UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA." THE CONTRACTOR AND/OR SUBCONTRACTORS SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, BY CONTACTING THE NOTIFICATION CENTER (GOPHER STATE ONE FOR MINNESOTA). THE CONTRACTOR AND/OR SUBCONTRACTOR AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, WHICH MIGHT BE OCCASIONED BY HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD.

IF THE CONTRACTOR ENCOUNTERS ANY DRAIN TILE WITHIN THE SITE, HE OR SHE SHALL NOTIFY THE ENGINEER WITH THE LOCATION, SIZE, INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER.

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

NORTH

0 80 160

SCALE IN FEET

Sambatek
www.sambatek.com
12800 Whitewater Drive, Suite 300
Minnetonka, MN 55343
763.476.6010 telephone
Engineering | Surveying | Planning | Environmental

Client

COLLAGE ARCHITECTS

708 NE 15TH AVE
MINNEAPOLIS, MN 55413

Project

AGATE TRAIL APARTMENTS

Location

INVER GROVE HEIGHTS, MN

Certification

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.

George D. Abernathy
Registration No. 43505 Date: 06/07/2021

If applicable, contact us for a wet signed copy of this plan which is available upon request at Sambatek's, Minnetonka, MN office.

Summary

Designed: GDA Drawn: JGP
Approved: JMM Book / Page:
Phase: PRELIMINARY Initial Issued: 06/07/2021

Revision History

No.	Date	By	Submittal / Revision
	06/07/21		Preliminary PUD Submittal
	09/03/21		Preliminary PUD Resubmittal

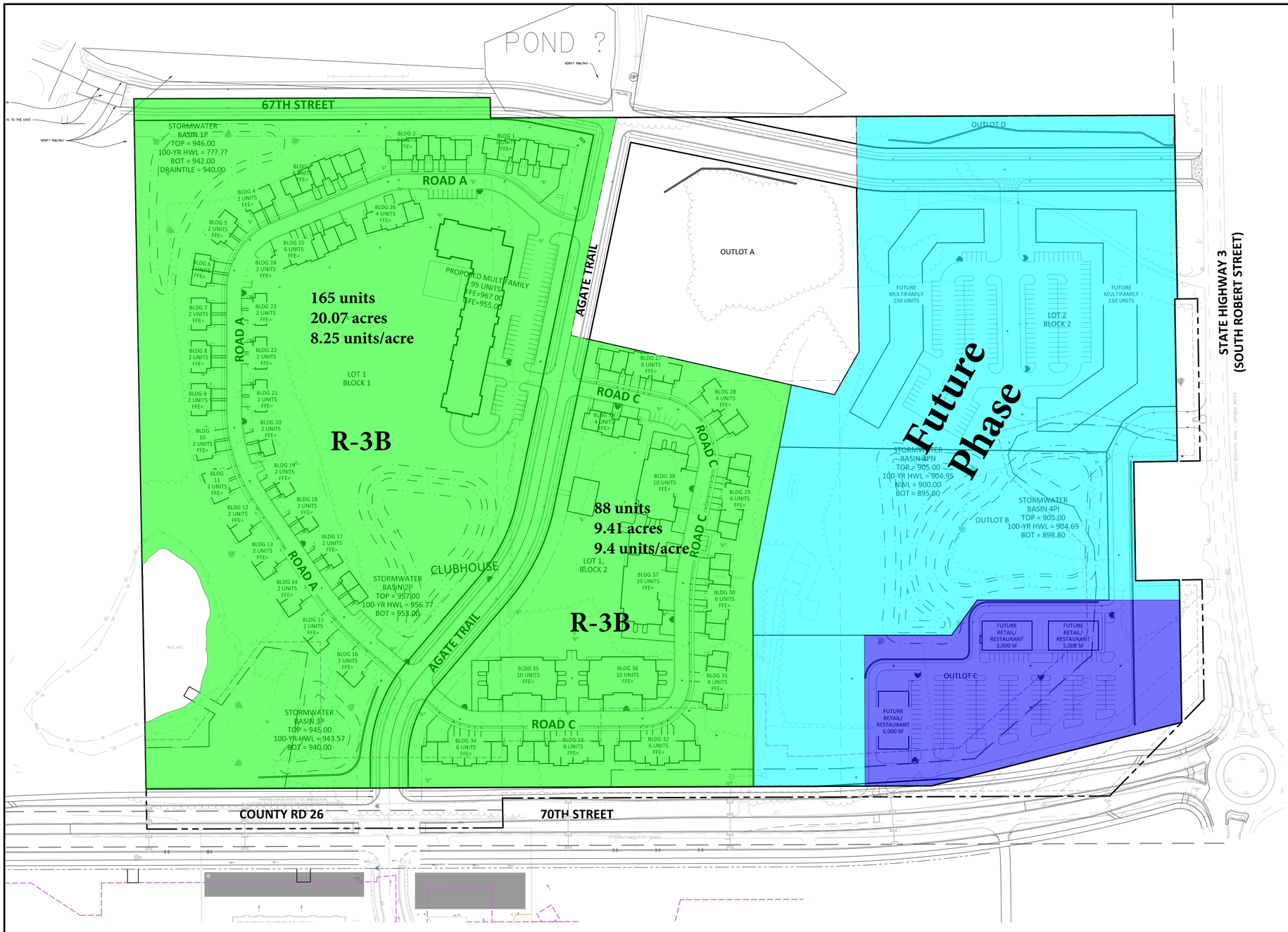
Sheet Title

OVERALL SITE PLAN

Sheet No. Revision

C3.01

Project No. 22291.02



Map Showing Proposed Zoning

LEGEND

PROPERTY LIMIT
CURB & GUTTER
EASEMENT
BUILDING

RESIDENTIAL DEVELOPMENT SUMMARY

	MULTI-FAMILY (R-3C)	MULTI-FAMILY (R-3C)
COMP. PLAN DESIGNATION	MDR	HDR
AREA	29.48 AC	15.14 AC
MIN. LOT AREA	2,000 SF	12,000 SF
DENSITY RANGE (2040 LAND USE)	8-12 UNITS/AC	12-35 UNITS/AC
UNITS	253	300
PROPOSED DENSITY	8.6 UNITS/AC	19.82 UNITS/AC
MINIMUM DENSITY (NW AREA OVERLAY)	8 UNITS/AC	12 UNITS/AC

COMMERCIAL DEVELOPMENT SUMMARY

		LOT AREA	BUILDING AREA	MINIMUM FAR	PROPOSED FAR
COMMERCIAL RETAIL (B-3)	MU	3.73 AC	16,000 SF	0.25	0.10

NORTH
0 80 160
SCALE IN FEET

Sambatek
www.sambatek.com
12800 Whitewater Drive, Suite 300
Minnetonka, MN 55343
763.476.6010 telephone
Engineering | Surveying | Planning | Environmental

Client
COLLAGE ARCHITECTS

708 NE 15TH AVE
MINNEAPOLIS, MN 55413

Project
AGATE TRAIL APARTMENTS

Location
INVER GROVE HEIGHTS, MN

Certification

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.

George D. Abernathy
Registration No. 43505 Date: 06/07/2021

If applicable, contact us for a wet signed copy of this plan which is available upon request at Sambatek's, Minnetonka, MN office.

Summary

Designed: GDA Drawn: JGP
Approved: JMM Book / Page:
Phase: PRELIMINARY Initial Issued: 06/07/2021

Revision History

No.	Date	By	Submittal / Revision
	06/07/21		Preliminary PUD Submittal
	09/03/21		Preliminary PUD Resubmittal
	09/24/21		Preliminary PUD Comment Response

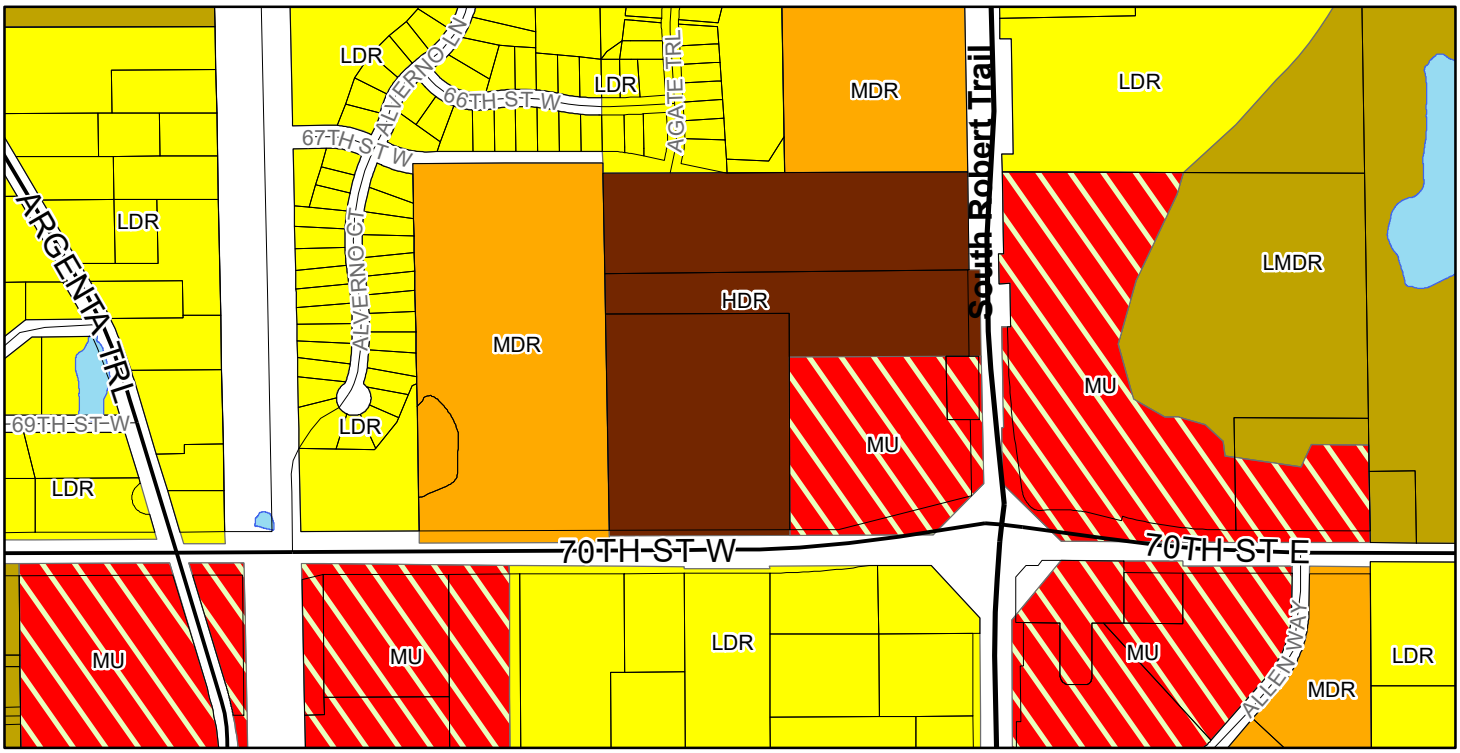
Sheet Title
DEVELOPMENT CAPACITY PLAN

Sheet No. Revision
C3.06

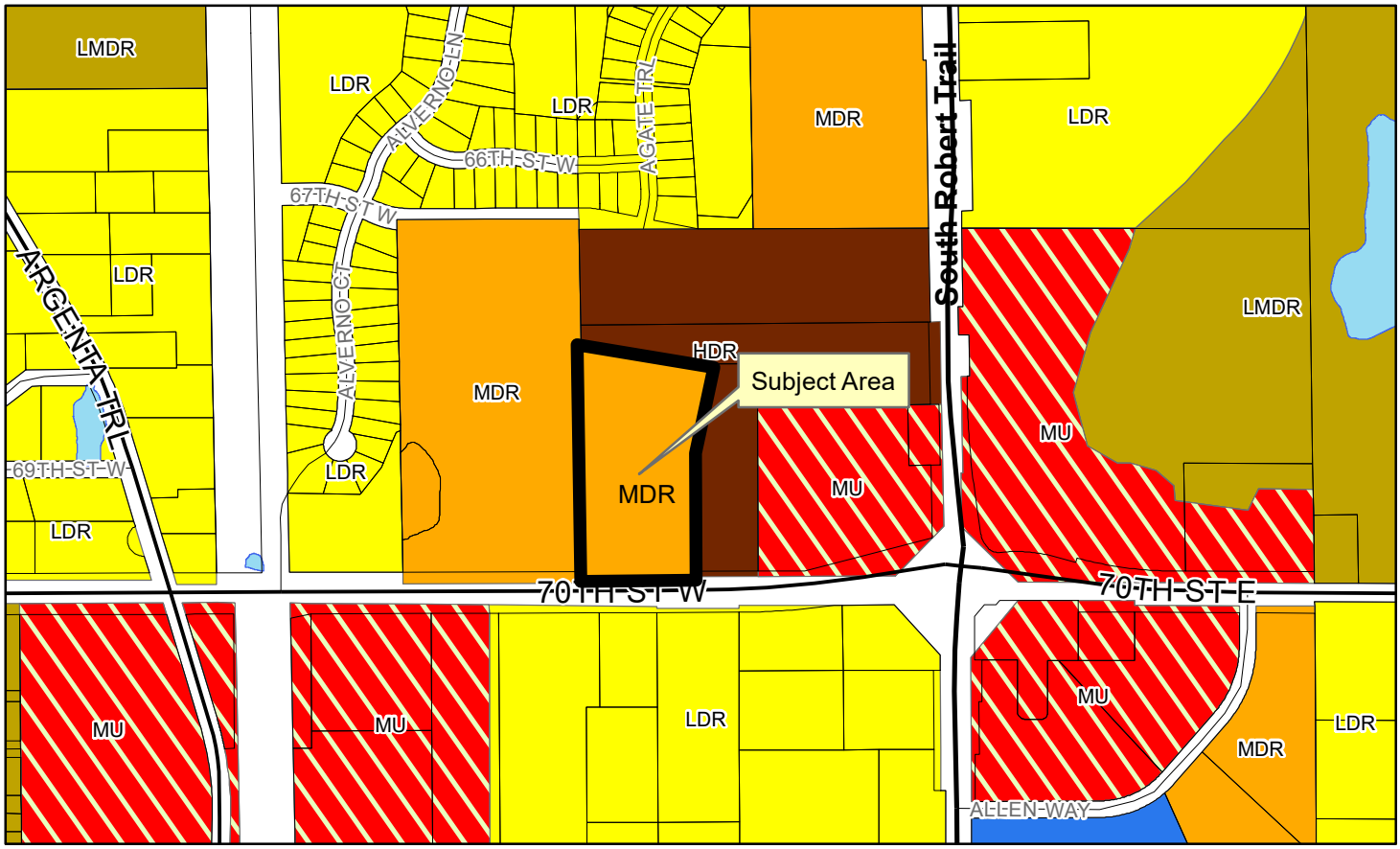
Project No. 22291.02

At Home Apartments CPA

Existing Comp Plan



Proposed Comp Plan



CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

RESOLUTION APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT TO CHANGE THE LAND USE DESIGNATION FOR THAT PORTION OF LOT 1, BLOCK 1 AND LOT 1, BLOCK 2 DEPICTED ON THE PRELIMINARY PLAT OF AT HOME APARTMENTS DATED 6/7/21 AND GUIDED HDR, HIGH DENSITY RESIDENTIAL FROM HDR, HIGH DENSITY RESIDENTIAL TO MDR, MEDIUM DENSITY RESIDENTIAL

CASE NO. 21-45PUD
(At Home Apartments)

WHEREAS, an application for a preliminary plat for the real property legally described as follows (the "Preliminary Plat of At Home Apartments") has been received by the City:

Parcel 1:
The South 1353.00 feet of the East 660.00 feet of the West Half of the Southeast Quarter of Section 6, Township 27, Range 22.Dakota County, Minnesota Abstract Property

Parcel 2:
That part of Lot 1, Block 1, Garvey Addition, Dakota County, Minnesota which lies Northerly of a line described as follow s: Commencing at the Northeast corner of said Lot 1; thence Southerly along the East line of said Lot 1, a distance of340.41 feet to an angle point in said East line, said point being the point of beginning of the line to be described; thence Westerly a distance of 1267 .06 feet to a point on the West line of said Lot 1 which is 347 .13 feet South of the Northwest corner thereof, as measured along said West line , and there terminated.

Parcel 3:
That part of Lot 1, Block 1, Garvey Addition , Dakota County, Minnesota which lies Southerly of a line described as follows:

Commencing at the Northeast corner of said Lot l ; thence Southerly along the East line of said Lot 1, a distance of 340.41 feet to an angle point in said East line , said point being

the point of beginning of the line to be described; thence Westerly a distance of 1267 .06 feet to a point on the West line of said Lot 1 which is 347.13 feet South of the Northwest corner thereof, as measured along said West line, and there terminating .

Parcel 4:
Lot 2, Block 1, Garvey Addition.

WHEREAS, an application for a comprehensive plan amendment has been submitted for that portion of the real property identified on the Preliminary Plat of At Home Apartments as Lot 1, Block 1 and Lot 1, Block 2 which is currently guided HDR, High Density Residential;

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 December 21, 2021, 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 THE CITY OF INVER GROVE HEIGHTS, that the Comprehensive Plan Map Amendment is hereby approved subject to the following conditions:

1. The comprehensive plan land use change shall not become effective until approved by the Metropolitan Council and rezoning, preliminary plat and planned unit development plans have been approved by the City Council.

2. Pursuant to the City's 2040 Comprehensive Plan, as a result of this downguiding, which will result in the development of the property identified above at a lower density than currently expected based on its existing Future Land Use Category of HDR, Developer shall be required as part of the Development Contract and Final PUD Plan for the Site, to make up the financial difference in utility connection and hook up fees, per Table 2-9 in the City's Comprehensive Plan.

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

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

Adopted by the City Council of Inver Grove Heights on this _____ day of _____, 2022.

Ayes:
Nays:

ATTEST:

_____
Thomas Bartholomew, Mayor

_____
Rebecca Kiernan, City Clerk

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. _____

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

CASE NO. 21-45PUD
(At Home Apartments)

The City Council of Inver Grove Heights ordains as follows:

SECTION I. Ordinance No. 1190 adopted July 27, 2009, entitled, "AN ORDINANCE ADOPTING THE RECODIFICATION OF THE INVER GROVE HEIGHTS CITY CODE INCLUDING THE CITY ZONING ORDINANCE, is hereby amended to rezone the following described property located within the City of Inver Grove Heights from A, Agricultural to R-3B/PUD, Multiple Family Planned Unit Development District to wit:

A Rezoning of Lot 1, Block 1 and Lot 1, Block 2 depicted on the preliminary plat of At Home Apartments dated 6/7/21from A, Agricultural District to R-3B, Multiple Family Residential, Planned Unit Development.

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

SECTION III. This Ordinance shall be in full force and effect from and after its passage and publication according to law, contingent upon approval by the Metropolitan Council of the Comprehensive Plan Amendment in Resolution No. _____ reguiding a portion of Lot 1, Block 2 from HDR, High Density Residential to MDR, Medium Density Residential.

Enacted and ordained into an Ordinance this 24th day of January, 2022.

Ayes:
Nays:

_____
Thomas Bartholomew, Mayor

ATTEST:

_____
Rebecca Kiernan, City Clerk

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. 22-

RESOLUTION APPROVING A PRELIMINARY PLAT FOR A THREE LOT, FOUR OUTLOT PLAT AND A PRELIMINARY PUD DEVELOPMENT PLAN FOR A 253 UNIT RESIDENTIAL DEVELOPMENT OVER LOT 1, BLOCK 1 AND LOT 1. BLOCK 2 KNOWN AS AT HOME APARTMENTS

CASE NO. 21-45PUD
(At Home Apartments)

WHEREAS, an application for Preliminary Plat and Preliminary Planned Unit Development has been submitted for property legally described as the following;

Parcel 1:
The South 1353.00 feet of the East 660.00 feet of the West Half of the Southeast Quarter of Section 6, Township 27, Range 22.Dakota County, Minnesota Abstract Property

Parcel 2:
That part of Lot 1, Block 1, Garvey Addition, Dakota County, Minnesota which lies Northerly of a line described as follow s: Commencing at the Northeast corner of said Lot 1; thence Southerly along the East line of said Lot 1, a distance of340.41 feet to an angle point in said East line, said point being the point of beginning of the line to be described; thence Westerly a distance of 1267 .06 feet to a point on the West line of said Lot 1 which is 347 .13 feet South of the Northwest corner thereof, as measured along said West line , and there terminated.

Parcel 3:
That part of Lot 1, Block 1, Garvey Addition , Dakota County, Minnesota which lies Southerly of a line described as follows:

Commencing at the Northeast corner of said Lot l ; thence Southerly along the East line of said Lot 1, a distance of 340.41 feet to an angle point in said East line , said point being the point of beginning of the line to be described; thence Westerly a distance of 1267 .06

feet to a point on the West line of said Lot 1 which is 347.13 feet South of the Northwest corner thereof, as measured along said West line, and there terminating .

Parcel 4:
Lot 2, Block 1, Garvey Addition.

WHEREAS, a public hearing concerning the Preliminary Plat and Preliminary Planned Unit Development was held before the Inver Grove Heights Planning Commission in accordance with Minnesota Statues, Section 462.357, Subdivision 3 on October 5, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the three lot, four outlot Preliminary Plat and Preliminary Planned Unit Development for Lot 1, Block 1 and Lot 1, Block 2 of At Home Apartments is hereby approved, subject to the following conditions:

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

Preliminary Plat	dated 6/7/21
Site Plan (5 sheets)	dated 9/24/21
Development Capacity Plan	dated 9/24/21
Natural Area/Open Space Plan	dated 9/24/21
Grading Plan (5 sheets)	dated 9/24/21
Erosion Control Plan (2 sheets)	dated 9/24/21
Utility Plans (5 sheets)	dated 9/24/21
Street Plans (6 sheets)	dated 9/24/21
Landscape Plan (5 sheets)	dated 9/24/21

***The final list of approved plans and date of plans shall be identified in the development contract.**

2. Prior to final plat and plan approval, the final grading, drainage and erosion control, street plans and utility plans shall be approved by the City Engineer; final plat and final plan approvals including the plans listed above shall be subject to and revised to meet all conditions noted by the City Engineer and consultants in their review memos, redlined plans, and other correspondence including but not limited to the November 10, 2021 City Engineer's Memo.

   The Developer/Owner is responsible to construct Agate Trail from the southern boundary of the plat to a connection with existing Agate Trail as further detailed and approved by the Council as part of Development Contract Approval; the Developer/Owner is responsible to construct 67th Street from the intersection with Alverno to the eastern border of Outlot A (to be replatted in the final plat as a lot),

subject to the terms and conditions for such construction and financial obligation to be determined by the Council as part of Development Contract approval.

Prior to final plat approval, the City shall determine the location, responsibility for construction, schedule, and financial responsibility for construction of the segment of 67th Street from the eastern border of Outlot A to the intersection with South Robert Trail, including the required access improvements to TH3/South Robert Trail, including the Developer/Owner requirements related to construction and financial responsibility for the same, which shall be incorporated into the Development Contract.

The final plat shall be revised to show the plat-dedicated right of way for 67th Street at a location acceptable to the City and as approved by the City Council following completion of a feasibility or similar study for the construction of 67th Street and Council approval of a final alignment of 67th Street.

3. Drainage and utility easements shall be provided on the final plat as required by the City Engineer.

4. The developer shall be responsible for installing marker posts at reasonable locations to define the boundary of the open space. This provides identification for future land owners to know boundaries of the open space areas. The final PUD plans must show the location of the marker posts.

5. The City's Parks and Recreation Commission has reviewed the preliminary plat and recommended that the park dedication requirements for the portion of the plat being developed at this time (Lot 1, Block 1 and Lot 1, Block 2) be met by a combination of land dedication and cash contribution. The Commission has recommended that the City accept the conveyance of Outlot A, containing 4.03 acres of land, as partial satisfaction of the Developer's park dedication requirements for that portion of the plat being developed at this time. Prior to final PUD and plat approval, the Council shall make a final determination of the dedication and contribution requirements for Lot 1, Block 1 and Lot 1, Block 2, including whether full or partial credit shall be given for Outlot A. The Park dedication for Lot 2, Block 2 and Outlot C shall be determined and paid at the time of development of those sites. Outlot A shall be platted as a lot on the final plat (not an outlot) for conveyance to the City at time of recording of final plat.

6. The final plan set shall be subject to the review of the city Fire Marshal.

7. The approval of the preliminary Plat and PUD development plans are subject to the review, comment, and as applicable approval, from Dakota County and MnDOT.

8. Prior to execution of the plat by the City and prior to recording of the plat with the County, the Developer/Owner shall execute a Storm Water Facilities Maintenance

Agreement with the City whereby the developer shall be responsible for the maintenance of storm water improvements on such lots. If required by Engineering, Outlot B shall be conveyed to the City at time of final plat approval.

9. The developer shall be responsible to ensure the undisturbed area shown on the Open Space Plan remains undisturbed through all construction grading.

10. In the Development Contract, the Developer and Owner shall agree that the following elements of the Planned Unit Development shall not be altered, changed or removed without first obtaining the following consents:

Site Plan Element	**Consent Required By**
Building Location	City Council
Driveways and Private Roads	Planning Department
Landscaping	Planning Department
Location of Utilities	Engineering Department
Location of Conservation Easement and Open Space	City Council

11. The Developer and Owner shall execute an Acknowledgement of Planned Unit Development Zoning. This Acknowledgement shall state that property within the plat is subject to the approved PUD plans and PUD zoning and that the development on the property must conform to the PUD plans and PUD zoning. This Acknowledgement shall be recorded when the plat is recorded.

12. The Developer and Owner shall enter into a Development Contract with the City in a form acceptable to the City Attorney prior to release of the plat.

13. Northwest Area plat connection fees are due at time of final plat release for each phase. The connection fees will be listed in the development contract. The Northwest Area building permit connection fees are due with building permit for each unit. Final details of the amounts to be paid shall be part of the final PUD plan review. Pursuant to the City's 2040 Comprehensive Plan, as a result of the downguiding of the portion of the Property guided HDR to MDR, which will result in the development of the property identified above at a lower density than currently expected based on its existing Future Land Use Category of HDR, Developer shall be required as part of the Development Contract and Final PUD Approval for the Site, to make up the financial difference in utility connection and hook up fees, per Table 2-9 in the City's Comprehensive Plan.

14. Street lighting shall be required along all public streets. The street lighting plans shall be approved by the City prior to installation.

15. A full tree inventory for the site shall be submitted with the final PUD plan set. No grading permits or tree removal shall occur until the city council has reviewed and approved the final PUD plan set including any tree reforestation requirements.

16. Because there will be disruptions on the regional roadway network for the next 2-3 years, the project may be subject to final approval in phases to minimize residential traffic that would be using other routes while construction occurs on Co. Rds 63 and 26.

17. A traffic study shall be required to be submitted by the applicant and reviewed by the city to verify trip generation and traffic routing.

18. The required 20 foot separation between buildings 19 and 20 shall be met on the final plan set submittal.

19. Flexibility from setbacks shall be approved with this resolution for Building 36 to be 14'2" at the corner of the building and Buildings 32, 33, 34 along 70th Street to be 40 feet from the road right-of-way.

20. The Preliminary PUD approval shall apply only to the lots identified as Lot 1 Block 1, and Lot 1, Block 2. Notwithstanding anything to the contrary in this Resolution, nothing in this Resolution grants any preliminary PUD approval for any development to be located or occur on Lot 2, Block 2 or Outlot C. Approval of the Preliminary PUD plans, including those showing potential development on those two sites, shall not be considered to grant any development approvals or entitlements related to future development on those sites, including any approval for mass grading. Only Lot 1, Block 1 and Lot 1, Block 2 are being rezoned at this time, and only those lots are subject to this approved PUD preliminary plan. When future development is proposed for Lot 2, Block 2 and Outlot C, the developer must apply for and obtain Council approval of preliminary and final PUD plans for those sites.

21. Except as otherwise expressly authorized by City resolution or ordinance, all aspects of the development shall comply with all applicable state laws, city codes, ordinance, and regulations.

22. Stormwater management plans shall be updated to comply with all applicable city ordinance and other regulatory requirements, and the final plat and plans shall be revised to comply with all storm management requirements.

BE IT FURTHER RESOLVED that the City Council of the City of Inver Grove Heights hereby makes the following FINDINGS OF FACT in support of its approval of the Preliminary PUD plan for Lot 1, Block 1 and Lot 1, Block 2:

1. The flexibilities granted as part of this Preliminary PUD approval, including but not limited to:
    a. Mix of unit types
    b. Building separation between 19 and 20 is 18 feet where 20 feet is required
    c. Building 36 is only 14'2" at the corner whereas 20 feet is required
    d. Buildings along 70th Street are 40 feet from road right-of-way whereas 50 feet is required along arterial roads

    are specifically allowed per the provisions of City Code Title 10, the City's zoning ordinance.

2. The flexibilities granted as part of this Preliminary PUD approval are found to meet the criteria for granting such flexibilities and are found to:

    a. Protect public safety.

    b. Best effectuate the purpose and intent of Section 10-13J-2, namely regulating development consistent with the City's 2040 Comprehensive Plan while encouraging development which provides for diverse housing styles, natural features as integral elements of the development, cluster development practices which preserve significant natural features, creation of pedestrian connections, innovative storm water management practices, reducing impervious cover to maximize natural storm water infiltration, on site retention of storm water, and open space areas as development amenities, and a reduction of storm water run-off through the minimization of impervious surface cover and a maximization of the ability to infiltrate storm water without piping to a remote outlet through the preservation of natural areas for infiltration.

    c. Best effectuate the purpose and intent as outlined in Section 10-13A-1, namely by providing the means for greater creativity and flexibility in environmental design than is proposed under the strict application of Title 10 while at the same time preserving the health, safety, order, convenience, prosperity and general welfare of the city and its inhabitants; recognizing the economic and cultural advantages that will accrue to the residents of a planned community; encouraging a more creative and efficient approach to the use of the land; encouraging the preservation and enhancement of desirable site characteristics and open space; and encouraging a development pattern in harmony with land use density, transportation facilities and community facilities, and objectives of the comprehensive plan.

    d. Be consistent with the goals, policies, and plans of the City's Comprehensive Plan, including future land uses, utilities, streets and parks.

    e. Be generally compatible and not be materially injurious to existing or future uses of surrounding properties.

f. The exceptions do not have an undue adverse impact on existing or planned city facilities and services, including streets, utilities, parks, police and fire and the reasonable ability of the city to provide such services in an orderly, timely manner.

3. The flexibilities granted by the Preliminary PUD plan are granted for the purpose of creating better overall design and an improved living environment and not solely for the economic advantage of the developer.

4. The design of the development takes into account the relationship of the site to the surrounding areas and the perimeter is designed to minimize undesirable impact of the development on adjacent properties and, conversely, to minimize undesirable impact of adjacent land use and development characteristics on the planned unit development.

5. The Council finds that the following factors have been considered by the Council and are met, supporting the approval of the Preliminary PUD plan:

a. The proposed planned unit development is consistent with the adopted comprehensive plan of the city.

b. The proposed planned unit development is designed to form a desirable and unified environment within its own boundaries in terms of relationship of structures, patterns of circulation, visual character and sufficiency of drainage and utilities.

c. The proposed uses will be compatible with present and planned uses in the surrounding area.

d. Any exceptions are justified by the design or the development.

e. Each planned unit development phase's size, composition, and arrangement is sufficient, in order that its construction, and operation is feasible without dependence upon any subsequent phase.

f. The burden or impact created by the planned unit development on parks, schools, streets, and other public facilities and utilities is acceptable and in conformity with the City's comprehensive plan expectations for development of the Northwest Area.

g. The impact of the planned unit development on environmental quality and on the reasonable enjoyment of the surrounding property is acceptable.

6. Finds that Table 13J-1 amends the permitted uses allowed in the underlying zoning districts for property located within the northwest area overlay district and permits

multiple-family dwellings containing 7+ units within the R-3A and R-3B zoning districts, thereby permitting the proposed 95-unit apartment building on property zoned R-3B.

Adopted by the City Council of Inver Grove Heights this 14th day of February , 2022.

_____
Thomas Bartholomew, Mayor

Ayes:
Nays:

ATTEST:

_____
Rebecca Kiernan, City Clerk

RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS

TO: Mayor and City Council of Inver Grove Heights

FROM: Planning Commission

DATE: October 5, 2021

SUBJECT: **AT HOME APARTMENTS - CASE NO. 21-45PUD**

Reading of Public Notice

Commissioner Simon read the public hearing notice to consider the request for property located at the northwest quadrant of Highway 3 and 70th Street. The request consists of rezoning of the western portion of the property from A, Agriculture District, to R-3C PUD, Multiple Family Residential Planned Unit Development. A Preliminary Plat and Preliminary PUD for the 3 lot, 4 outlot multi-family project consisting of 553 residential units and 1,600 square feet of commercial development. Notices were mailed to 76 property owners on September 22, 2021.

Presentation of Request

Allan Hunting, City Planner, stated the project was initially reviewed by the Planning Commission on July 6, 2021. At that time the Planning Commission supported the request with additional conditions added:

1. Location of the Apartment Building
2. Height

The City Council reviewed the item on July 26, 2021 and tabled the request due to further discussion about the apartment building and if it could be moved. He said the Applicant came back to the City Council meeting on August 28, 2021 and presented a site plan showing a new location for the apartment building. The City Council did not have further discussion. He said Staff reviewed this and felt there were enough changes made that could impact other aspects of the plan and suggested starting over with a new Preliminary PUD and public hearing so it could be reviewed with a chance for comment. He presented the following information:

- It is the same general layout as before.
- Total units for both phases would be 553.
- Phase 1 would have 253 units.

The main change was the apartment building located along 67th. The Applicant has moved it down south further onto Agate Trail.

- The layout of Agate Trail is the same from 70th up to 67th. It would be built and connect with existing 67th.
- The segment out to Highway 3 would be done with Phase 2.
- There are slight changes to the unit mix in each of the neighborhoods:
    - Still a mixture of twin homes, 10-unit buildings, 6-unit buildings, and 4-unit buildings.
    - There is still the proposed 4-acre area for a public park. The Parks Commission

would still need to weigh in on what they would propose and recommend for the space.

- Public streets would still have the same points off of Agate.
- The plan meets parking standards. It has been changed a bit with added parking; on street and guest parking areas comply with parking standards.
- Site exceeds all the open space requirements as it did before.

The Applicant requests flexibility from 3 of the setback standards:

1. With a couple of the twin home units that have a separation of less than 20. The Applicant proposes 18. Staff has a condition that this one should be changed, there is room to adjust.
2. Building #36 is down to 14 feet at the corner where it should be 20 feet. The driveways were looked at in each location and would need a 20-foot separation from the private road. Still has adequate space for parking. Staff supports this item.
3. Units along 70th. The Applicant proposes a 40-foot setback from the new right of way line. Code requires a 50-foot setback. The Council has already approved a reduced setback from a County Road on 80th Street for crossings for the apartment building which is at a 20-foot setback. The townhomes are at 30+ to 40. Staff supports this request.

He stated the Applicant had originally submitted a tree inventory of a sample area; Staff is not requiring a full tree inventory be done. This is due to time of year and timing; they would be submitting that with their final PUD Application. It would be reviewed to see what the impact would be on the development and any reforestation. Staff continues to recommend approval of the projects as they had in the past.

Chair Niemioja stated a concern raised in several emails and messages received is the splitting of the plan. The apartment building has parking and a little part of the building in HDR and part of it in MDR. She asked for further information about how it works and how they make the decision that HDR applies here.

Mr. Hunting responded the Comprehensive Plan worked from some of the original property boundaries and makes estimations of where they believe it makes sense to have density. When having multiple properties, it can't be made a hard line. The line of Agate Trail generally matches the MDR to HDR. Staff looks to have matching or consistent. MDR would be along Agate Trail, the rest is HDR and mixed use. With the acreage and 165 units, it would be just over 8 units per acre, consistent with MDR classification which allows for 8-12. The MDR classification allows for twin homes and apartments. The unit mix is consistent with the Comprehensive Plan. He said he focused most of his attention on the property west of Agate Trail for zoning to look at R-3C. There is a mix of housing types, a greater number of 5+ units per acre. The northwest area allows having a different unit mix based on percentage in each category. Going to R-3C matched more of what the higher unit buildings were. He said there are a lot of twin homes in the area. This has more twin homes than the R-3C would say they could have. It isn't an exact match but believed with more of the 5 and 6-unit buildings and the apartment building in the area, R-3C was a better match. This still meets all requirements for the Comprehensive Plan and the specific unit sized density in each multiple family zoning district. The PUD allows for flexibility of unit types, it's in the PUD Standard

Ordinance and the northwest area. PUDs are to allow a different unit product type. It is something achievable without following straight zoning.

Commissioner Robertson commented the email that was just added from residents that did their own study and review raised questions for her. It was comprehensive. She questioned whether or not they would be able to add this email to the record. In the past in order to add emails they had to have specific names and signatures of all individuals who participated.

Chair Niemioja replied she believed it could still be added to the record.

Commissioner Robertson said in the past when they did the one by North Valley Park, they couldn't accept it because it didn't have those specifics. She said the email is still valuable.

Mr. Hunting said he did not see a problem with adding the email to the record.

Chair Niemioja stated it was a Petition they did not allow because there were no signatures on it. This email was submitted by Mr. Stone.

Motion by Commissioner Robertson, second by Commissioner Challeen, to approve adding this document to the public record.

Motion carried (8/0).

Commissioner Clancy stated in weeks past the plan regarding the parks, paths, and trails connecting everything has been brought up. He referenced the crossing at Agate Trail going across the County Road and asked if it was planned to combine that with the greater trail system to access this future park or if it was unknown at this time. He asked if this would be incorporated as a part of that trail system.

Mr. Hunting responded when 70th is reconstructed there will be trails on each side. In regards to the park, Agate has sidewalk, there will eventually be a trail along 67th. For the park and Phase 2, they are anticipating an open space corridor where there will be additional trail connection. None of that is definite at this point and will be reviewed at a future time.

Commissioner Clancy asked if it was too soon to try to designate anything with regards to crossing across the County Road and addressing safety precautions with accessing that part of the city. He asked how someone would get to the park safely by crossing the street. He asked if it was appropriate to address that now or save it for a park's discussion.

Mr. Hunting responded he was unsure of the details. The County is improving 70th. The only underpass they are doing is for the Lebanon/Mendota Regional Trail by Blackstone Pond. A trail connection here would link to the 70th Trail system on the north side. The area by the roundabout may have pedestrian crossings to get to the other side. He said he was not aware that there would be any direct crossing at that location.

DRAFT

Chair Niemioja had a question about Condition #16. She said part of the discussion in July had been about suggestions for how to manage construction. The condition states "the project will be subject to approval in phases to minimize residential traffic and disruption". She asked who would be in charge of that, who is the person/group who would make that decision.

Mr. Hunting responded he was unsure what type of discussion there was with the City Council about this. It was raised in the report at that time because they knew of all the County work being done. They found that later on, from the timing the County starts and the timing for construction on this project, they won't start grading until next year, then utilities would go in. By the time they get Permits for any of these homes there wouldn't be continual closings of roadways. There shouldn't be an issue of how they would get in and out, most of the roads should be open for traffic.

Opening of Public Hearing

Leanna Stefaniak, At Home Apartments, 1289 Grand Avenue, St. Paul, said she has read and understands the report. She stated after meeting with the City Council after discussions about the placement of the apartment building, it took about two months to work with the site plan, grading, topography, and how to find a way to have a good compromise following what they heard from this Commission, the neighborhood, and the concerns of Council Members. They were able to rotate and bring the building down. It required moving a lot of pieces around as it affects grade and topography and is why some of the other structures changed locations. She said they felt it was a good compromise, shared it with the City Council in September, but because it changed what this Commission approved, they wanted to bring it back so the Commission could see what the changes were and gather feedback. Open space and impervious surface remain the same including park dedication.

Chair Niemioja said she watched that City Council meeting and noticed the new shading diagram that she found to be helpful. It was a graphic that showed where the shading from the buildings fell depending on time of day and where it was previously.

Pete Keely, Collage Architects, stated he has been working with At Home to help determine the new location for this apartment building. Numerous locations were tried along the site, one of things they are trying to do is to save trees. The center point location shows the area of trees they are trying to save. He said they have walked the site and taken a lift to the site. A variety of things have been done to determine where the best building site would be to save trees. The top of the knoll is what they have been trying to stay away from. It makes the location of the apartment building better. The apartment building can act as a retaining wall so they don't have to do quite as much grading. They were able to save more of the tree area by pulling the building back off of 67th, and turned the short side of the building to screen the neighbor to the north. He said there is considerably less shadows toward that direction. There were no shadows that would cross 67th. The parking lot is on the east side. One of the changes made is an upper level of parking. The entire building has full underground parking. There is access to underground parking from the south and good circulation on Agate Trail. He said the east side remains the same, some of the 10-unit buildings have

shifted over. They still have the twin homes. Two corners have wetland and stormwater. They were able to work with the grading as much as possible. He said the former apartment building location was replaced with walkouts. There were grading concerns so there is quite a bit of drop off between the private road and 67th. The buildings act as a retaining wall and are 3 stories on the north side.
He displayed images of the shadow study showing various months and the effect it would have across the street. An image was shown of the view from Agate, 67th was shown with the walkouts, and the apartment building in the back. From 67th the apartment would not be visible over the townhouse buildings. The apartment building could be seen at the intersection. The walkout building is 47.5 feet from grade to the top of the peak on the north side.

Commissioner Robertson said she watched the prior City Council meeting. She commented they have done extensive work taking into consideration the experience for residents along Settler's Ridge. She said it seemed to be more than good faith, they took it seriously.

Ben Stone, 1378 66th Street West, stated there is no doubt At Home has spent a lot of time on this. He said that company is on a payroll, they get paid to do this. He said residents have put so much time and energy into this it has been a sacrifice. He stated the big concern is the western lot zoned medium density. Previously it was zoned low density residential. He said if they had done an accurate inventory of this land, he doesn't believe it would have been zoned medium density. He commented that specific section has the key natural resources that define Inver Grove Heights. The apartment building is dead center on the highest point in all of the northwest area at 1,002 feet. The building is going to be visible from downtown Minneapolis. It would change the look of the hill because they are removing 70-80% of the trees. He said if he were At Home, this location is exactly where he would have wanted this building. The area currently has a forest. He said the NRI did core sample on certain trees. The oldest one was a 24-inch White Oak that was 202 years old. There is a 42-inch White Oak nearby, and between 60 to 70 of old growth White Oaks on the property. Not only is it the highest point in the area, it has the biggest growth of White Oaks. He stated that grove is the definition of the city. He said it was difficult knowing At Home is going to come in and clear cut this. They would remove the top 37 feet of the hill to put the apartment building in. It would still be higher than what it was.

He said when he read the Comprehensive Plan and read about saving natural resources, this is what they should be saving. The apartment building and duplex's look nice, but not here. He said the area is desperate for parkland. A lot like this would never come up again. It is in the heart of where all the dense developments would be. He asked the Commission to read the packet he provided. He asked that they not approve this yet. He commented if a real inventory was done it would see those trees. He said it wasn't a question of how much money they can pay the city to make up for this loss.

Chair Niemioja stated she worked to protect DarVan Acres in this city, that took a lot of funding. She asked Mr. Stone if he was proposing some sort of funding source to purchase this property.

DRAFT

Mr. Stone responded developers paid into the Park Fund. All eight developments in the northwest area have paid in cash instead of dedicating parkland. There is an accumulation of funds, Staff is trying to determine where to allot the money. Had they gone with land it would have been smarter because rebuying that land at this point would be astronomical. He said At Home has to dedicate 30% of the land. It is at the city's discretion how much of that is converted in cash. He said it makes no sense to keep putting money into this. He would rather just sit on the land, let the trees go, he wants his kids and grandkids to enjoy those trees. He stated the property that has been identified, the Cole property, has none of these natural resources, it's closer to Eagan residents and the Vikings area. He said this is nowhere near where all the density is going to be. He said they need to work toward preserving this. The Cole property is so much more valuable to the city as a commercial property, it's close to 494 and doesn't make sense as a park. He suggested having the park here.
Commissioner Robertson commented she understands his passion. She said he made a comment about purchasing the land and sitting on it. She asked who he suggests has the resources to purchase the land.

Mr. Stone responded Settler's Ridge paid in approximately $450,000 to the Park Fund. That money can only be used for the purchase of park land for residents. It has to be in close proximity to the residents. He said his development has been waiting for a park for 4 years. Argenta Hills has been waiting 11 years and they are finally getting a return on their investment. He said they don't want to wait 11 years. The money is sitting there, at least $1.3 million dollars. He said they don't need to buy this; they can ask for the full percentage. He said several residents have gone into great detail about how unsuitable that land is. He commented when it was realized that is the land At Home chose for the park and how terrible it is for dedication, it makes one question intentions. There would be approximately 1,300 people living in the area, maybe 2 acres out of the 4.08 acres of the park is usable. The pictures of the area describe how unsuitable the park land is. He said their community was excited when they heard this development was coming in. They were not opposed; they knew it meant a park. He said the former Parks and Recreation Director spoke with Falcon Properties about purchasing some land from the wooded lot for this community when At Home came in, and then talks ceased because the city would have discussions with At Home about getting this park land. He said expectations were high when they discovered it is on the very steepest most undevelopable part of the whole property. He stated roughly 40-45% of this is above a 12-degree grade, by City Code that is not permittable. If having a child with a stroller you wouldn't want to go anywhere near this. He said Settler's Ridge has 3.5 times the number of kids under the age of 5 as the rest of Inver Grove Heights. They need a park. This was a huge letdown and the catalyst that motivated a lot to try to do something because they can do better. He said At Home wants to start mass grading next month. They have not done a full tree inventory, which every single developer in the northwest area has done.

Chair Niemioja stated her understanding is that they would be required to do a full tree inventory.

Mr. Stone commented if he was At Home, he wouldn't want anyone to know they would be

DRAFT

clear cutting an old grove forest. He suggested getting all the facts. He said it's not that At Home doesn't know what they are doing, the Mendota Heights location is amazing. They have plenty of land in this location. He asked if he could give 8 copies of his packet to the Commission.

Chair Niemioja requested more information about the park, the plans for topography, and this land. She asked what some of the discussions have been about that park.

Heather Rand, Community Development Director, responded the Interim Parks and Recreation Director Bob Bierscheid and former Interim Parks and Recreation Director Jon Oyanagi have met with the Developer and walked the site, they identified the suitability of the 4.02 acres. Some of it, with minor grading and tree removal, they felt was adequate for facilities. Some would continue to be wooded with hopefully some trails. There are multiple plats that are being considered or have recently been approved in the northwest area. Most recently is the Canvas Development at the northeast corner of 70th and South Robert, Peltier Reserve, and a newer plat under consideration, Highlands at Settler's Ridge, west of South Robert. She mentioned there is an 8+ acre park under development on the west side of Argenta scheduled to open in June. Improvements would be made on the County Road/Argenta Trail with a raised median and motion sensor cross walks.
She responded about park development stating the current Interim Parks and Recreation Director has contracted with HKGi, a Consulting Firm, to look at potential parks that have been approved or considered. The Consultant has been requested to come back before the Parks and Recreation Commission at their October 13th meeting with a report on park concepts for each proposed park area. That includes Peltier Reserve, Highlands at Settler's Ridge, and At Home Apartments. They have also been requested to look at the most feasible trail connectivity. Based on how the meeting goes, the intent is to bring this item back before a City Council Work Session tentatively scheduled for October 18th. The At Home Apartments plat and the Highlands at Settler's Ridge would go before the City Council on October 25th. Staff is hopeful for concepts, cost estimates, and would be looking at what funds are available in Fund 402.

Commissioner Clancy wanted to clarify what Mr. Stone stated from the email received about the concern with the zoning of the western side. He asked if Mr. Stone's concern was more about park dedication, preservation of trees or natural space towards the west side of the plat, or if he was trying to loop that in with a zoning concern.

Mr. Stone responded the future land use correlates with the lot line. It is a medium density lot with a high-density structure. Another concern is that it would be zoned R-3C. Currently the density is 8 units per acre. He said there is no guarantee it would stay that way; it could be 35 units per acre. He said making it maximum density for residential when 10 years ago it was low density was a big jump. He said this seems very accelerated, if it can be slowed down maybe some of the information would get out. He said there is no need to build this anytime soon, 70th will be closed for 3 years. He said one month ago within 1.5 miles of this area there were no rental properties, in one year there will be 1,480 rental units. There won't be a shortage of rental properties.

DRAFT

Commissioner Robertson stated Mr. Stone raises a lot of interesting statistics. She said she understands his desire and wish to slow this down. It's not unique with almost every development they work with. There are always challenges, particularly in this market, with slowing down, sometimes slowing things down means it's gone. She said she understands his concern about density. There is only so much shifting and rearranging that can happen in Phase 1. She said she understands and loves the White Oak trees. She asked what they would be giving up to save those trees. She questioned if they give up, if they would find themselves falling below density requirements. If falling below, she questioned what the impacts of not meeting that standard would be. She said she has been on the Planning Commission long enough to see what waiting awhile means and it went away. There are costs for a lot of people when it goes away.

Mr. Stone said Phase 2 is important that it gets development. In Phase 2 the apartment building is short 116 parking spots. He did not believe the first level could be cleared and have those spots put in. He said At Home is banking on the density in Phase 2 to compensate for the lack of density in Phase 1. He said At Home hasn't found someone to develop Phase 2. He commented that Phase 2 with the commercial property on the corner is what is valuable to the city. He suggested taking a close look at Phase 2 and see how feasible it is. He commented there is concern that this is locked up and a few years down the road At Home comes back and says that nobody wants to build a 3-story underground parking garage and can't justify the expense. He said there isn't any on street parking. 67th Street is one of the steepest hills in Inver Grove. He was unsure where the overflow parking would go.

Commissioner Challeen asked if Mr. Stone has thought about a configuration that would be acceptable.

Mr. Stone responded he has. He said he can only speak for himself but the residents of Settler's Ridge have ideas. He said the Comprehensive Plan says there is a minimum of 10 acres per 1,000 people. There will be 1,200 to 1,300 people when this is finished. They are short park. Where At Home is proposing the apartment building is the proposed greenway. He said it was like they have forgotten about all the things that used to be really important. The greenway, hill, and trees would be gone. He said they want a community that isn't flat. He asked to build on the character of the city, especially in this area. He said that when Argenta is complete this will be the primary entrance into the city with 70th being the main street. He questioned if it wouldn't be nice to have majestic oaks so old with the amazing vista. He said people would be surprised about what can be seen from the hill. There is the potential to have a marquee park there. It couldn't have been afforded to buy it from the developer, but this is an opportunity. He asked to give the percentage, per City Code, and save the Oak Grove, not chop off the top of the hill. There would still be 30 plus acres of high-density zoning. He said if they can't figure out how to build on that someone else will. This would be prime property for developers.

Commissioner Clancy stated this is the second time the Planning Commission is reviewing this Planned Unit Development. Technically this has already been approved once. There

DRAFT

were comments from citizens that spoke up. Information presented in the packet and what has been noticed before is important. At the first meeting a lot of those comments were captured. He wanted Mr. Stone to understand that. He said they have seen a good faith effort from the developer to meet some of the standards within the confines of the economic feasibility of the area. He said the Planning Commission would be discussing this shortly to incorporate this information, there are limitations that come with this.

Mr. Stone stated it almost went through the last time this went before the City Council. If it did, they would not be having this conversation. He said the trees and hill would be gone. He said some developers could look at those trees and say how much they would have to pay to create something like this.

Commissioner Robertson commented this is where she is struggling. She hears Mr. Stone say that a developer would come and pay prime money for the area. She asked him to name a developer if he knows that to be the case. She said she understands that Mr. Stone will fight hard to find a developer because he is so passionate about this. At the same time, they hear so much about what they believe should happen and who will do it. She said they have several discussions, but lack the real information needed.

Mr. Stone responded there is such as lack of parks. If they had been building parks with the developments there now, there is no doubt the area would look nicer. It would be a more pleasant environment. The trend has been to take cash instead of parkland.

Chair Niemioja stated there are currently a number of parks in the works, unfortunately it has taken them so long to get there. They are actually getting to the point where they are actually spending money on parks.

Commissioner Robertson stated the point raised about parks has been a valuable question from citizens in the area for so long. Her question wasn't about parks.

Mr. Stone responded this was the last area for development within the 494/694 loop, it is between a lot of really amazing cities and features. He suggested zoning the residential near 494 for business. He asked what the difference was between what Eagan has been doing right next door and what is happening here. There could be answers there.

Beth Hoeppner, 6511 Arctic Way, Settler's Ridge, stated Mr. Stone has covered most of the points she was going to speak about. She said Mr. Stone has done a tremendous amount of work for their neighborhood. The trees physically measured were done so by following the American Forestry Measuring Guidelines. 53 trees were identified, there could be more. She said there are trees over 100 years old and possibly even 200 years old, on the highest point in the northwest quadrant. She suggested the Planning Commission wait on their decision until HKGi has submitted their survey results from the Riley property for parkland. She said it seemed silly to pay for a survey if they are making a decision about a park area before the survey is seen. She requested waiting until they see the report presented on October 13th before decisions are made. She requested not taking cash instead of parkland for the area.

DRAFT

There is no walkable park to their neighborhood at all. She stated they want the park to be where all the large trees are. She understands that means reworking the At Home plan. She commented if a tree inventory was done from the beginning, they would not have had to do two revisions already. The three areas sampled had no heritage trees on it. She said it wasn't until they went out and measured the trees that they discovered where they were. She said she was sorry they are at this point where a lot of people have spent a lot of time and money. She questioned why the biggest trees on that land were not measured in their sampling. She requested waiting until they get the park survey. Cash and land are not interchangeable, they would like to have plenty of useable land for the park. The area identified by At Home is very steep. She said that Mr. Stone was at a Park and Recreation meeting where it was mentioned if that was the land, they could place picnic tables on and a sliding hill because it's difficult land to use. She commented that wasn't what 150 toddlers were going to want to do.

Chair Niemioja asked if she had ever visited South Valley Park. A lot of people sled there.

Ms. Hoeppner responded that was one season they could use it. She said that wasn't what people think of for a community park now. There is a great piece of land that could be an awesome park, there seems to be a smarter way to do this development.

Pete Grayson, 6692 Agate Trail, said a lot of the issues brought forth before are still not accounted for in this new plan. He wanted to address traffic. He said it has not been solved, hasn't been solved coming through Settler's Ridge, and hasn't been solved for the development portion. He said this process has been extremely frustrating for him, for everyone. He feels it's frustrating and disappointing because he feels people are not doing their job. The developer didn't do their job in measuring the trees and checking the area. He felt city employees didn't do their jobs in failing due diligence. He apologized if this hurts people. He said if it were not for people like Mr. Stone, they would have 200-year-old trees gone without those questions asked. He said it was wrong and its failure. He said the city could do better. He is a fairly new resident of the city and is very disappointed. He stated he had previously come in and discussed traffic, it is still the same issue, nothing changed. The apartment building moved but didn't change any aspect of the traffic. He felt it made it worse. He stated the shortest route north out of the At Home development along Agate Trail to Robert Street is directly down Agate Trail to 65th Street and out to Robert Trail. He said the route suggested by the City Engineer is turning east on 67th to Robert Trail and then turning left on Robert Trail. That is longer than going straight down Agate Trail. Traveling through Settler's Ridge is easily the shortest and most obvious for At Home residents. He said from personal experience when he leaves his neighborhood the majority of his travel is to the north and would likely be the same because there is commercial to the north. He commented At Home residents would likely go north through Settler's Ridge. For anyone using GPS the shortest route would go straight through Agate Trail onto 65th to Robert Street. This is before 67th Street is even on the map. Agate Trail is not equipped to handle that traffic. He said the Engineer told them this is a narrower road which would cause people not to use it. He doesn't believe it makes sense. He commented that traffic is a significant problem the city has not sufficiently investigated or addressed. He asked what the solution would be. He said he would suggest changing 67th into a ring road. It would ring around the

Phase 1 development and go from 70th to Robert Street. He suggested having Agate Trail be an abutment. Agate Trail doesn't have to end, but can come off a little to the west and connect to the ring road. He said the City Engineer did not agree with any questions relating to modifying Agate Trail entry between At Home and Agate Trail. He said those plans were locked in stone the way the Engineer prescribed. He felt the Engineer was wrong here and with the preferred route. He said there were advantages to what he had just proposed. It would completely solve traffic problems coming into Settler's Ridge. He said the ring road design isn't new, it wasn't residents' idea, it was one of several options proposed by WSB for the Northwest Area Collector Street Plan.

Chair Niemioja asked if speed bumps were added to streets to try to discourage an excessive amount of traffic.

Commissioner Challeen stated she asked about speed bumps at the meeting and the response was that it was not an engineering solution the city would choose.

Commissioner Scales said it would be bad for plowing.

Mr. Grayson stated they are open to out of the box thinking. Maybe they could do a staggered entry instead of straight through. He displayed an image of the ring road he printed off of the city website. He felt there were other ways to look at this. He said he feels they are still at point where they can make some fixes to some of the mistakes and failures.

Chair Niemioja asked who Mr. Grayson has given the documents he referenced to.

Mr. Grayson responded he had not given them to anyone but could.

Chair Niemioja said the documents may be helpful for the City Engineer to look at.

Commissioner Simon stated there is a condition in the Commissioner's Packet that says if this is approved a Traffic Study is required to be submitted to the city to verify trip generation and traffic routing.

Mr. Grayson responded his real concern is that wouldn't happen if it wasn't for the residents that have stood up and said this was wrong, a failure. He said they have been lectured by City Council and this Commission. He said they are just trying to get real answers.

Commissioner Robertson stated it was her understanding that the Traffic Study was a condition the first time this came before the Commission. The Commission is aware. There is a commitment to everyone involved to make sure the condition happens.

Julie Stone, 1378 66th Street, stated they were not in attendance the last time the Planning Commission spoke regarding At Home, but did watch the meeting. She said there was a lot of emphasis from the Planning Commission on following the Comprehensive Plan and its importance. It was said how residents should be aware of what type of zoning is around

DRAFT

them when they built their homes. She said they were aware of its designation of medium density; nobody could have expected it to be zoned high density. She feels it is important they follow the Comprehensive Plan and require they move their apartment building. She said they built their homes knowing the medium density line was there. They were told the Comprehensive Plan could be "fudged a little". She said she doesn't believe they should fudge the Comprehensive Plan a little. She believes the apartment building should be moved over to the south side where there is high density designation, where the current 10-plexes are. She suggested the apartment building be moved to that location and would be a part of the Comprehensive Plan. She said they are not saying it shouldn't be developed, they are asking it be developed in the right way. They all built their homes based off that. She said nobody would have thought there would be an apartment building and zoned the highest density when it's designated medium density on the Comprehensive Plan.

Ms. Stefaniak responded to residents' questions and concerns stating there is a difference between the guided land use of MDR and the underlying Zoning Code. She said At Home is consistent with the MDR designation on both sides of Agate. They have 8.2 units per acre on the west side, within the range of 8-12 units per acre. MDR classification allows a variety of housing products including an apartment building. The R-3C Zoning is required because there is a gap in the Code about structure. Having a 6-plex unit in that section is why the Zoning Code recommendation was made to them in conjunction with City Staff. Not because they are trying to build high density. She said they are on the very low end of allowable medium density under the guiding plan. She stated the entire parcel could allow for over 1,000 units; they were conscientious in making sure they were not getting anywhere near that. They will not be putting 35 units an acre there, they have 8.

Ms. Stefaniak responded about Park Dedication stating they didn't put the park there because At Home wanted to put the park there. The current owners, the Riley family, have been talking with city Staff and the Interim Parks Director about this piece for Park Dedication for a while. They shared with her that this was the location those conversations landed on. She said At Home did not want to deviate on that because they knew the work that went into it. They adopted that location because that was where the Parks Director and the Riley family had already decided. It was not an At Home decision. She said they are dedicating the four acres, they are not paying cash like all the other developments had done, including Settler's Ridge. Those developers could have built a park, they did not, and paid cash. She said At Home is doing the opposite. At Home is not paying cash, they are giving land. She said they are preserving more trees than anyone else around the area has done with their development. All of Settler's Ridge's trees were taken down. Those residents were not a part of that development and bought homes after the fact. She suggested residents wait for the tree inventory study. She stated At Home did a tree sampling consistent with other large developments in the area, a study accepted by city Staff. She said they will be doing a full tree inventory which may not render in the same way people think it will. A full tree inventory may require they can put less back depending on what is really there versus what is perceived to be there. She said they have had Arborists look at this and are well versed with what is out there and understand what is perceived and the passion. She said she has to be sensitive to some of the comments made because it is anecdotal versus the data from the

Engineers and Arborist that have actually gone out and studied the site.
Chair Niemioja stated there is a condition that states the tree study is coming through. She asked if the results of the tree study would be going directly to the City Council.

Mr. Hunting responded the City Council will be reviewing and approving the tree study.

Chair Niemioja stated there is no decision this Commission would have to make tonight pending any results of that study.

Ms. Stefaniak responded to a comment made that stated "some developer would come in and want to develop this". She said the Riley family has owned this for a long time. The Riley family has had conversations with many developers over the years, they chose At Home because of how conscientious At Home is with site developments and their track record. It was a conscientious decision on the Riley's part, it is their land.

Ms. Stefaniak addressed the comment about switching zoning and MDR stating it was her understanding this has been the Land Use Guide for 2040 and for 2030. That is 20 years of review that the land would be developed in this way. She addressed the roads and the alignment of Agate and 67th stating the extension had been studied as a part of the Collector Road Study and the AUAR. It is not At Home developing it, it was following what had already been done. She said it was not At Home's plan to chop up the site. They are trying to be consistent with all the work that has already been put in the Northwest Area Corridor Study with the additional studies.

Commissioner Challeen referenced the open area shown in the picture and asked how the open area overlaps with the old grove oak trees.

Mr. Keely responded a lot of the definition is from Agate Trail, it goes through the high part of the site. That road defines all of the grading. The apartment building is going in a swath of land with the "sweet spot" of the oaks in the center. A portion of the site is fairly bare. A portion of where the apartment would go is fairly bare. Due to the apartment building shifting over, it did result in the loss of trees in one area and added trees in the center area.

Josh McKinney, Sambatek, said what is causing grades to take off the top of the knoll is the maximum amount of grades that can occur along Agate Trail. City standards could be approximately 4.5-6%. When holding that grade for long distances the highest grade occurs at that point. He said they are reducing the top of the hill. They are retaining the vast majority of trees in the center area with over 1,000 caliper inches based on their current study. As they study and get additional information from the tree survey, once the leaves drop and can get satellite service back, they can make micro adjustments to the grading to preserve additional trees as they are able.

Chair Niemioja closed the public hearing.

Planning Commission Discussion

DRAFT

Chair Niemioja mentioned that having so many citizens come to the first meeting helped Staff, the City Council, and the developer work through some of these issues. She said it is hard to make everybody happy all of the time. The point of these meetings is fleshing out some of the problems.

Commissioner Scales stated his family came to the city when he was younger at a farm not too far from this location. There were a lot of large Oak trees back then. Since then, times have changed and he has watched the farm turn into a development. He said about five years ago developing this area was discussed. They had an idea of what was coming and had planned for this. He said he felt it was a really good plan for the site. He understands what residents are saying. The Comprehensive Plan is a living breathing document that changes about every 10 years. Sometimes the more they work at this, they move away from doing anything. Then, 5 or 10 years down the road they get a solution that is not ideal. He said they have seen this happen in a couple of areas in the city where they wait and what they end up getting isn't usable. He said he supports this, it's a good use of the property, the developer has done a good job being patient and working through all of the issues.

Commissioner Robertson appreciated the intensity of work that Mr. Stone and his team did. She understands when passionate about something there is a tendency to make statements that may be anecdotal in nature and reflects the passion. She said it may also raise really good questions. She stated she appreciated the fact that the Developer took those questions and applied more information to beef up the issue with the anecdotal plus the background they have. Recognizing all of that she agrees with Commissioner Scales that there is an excellent opportunity here. Waiting may give a backward look where it could be questioned why they waited. She said she cannot support waiting any longer and for that reason she is in support of the proposal as noted.

Chair Niemioja commented that she likes the Comprehensive Plan and looks at it all of the time. Following the principles of the Comprehensive Plan is always at the forefront of her mind in every decision they make. Sometimes changes are made to the Plan before it is time. It is a guiding document, they always need to be thinking of the Plans guiding principles, she believes they are doing that here. She said it is difficult preserving green space, she doesn't see a better way of doing it than what has been proposed here and now. There has been a lot of time and energy spent on trying to do that here. She believes they are sticking with the guiding principles of the Plan with this proposal. She said she would also be in support. Her biggest concern is traffic, especially during construction.

Commissioner Clancy stated this is preliminary action for a Preliminary Plat and PUD Development. When the information comes back from the tree and traffic study, he encouraged everyone to come back and continue to review with the Commission when they go over the final development. That will be the time to make sure homework is done. Residents can hold accountable city Staff, the Planning Commission, and the Developer if any of the conditions fail.

Planning Commission Recommendation

DRAFT

Motion by Commissioner Clancy, second by Commissioner Challeen, to approve the Preliminary Plat, Preliminary PUD, and Rezoning subject to the 18 conditions noted for At Home Apartments – Case No. 21-45PUD located in the Northwest quadrant of Highway 3 and 70th Street.

Motion carried (8/0). This item goes before the City Council on October 25, 2021.

DRAFT

RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS

TO: Mayor and City Council of Inver Grove Heights

FROM: Planning Commission

DATE: December 21, 2021

SUBJECT: **AT HOME APARTMENTS - CASE NO. 21-45PUD**

Reading of Public Notice

Commissioner Simon read the public hearing notice to consider the request for At Home Apartments, Case No. 21-45PUD located at the northwest quadrant of Highway 3 and 70th Street. The request consists of a Comprehensive Plan Amendment for Lot 1 Block 2, depicted on the Preliminary Plat of At Home Apartments dated June 7, 2021, from HDR (High Density Residential) to MDR (Medium Density Residential) and a rezoning of lots depicted on the Preliminary Plat of At Home Apartments dated June 7, 2021, from A, Agriculture District, for:

- Lot 1 Block 1
- Lot 1 Block 2

to R-3B Multiple Family Residential Planned Unit Development. Notices were mailed to 75 property owners on December 8, 2021.

Presentation of Request

Allan Hunting, City Planner, discussed the action/request for clarification of the appropriate zoning and Comprehensive Plan designation for the project. No changes were made to the site plan, of which the Planning Commission has already reviewed. When the project was reviewed and initially proposed, the property was looked at to be an R-3C zoning because of the apartment building. Since then, further review was done and determined that different zoning would better fit the project. Both lots have a density of just over 8 units per acre. R-3C zoning requires a minimum of 12, R-3B requires a minimum of 8. A PUD Ordinance provides the means to approve projects with more flexibility and density, design and factors that normally wouldn't be allowed in straight zoning. The northwest overlay is the same, it just has specifics to the product types allowed.

The project itself doesn't fit well with either R-3C or R-3B zoning because of the density and some of the product mix in those two categories. There is a range of product such as the apartment, twin homes, six-unit complexes, 10-unit complexes, and fours. This has a range of product type Staff has not noticed before with any application. The R-3C doesn't fit because it's meant for 12 units or over, R-3B seems a better fit. The unit mix with buildings of more than 5 units are exceeded on both Blocks, the overall density of 8+ units per acre fits the R-3B.

There is a section in the Northwest Overlay District that provides the means to allow flexibility from standards provided the project meets certain criteria. Staff believes R-3B fits the

proposed density of the project and is consistent with the Comprehensive Plan of MDR (8-12 units per acre). The Planning Commission and Council are being asked to determine if the flexibility of the unit type is consistent with the intent of the Code. If it is, Staff recommends approval of the R-3B zoning with the flexibility from the unit count which would allow the apartment building. While referencing the Northwest Area Ordinance, the intent was to provide more flexibility in the unit mix for a project. R-3, A, B, or C, allows only a multiple family building of a maximum number of units. It did not allow for single family, two family, or twin. The PUD allows the flexibility, but caps a certain percentage of the unit types. Part of the flexibility request is for both lots of the unit mix proposed, if in the R-3B, allows a maximum of 50% of the units could only have buildings of 5 units or greater.

- On Lot 1 Block 1, the unit mix would be 72%, where it is greater than 5 units per building.
- On Lot 1 Block 2, 86% of those would be greater.

This would be a part of the flexibility request to allow the R-3B. It needs flexibility in allowing buildings with more than 5 units per acre at a higher percentage than what is allowed in the PUD Ordinance.

Mr. Hunting addressed the Comprehensive Plan Amendment portion of the request. If having R-3B with Lot 1 Block 2, (8 units per acre), it is currently guided HDR which is greater than 12 units per acre. This needs to be changed to reduce the density so it matches the R-3B zoning category. The request, if acceptable, is to approve R-3B zoning for both lots in Phase 1 with the flexibility to have a greater percentage of units that are in buildings of 5+ units or greater and to address and approve the Comprehensive Plan Amendment from HDR to MDR.

Chair Niemioja asked if the Applicant or Staff noticed the issue.

Mr. Hunting responded Staff noticed it during further review of the categories and looking further into the Ordinance. This type of product type had not been addressed before; it was a new review.

Commissioner Robertson said with zoning all of this R-3B, she questioned if she was correct that this was a better fit for the project. In terms of density, designates this with a lower density than a R3-C would be, which has an average of 8 units per acre minimum.

Mr. Hunting replied it is the bottom minimum of MDR. R-3B fits better because it has a minimum of 8, R-3C has a minimum of 12. The Applicant is proposing 8.25 on one lot and 9.4 on the other, which wasn't consistent with the overall density. The issue is with the unit mix. The R-3B normally would not allow to have as many units in the larger sized buildings proposed. The Ordinance allows for flexibility with meeting criteria in the Ordinance.

Chair Niemioja stated an email was received before the record became public, two additional emails were also received. She requested a Motion be made accepting those into the record.

Motion by Commissioner Weber, second by Commissioner Scales, to accept the emails into

DRAFT

the record.

Motion carried (8/0).

Leanna Stefaniak, 1722 Diane Road, Mendota Heights, stated she has read and understands the report. Due to the unique mix to provide this type of lifecycle housing, the gap was noticed by Staff. As the Applicant, she is trying to fix it so it matches the medium density which was always their intent. They are trying to clean it up to move forward.

Opening of Public Hearing

Benjamin Stone, 1378 66th Street West, said he was partially responsible for why this request is back in front of the Planning Commission and not awaiting approval from the City Council. He provided a packet to the Planning Commission at the October 5th Meeting. The argument was made that a lot designated medium density residential could not be zoned R-3C even though the Planning Commission approved At Home's Preliminary application at that meeting. He said he kept pressing the issue by asking the city for clarification. He sent numerous emails to the City Attorney and inquired at two City Council meetings. Nearly four weeks later he received an answer that a thorough review was done and At Home's proposal did not comply with City Code. Lot 1 Block 1 designated MDR could not be zoned R-3C, it could only be zoned R-3B. He said he can confidently say there are critical flaws with the rezoning request and the Planning Commission should be aware of them before approving the request.

He described what he was referencing. Within Phase 1, At Home has plans for a mix of duplexes, 4-unit, 6-unit, 10-unit apartments, and one 95-unit apartment. According to the zoning ordinances of the northwest overlay, the duplexes, 4-unit and 6-unit apartments can be constructed on land zoned R-3B. The 10-unit and 95-unit apartment buildings can only be constructed on land either zoned R-3C or mixed use. This information is spelled out in Article J of the City Code titled Northwest Overlay District. Up until now there has only been one interpretation of the City Code regarding R-3B and R-3C zoning within the northwest overlay. The first time this proposal was before the Planning Commission was on July 6th. He mentioned that the Planning Commission asked the City Planner to explain why R-3C zoning, not R-3B zoning, was being requested for Lot 1 Block 1. He said at 52 minutes and 50 seconds into the meeting the City Planner replied "the primary thing is the number of units per building. When getting to the larger buildings, the 10-unit buildings and the apartment, that pushes them into the R-3C. That is how it is defined in the Zoning Ordinance". Regarding the apartments in Phase 2 the City Planner had stated "the future apartments would be R-3C because they are over 7-units to a building, that puts them in the highest level".

Mr. Stone said the last time they were in front of the Planning Commission on October 5th, the Attorney for At Home Apartments said "R-3C is required because there is a square that doesn't quite fit there". With the new request, the city is stating how they have been interpreting the City Code all these years has been wrong. An alternative interpretation of the City Code that actually allows large apartment buildings on land zoned R-3A and R-3B

within the northwest overlay. He finds the timing of the new discovery to be highly suspect. Spending any time examining their interpretation it doesn't hold up to scrutiny.

He displayed two graphs showing the current zoning and their new interpretation. The first graph allows for greater flexibility of the number of units allowable within a structure on a lot. For example, R-1C can only have a single unit housing structure. The northwest overlay can have up to 4-units within a structure. In each example he gave the northwest overlay's current interpretation allows for greater flexibility. With R-3A it allows up to 7 units and as low as one. R-3B is the same. R-3C is where they get the large apartment buildings.
He displayed a second graph with the new interpretation that shows R-3A can have a 95-unit apartment building on it. It is the low to medium density planned use. The same also applies to R-3B and R-3C. There is hardly any difference.

Mr. Stone requested the following items:

-Read the entirety of Article J and determine whether there is any legitimacy in the Planning Staff's new interpretation of the City Code that allows the largest type of apartment buildings on land zoned R-3A and R-3B.

If still unsure, consider consulting with the City Attorney or a Land Use Attorney.

-Consider the immediate and long-term implications of legitimizing the Planning Staff's highly tenuous interpretation of the City Code allowing Developer's to build large high-density apartments on lots designated medium/low medium density. This undermines the primary function of the high-density land use designation.

He questioned what incentive exists in keeping a lot HDR if a developer can now build the same structures previously reserved for high density lots on low density land. Developers can avoid the complexity of designing high density PUD's in addition to avoiding the higher parkland dedication requirements, extra trunk utility charges, and other miscellaneous expenses involved in a high-density development.

He commented this was exactly what At Home was trying to do. Future Developer's will do the exact same thing.

-Do the right thing. The City Code serves multiple functions, one is to act as a commonly understood guideline for residents, Developer's, Commissioner's and city Staff. Conveniently introducing the interpretation of City Code for the obvious benefit of a Developer at the expense of existing residents is not right, there seems to be a lack of integrity.

Chair Niemioja appreciated the incredible work done by Mr. Stone.

Chair Niemioja questioned this especially since recently receiving interpretation surrounding changing calculations for square footage. She asked how Legal Counsel has looked at this interpretation.

Mr. Hunting replied this was the first project they have ever had with a unit mix like this. Everything has been either single family or apartments that fit into a category. This request

DRAFT

was looked at in further detail and fully reviewed with the City Attorney. The determination from Staff was that R-3B fit better but requires Council to approve flexibility from the northwest area standards as Code allows, to allow the different type of unit mix. The Council still has to approve flexibility on the project and to allow an R-3B zoning.
Commissioner Robertson said the information provided by Mr. Stone raised legitimate questions for her. She asked what the newly found information was. She was asking because of the precedence question.

Mr. Hunting responded Staff did a deeper dive into the review and determined the R-3C didn't fit the densities of what the project was. It took more analysis and a different look because they had not encountered this kind of a project before. It was a first for Staff. As they dug deeper and reviewed it with the Attorney, they realized there should be a different zoning fit than what was originally thought to be the right one.

Commissioner Weber mentioned that he thought of this the same way the Commission looked at storage facilities. Storage facilities used to be allowed in the B-3, a Code Amendment was made to change and not allow it. When he looked at the City Code for this it's pretty specific that they could have a permitted use for R-3A's, R-3B's, and R-3C's based on multifamily dwellings. He asked if the 7+ unit would be looked at in a R-3B instead of being in R-3C.

Mr. Hunting replied it would be looked at by the Council on a case-by-case basis to determine if it is consistent with the intent of the Code.

Commissioner Weber asked if it was technically a conditionally permitted use.

Mr. Hunting replied it was similar.

Commissioner Weber said if someone was looking for a conditionally permitted use they would have to come in before the Commission and present.

Mr. Hunting responded in the affirmative.

Commissioner Challeen asked for a better understanding of the idea of flexibility in interpreting the Code for the northwest quadrant versus achieving perfection. A perfect fit for zoning isn't going to be found, based on research done, she questioned if this was the best fit for what is planned. She asked if there were other alternatives for zoning that haven't been before the Commission.

Mr. Hunting responded after review by the City Attorney, Staff felt this was the best approach. R-3C doesn't work with density. The City Council has approved other projects where there have been narrower lot separations between buildings, driveways wider than required, or impervious surface. It's been done before in the northwest area, but have never encountered this type of development and how to have it fit the Zoning Ordinance.

DRAFT

Commissioner Simon questioned if it means with other things allowed based on a case-by-case basis such as wider driveways, it seemed once they started that, it was requested more often. She asked if approving, if this could be the standard for multiple Developers coming in. A case-by-case basis still gets approved at the City Council level.

Mr. Hunting replied it was difficult to say, they won't know what's coming in. There have been several developments. This one has been very unique; their intent was trying to achieve something that fit an overall unit count density and provide open space. The Ordinance made it hard to figure out where it fit. He didn't feel it was likely to happen, but felt it was a difficult question to answer.
Commissioner Robertson mentioned what causes her concern, like Commissioner Simon had asked, is what would stop other developers from coming in and using the same argument. It talks precedent. By approving calling this an R-3B with an area of it at a density higher than R-3B, they are in fact setting a precedent to any other Developer coming in to do this same thing. The Developer would have to come before the Planning Commission in advance for a different type of Permit.

Julie Stone, 1378 66th Street, referenced the northwest overlay Article J, and the table presented that says 50% of the units can be over 5 units per building. The fact that At Home is at 86% of that is reason to say no. She said they are already over the large structured units. She referenced the interpretation they have had up to this point saying that buildings could be up to 7 units in a structure in R-3B. What is being requested is a 95 unit. She felt that absurd, and to say they have another interpretation to force this to work did not seem right especially to residents who live around it and the expectations they have of their zoning. She referenced the chart from the northwest overlay that said 50% can be 5+ units and indicated that right below that it says as long as it follows the underlying Zoning District, which is clarified up to 7-unit structures. She did not see how this interpretation could even hold up to that statement. They could say they could throw the statement out and not use the statement. She questioned why they would do that. She mentioned it also said if there is any conflicting interpretation the strictest interpretation should apply. She felt that was reason enough to not allow the apartment building. They are not saying this land shouldn't be developed, they are saying it needs to be done in the right way. She suggested the PUD should be reworked and looked at. The city shouldn't change the interpretation of the Code so it works out for the Developer, the Developer should change their layout so it works for the city.

Ms. Stone displayed a diagram of the area and mentioned during Phase 1 across the road, the apartment building should easily fit that location. They wouldn't need a Comprehensive Plan change. She suggested keeping the Phase 1 area high density and moving the apartment building to that area and lower density structures where the apartment building is currently depicted. Where the apartment building currently sits, creates, according to the City Engineer, a lot more traffic for those living adjacent in Settler's Ridge. She said there were concerns about the road and the road out to Robert Street would not be built for a very long time according to the Developer. Moving the apartment to the high-density area mitigates the problem, then they would use the road out to 70th.

DRAFT

Chair Niemioja asked the City Planner to address how the lots were split before in terms of high density/medium density. She felt the apartment building cut into the high-density piece at one point, the topography is what placed it there.

Mr. Hunting replied the Developer looked at the land and topography and had their reasons and rationale about where the apartment would best fit. Staff has looked at this with a mix of units. The Developer does have the concentration of the apartment building, the balance of that side is very low density, it comes in at 8 units per acre. It's concentrated in one area where the unit count goes up.

Chair Niemioja thought she recalled that half or a quarter of the building hit high density.

Mr. Hunting responded he thought that may be a part of the Comprehensive Plan map. It picked property lines as the break between MDR and HDR. When looking at developments, they look at if the project is going to be consistent to where the line is, the line isn't a hard/fast. With an overall PUD they look to blend how they would be. Some units would go over the line but still match the densities of the area. The way Agate Trail angles and bends to the east and swung into HDR, the apartment building could have been in both.

Benjamin Stone, 1378 66th Street West, displayed a diagram of the apartment shown on the high-density side. He mentioned without a change in the number of units and trees cut down, structures can be moved to the right spot and right zoning that meets density requirements for high density. It doesn't meet density requirements for low density. The city would get more money because they would lose money for trunk fees if going from high density to medium. He suggested changing the medium density to low/medium density, the city preserves trunk fees and everything complies.

Chair Niemioja requested the Applicant come forward, she was curious about Mr. Stone's plan. She requested the Applicant explain their plans and why things are where they are at.

Leanna Stefaniak, 1722 Diane Road, Mendota Heights, said she appreciated Mr. Stone moving buildings around, it's more complicated than that and discussed many times before. The site has interesting topography that requires certain grading and retaining walls, things have to be placed the way they are. They could move a building, but then would have miles of retaining wall in order to support it. She mentioned with respect to Mr. Stone, they have had the City Engineer, Sambatech, Civil Engineers, and Public Engineers, work on the site specifically as it relates to where buildings are placed. They have spent a lot of time and money on this and trust that their analysis is correct.

She referenced the zoning question and what Mr. Hunting had said earlier. Many conversations have been had with city Staff, the City Attorney, and Land Use Attorneys. This area is complicated because there is an underlying zoning question, the Northwest Overlay District, and PUD. All three combined are complex. One of the goals of the northwest overlay was to provide a diversity of housing product/stock, which is what they are trying to

DRAFT

do with their plan. That creates some flexibility. PUD's are designed for cities to allow for accommodations for certain zoning underlying requirements. It's gives the Council the ability to make discretionary decisions if they can determine the accommodation doesn't harm the environment around it, is consistent with the surrounding use, poses a threat to public safety, and preserves trees. All things they have tried to protect and adhere to along the way. City Staff and the City Attorney have spent a lot of time reviewing this and trying to determine how to best fit all three zoning categories on one piece of property. She encouraged the Commission to give discretion to the City Attorney in their analysis.

Kris Staples, 6503 Arctic Court, said his wife Kelly submitted an email and was unsure if it was received on time. He requested reading it for the record.

Chair Niemioja mentioned the email was made a part of the official record earlier. She asked if he would like to highlight some points from the email.

Commissioner Robertson appreciated Mr. Staples coming forward. The email came in at 6:12. She had no opportunity to review anything that came in so late. A highlight of the email would help.

Mr. Staples read the email stating their request is to deny At Home's request to amend the Comprehensive Plan and zoning of both lots to R-3B. The requests contradict the city plans laid out for the area. This would be the third time At Home has come before the Planning Commission on this proposal. The first two times At Home requested and the Commission approved, plans that were not consistent with city land use, zoning rules, or the Comprehensive Plan. With the work Mr. Stone has done At Home's plans were stalled and sent back to the drawing board while city Staff recalculated and the City Attorney did additional research. There are two parcels, western and eastern. The Comprehensive Plan specifies the western parcel be medium density and eastern parcel be high density. He referenced a group that made the Comprehensive Plan, made a deliberate decision to transition from low density (Settler's Ridge) to medium density, to high density, and then mixed use and retail. A plan would never have contemplated a 96-unit apartment building on medium density land next to the back yards of single-family homes. The current proposal to have units on the east side requires a Comprehensive Plan Amendment because it does not meet high density requirements. He mentioned residents of Settler's Ridge were before the Planning Commission months ago about this development, one member of the Commission advised residents that the Comprehensive Plan must be followed and that he and his colleagues spent hundreds of hours of research and dollars to put the plan in place. If that was true then, it must be true now. If the Commission votes to approve this, he hoped there was a great reason why. He mentioned At Home originally requested that a portion of the Phase 1 project be zoned R-3C. Residents went before the Commission and Council stating R-3C zoning didn't make sense and was incompatible with the goals of the Comprehensive Plan. Residents were correct and Staff currently acknowledges R-3C zoning cannot be done, the current plan falls short of that designation. Currently flexibility for R-3B zoning is being requested. At Home isn't requesting to follow the rules for zoning of R-3B, but going beyond flexible standards. This should not be allowed. R-3B zoning would

DRAFT

preclude the 96-unit apartment building from being on Lot 1 Block 1, and precludes the 10 plex buildings from being on the eastern Lot 1 Block 2 because those structures put parcels over maximum percentages. Neither the Comprehensive Plan designation of medium density nor zoning of R-3B works in this situation, but are doing everything to accommodate the cost of the Developer which specifically in the Code says is not a reason to approve and accept. Because of that, they hope the Commission votes to deny these exceptions. He commented if this goes another direction there has to be a reason other than accommodating the Developer. There are plenty of Developers in line to develop this land. He hopes the Commission agrees with what residents have looked at and the mistakes made in the past on various levels. Those can be made up tonight by denial of these requests.

Commissioner Scales mentioned the Comprehensive Plan has always been a living breathing document. It has changed every 10 years. It's not something they "hang their hat on" completely. Most of the land in the city at one point said agriculture. If someone said it must be followed, there may be a misunderstanding of what the Comprehensive Plan is and its intention.

Commissioner Weber asked if Staff could display a map located on the city website called the Northwest Area Development Map. He inquired about what was done with the Peltier Reserve Development. There was an apartment building there along with single family residences. He asked if that was captured under a PUD, or if it was R-3C or R-3B.

Mr. Hunting responded the apartment building on that project is an R-3C because it's on its own lot. Single families have different zoning. They don't have the blend, don't have the same issue they have here. It was a straightforward zoning exercise. The same applied to the Canvas project.

Commissioner Weber questioned why they were not going through the same process of separating out the lot for more specific zoning. He said with Peltier they did a lot split to make it fit. He didn't understand why they were looking at this one in a different way. To him it was pretty simple in solving. He suggested doing a lot subdivision, if it meets minimum requirements, do an R-1C for the apartment building and an R-1B for the rest of the property.

Mr. Hunting replied he couldn't recall everything that took place, but Staff looked into that option. It gets more complicated because of the area requirements on each lot. There were other issues where it wasn't going to fit with those standards.

The map requested by Commissioner Weber was shown. Commissioner Weber said he was trying to compare them so everyone gets an idea of what they need to look at from a Planning Commission standpoint. Pushing the higher density toward one side of the development makes sense, that got pushed to the north. His question was the whole lot subdivision. He felt this could be cleaned up quickly and not have the "grey area". He suggested doing a lot subdivision, putting the apartment building as an R-1C, and doing the rest as R-1B. This option would be cleaner to him.

DRAFT

Commissioner Robertson agreed with Commissioner Weber about splitting it. They are doing it after the fact, after all of this time to meet the needs of the Developer. What is being done is creating an artificial line that ignores the issues that have been present for a long time in terms of the surrounding residents. They are cleaning it up after the fact.

Commissioner Weber said it was being done prior to being broken ground. They could go back to when the Settler's Ridge development went in. These were things that were taken into consideration as far as land designation changes. Many on the Commission have gone through hours of their time discussing Comprehensive Plan Amendments and changes. He addressed the statement of slippery slope and said if allowing this to happen and the grey area to be opened up with this Developer and what would happen with the next Developer, when it could be tidied up and not be a slippery slope and have them subdivide the lot. He said anyone can buy a large chunk of land and subdivide it. For him, he would say no to exactly how it is now, but if cleaned up in an appropriate manner, he can't tell a Development they are doing the wrong thing when they are the ones putting the money and effort behind it.

Chair Niemioja closed the public hearing.

Planning Commission Discussion

Commissioner Challeen believes they are wrestling with the idea this is mixed use and may need to change how they think about zoning. The city is seeing a wide range of housing types within this mixed use and the way they get to the density is because there is a 95-unit apartment building on the property. That is the very definition of mixed use and the purpose of this area. She commented it can't be fit into a neat little box.

Chair Niemioja stated that economic considerations are outside of this Commission's purview, this Commission is land use. She was unsure if there were other thoughts on how to proceed or if they have enough information to proceed.

Commissioner Scales mentioned they are here to answer whether the zoning fits the project. It's not about whether they build an apartment building or whatever is built there. It's about if the zoning matches the project. He said for him, when looking it at it for a low, medium, or high density, do they look at the entire project or the building sitting on the site. If looking at the entire project, the zoning fits. If looking at one individual building, it probably doesn't. Looking at the overall project, what the city is doing fits.

Commissioner Robertson questioned if putting the numbers of units together and dividing it by the number of buildings, what the unit density would be. She asked if this was a legitimate question and way to look at it.

Commissioner Weber replied it was 8 on one, 9 on the other.

Commissioner Robertson requested the average number of units per building on the parcel.

DRAFT

Commissioner Weber replied there is 173 units over 29.48 acres. 5.868 per acre.

Commissioner Robertson was unsure if it applies here. There was nothing that really applies. The question becomes if looking at the entire thing, number of units, number of acres, and where they land; R-3C or R-3B.

Commissioner Weber said it would be 5.86 units per acre for the two parcels. He did the math on each and then did the math together.

Mr. Hunting stated there is 253 on both.

Commissioner Scales said it was about 8.4.

Commissioner Robertson asked if 8.4 puts it at R-3B or R-3C.

Mr. Hunting replied it would be R-3B because its 8 units per acre, MDR.

Commissioner Weber said it was the minimum for R-3B.

Chair Niemioja referenced the comment made by Commissioner Challeen in getting to perfect and said the Commission is going to have to make a Motion/recommendation with the caveat to the City Council that this is really unique and the Commission/Staff haven't dealt with anything like this before. They are trying to fit the best they can.

Commissioner Scales said for him it would be a clarification from Staff to verify. The Commission is being asked if the zoning fits the entire project not a building.

Mr. Hunting replied it was the zoning overall for the project, the unit mix and type.

Commissioner Scales said the question being asked if this fits, if it's by the site. They are not being asked to approve an apartment building or placement. The Commission is being asked if the overall density of the site matches the zoning, they are changing it to.

Mr. Hunting agreed that was the question. It includes the special condition that they would have to approve the flexibility of the unit type mix. It's not as straightforward as zoning and density. The Commission also has to go along with the fact that the product type has a larger number of buildings with greater than 5 units. With R-3B they have to say flexibility could be approved as a part of the Code to allow this mix.

Commissioner Challeen mentioned what they are really saying is that they are allowing a deviation of 22% from the 50% allowed, proposed is 72% on one Block and 86% on the other. One criteria fits well for R-3B, the other criteria is off by between 22% and 36%.

Chair Niemioja mentioned traffic safety was mentioned a lot. She asked if the traffic study was being done.

DRAFT

Mr. Hunting replied in the affirmative. All of those issues would be discussed at the City Council level.

Chair Niemioja assured those that sent in emails, it's not that they are not acknowledging some of those issues, it's getting outside of what they are doing tonight.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Scales, to approve the Comprehensive Plan Amendment for At Home Apartments from HDR High Density Residential to MDR Medium Density Residential on Lot 1 Block 2 with the three conditions listed.

Motion carried (8/0).

Commissioner Weber asked if the Commission needs to approve the extra conditions.

Mr. Hunting replied the Commission would be approving the zoning to R-3B with accepting/approving flexibility from the unit percentage standard. It's part of the approval from R-3B. The Commission would have to agree that flexibility should be granted to allow the different unit percentage mix.

Commissioner Weber did not see that information written. It's why he was asking the question again.

Mr. Hunting suggested the recommendation state that it's with the flexibility of the percentages as proposed.

Chair Niemioja mentioned this subject is the sticking point. There are multiple options. The Commission can deny, state what they approve, and how they don't approve it. It gets beyond the zoning question.

Commissioner Weber said adding the point the City Planner wants them to add is a sticking point for him. If looking at the whole project and density the Commission is looking for, this meets that fact. He suggested the rest of that lie with the City Council.

Chair Niemioja mentioned if the lot was subdivided it would lie with the City Council anyway.

Motion by Commissioner Robertson, second by Commissioner Wippermann, to deny the request from At Home Apartments to convert the entire zoning to R-3B. Commissioner Robertson believes that the expectation for flexibility needed to make this fit is in excess of what the Commissions role should be in approving flexibility regarding the unit count.

Motion carried (6/2) - Scales, Challeen. This item goes to the City Council on January 24, 2022.

DRAFT

DRAFT

CASE NO: 21-45PUD

APPLICANT: At Home Apartments, L.L.C.

PROPERTY OWNER: Falcon Partners Limited Partnership & Oak Grove Properties of MN, LLLP

REQUEST: Rezoning, Preliminary Plat and Preliminary PUD Development Plan

HEARING DATE: October 5, 2021

LOCATION: 1285 70th Street, 6815 Robert Trail South and 1165 70th Street

COMPREHENSIVE PLAN: Mixed Use, MDR, HDR

ZONING: A, Agricultural

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The applicant has submitted revised plans for preliminary plat and preliminary PUD development plan for a 47.51 net acre parcel. Based on discussions and public comment at both the Planning Commission meeting and City Council meeting, the applicant has submitted plans with the location of the apartment building being moved south so it fronts future Agate Trail and does not abut 67th Street. The western half of the project is generally in the same configuration as the previous plan. The types of buildings have been moved around but both neighborhoods are still served by a private road system connecting to future Agate Trail.

The project consists of a mix of townhome units, smaller attached unit buildings, apartment buildings and future retail development. The project would be accessed via the construction of Agate Trail with connection to 70th Street, 67th Street which will connect to Argenta Trail and Hwy 3, and retail in the southeast corner which will have access from Hwy 3 and possibly 70th Street. The project will be built in Phases, with the first phase consisting of twin home style units, large house style apartment units in four buildings (10 units each), four-plex units, six-plex units and a 95 unit apartment building. Future phases would include 300 apartment units in two buildings and approximately 16,000 square feet of future retail.

The preliminary PUD approval is for all phases of the development. The final PUD plans will reflect the phasing of construction of the housing units and street and storm water improvements. The project also contains a 4.08 acre public park that will be dedicated to the city.

REQUESTS

The specific requests for the development project include the following:

1. Rezoning of the western half of the property to R-3C/PUD Multiple Family Residential District.
2. Preliminary Plat approval of Agate Trail Apartments, consisting of three lots and three outlots.
3. Preliminary PUD approval of the Agate Trail PUD consisting of 42 twin home style units, 40 large house style apartments in four buildings (10 units each), 16 four-plex units, 60 six-plex units, a 95 unit apartment building (253 units total), two 150 unit apartment buildings and 16,000 square feet of retail use, plus dedication of public park land.

EVALUATION OF THE REQUEST

SURROUNDING USES

The subject property is surrounded by:

North: Settlers Ridge single family subdivisions; zoned R-1C/PUD; guided LDR
East: Hwy 3, Canvas multiple family development; zoned R-3C; guided Mixed Use and LMDR.
West: Settlers Ridge; zoned R-1C/PUD; guided LDR.
South: large lot residential, single family homes, Peltier Reserve (single family and multiple family); zoned R-3B and R-3C/PUD; guided LDR, MDR and Mixed Use.

COMPREHENSIVE PLAN

The subject property contains three different comprehensive land use designations. The west side of the site is guided Medium Density Residential (MDR) with a housing range of 8-12 units per acre. The central portion of the site is guided High Density Residential (HDR) with a housing range of 12-35 units per acre. The southeast corner of the site is guided Mixed Use which assumes a mix of housing and residential. Residential densities in the Mixed Use designation are 12-35 units per acre.

In general, the unit mix of Phase 1 would have a density of 8 units per acre and the higher density future apartments by Hwy 3 have a density of 19 units per acre. Based on acreage of existing land use categories, the land area would have an allowed density range of 536-974 units. The total project for both phases is 553 units.

IDENTIFICATION OF NATURAL RESOURCES

The site contains Oak Woodland Brushland called F-16. This is a Manage 3 area which is low quality and poor possibilities for restoration. There are no special requirements per the NRI for this area.

The site contains a Deep Marsh called F-21. This is a Manage 3 area which low quality and poor possibilities for restoration. There are no special requirements per the NRI for this area.

NET DEVELOPABLE AREA

Note: the numbers that are referenced within this staff report are approximate based on preliminary plan submittals. They will likely change slightly between preliminary and final plat. The numbers provided are sufficient for preliminary plat review.

Net developable area is defined as the area of a property remaining after excluding those portions that are either: a) encumbered by right-of-way for arterials roads as defined in the IGH Comprehensive Plan; or b) lying below the ordinary high water level of public waters; or c) lying within the boundaries of delineated wetlands; or d) bluffs in shoreland areas; or e) land to be dedicated for public park needs. Based on this definition, the proposed project area contains approximately 47.51 net developable acres. The request has been sent to Dakota County for their review on right-of-way needs. There will be some additional dedication along 70th Street (Co Rd 26).

General Project Data	**Acres**
Gross Project Area	56.96
Delineated Wetlands	1.37
Public Water Bodies (PWI)	0.00
Bluffs in Shoreland Area	0.00
Planned "Arterial" Road Right of Way	4.0
Public Parkland Dedication	4.08
Total Net Developable Area	47.51

NATURAL AREA/OPEN SPACE

Section 10-13J-5. D. establishes requirements for open space preservation within the Northwest Area Overlay. Based on the net developable area the project contains the following:

	Required Acres	**Proposed Acres**
Total Net Developable Area	*47.51*	*NA*
Minimum Open Space Required = 20% of net area	9.50	18.72 (39%)
Required contiguous area = 75% of required open space with a minimum 100 foot corridor width	7.13	6.77 (71%)
Area to be undisturbed = 50% of required open space	4.75	5.09 (54%)

The site design has prioritized the open space areas along the western boundary of the site to provide a green space buffer to the single family to the west, internal open space around

ponding areas, open space corridor between 70th Street and the park and open space between the apartment buildings and commercial on the east side of the site.

The open space proposed exceeds the required minimum 20% and exceeds the required undisturbed open space. The largest area of open space is just shy of the required 75% contiguous. This is the space on the eastern portion of the site that is 6.77 acres but this area leads to the park so there is a large contiguous open space. The intent of the requirement appears to be met with the large contiguous open spaces shown along the west boundary and on the eastern portion of the site.

The developer shall be responsible for installing marker posts at reasonable locations to define the boundary of the open space. The final PUD plans must show the location of the marker posts.

DEVELOPMENT CAPACITY PLAN

Section 10-13J-5. E. of the Northwest Area Overlay Ordinance outlines a process by which a site's development capacity is determined as a means to allocate development across a site. This exercise only determines the number of units that would be permissible on the site and not the actual proposed development.

The development capacity plan was established for the proposed project utilizing the base zoning district of R-3C.

Base Zoning District	Net Acres*	Min Density (units per acre)	Max Density (based on lot size per zoning code)	Min Units	Max Units
R-3C	44.72	12	2,000	536	974

The proposed net density for phase 1 would be 8.58 units/acre and the proposed net density for phase 2 would be 19.82 units/acre.

PROPOSED DEVELOPMENT MAGNITUDE, DENSITY AND BULK STANDARDS

Building setbacks and separation.

The proposed setbacks for the project are listed on the plan sheet Overall Site Plan (Sheet C3.01).

The project complies with setback standards except in three locations.

1. Building separation between 19 and 20 is 18 feet where 20 feet is required.
2. Building 36 is only 14'2" at the corner whereas 20 feet is required.
3. Buildings along 70th Street are 40 feet from road right-of-way whereas 50 feet is required along arterial roads.

It appears there is room for 20 feet between buildings 19 and 20 with some slight changes to other building locations to meet requirement. Staff recommends plans be changed to meet requirement.

Building 36 is located at corner curve on a private road. The driveways for the building facing south and east at this corner meet a 20 foot setback. Staff would support this flexibility request.

The buildings along 70th Street were at the same setback on the original plans, they did not change with the revised plans. The Crossings project was approved with a 20 foot setback along 80th Street (arterial street) for the apartment building and setbacks in the 30 foot range for the townhomes. Projects with lesser setbacks have been approved in the past and staff feels an encroachment of 10 feet into the setback for backyards of buildings 32,33 and 34 should be supported based on past approvals.

Impervious surface coverage.
Impervious surface coverage standards are applied to give the city the authority to ensure sufficient areas for infiltration.

The applicant has provided impervious surface calculations for the entire project.

Impervious Surface	Maximum Allowed	Proposed
R-3C	65%	19.1%
B-3	70%	70% approx.

Building Coverage.

The applicant has provided building coverage calculations for the entire project.

Building Coverage	Maximum Allowed	Proposed
R-3C	20%	15.5%
B-3	25%	6.5%

PRELIMINARY PLAT
The applicant is proposing a preliminary plat which consists of three lots for the housing units, three outlots which would be for future commercial and storm water ponding.

The plat abuts Hwy 3 and 70th Street (Co Rd 26). Dakota County and MnDOT will review the plat and provide comment on right-of-way needs and access. The applicant has had meetings with both agencies prior to submitting the project. Dakota County will require a 75 foot half right away from 70th and we expect MnDOT will request to straighten out the current right-of-Way along Hwy 3. Approval of the final plat will be subject to the review and comment by Dakota County and MnDOT.

PARKS/TRAILS

The plans identify a city park to be dedicated over what is labeled as Outlot A on the plans. The Interim Parks and Recreation Director and Park and Recreation Commission will have to provide comment on what the park plans should be and what requirements will be the responsibility of the developer. The park would be accessed via Agate Trail and 67th Street when the whole segment is built. Trails along all public streets will provide walking access to the park. There is also an open space corridor shown along the west portions of Outlots B and C which could be used for a trail connection to the park from 70th Street. Those details would be worked out with the final plan approvals for those outlots.

STREETS & CONNECTIVITY

The project is designed with an extension of Alverno Avenue from its current end point in Argenta Hills through the project and up to 70th Street. Alverno is a collector street shown on the city's Northwest Area Collector Street Study. There would be a connection point at 72nd Street and Argenta Trail. This is currently designed as a three-way interchange. Since the planned alignment of 72nd Street heading east is off the property in question, the applicant is proposing a temporary roadway between lots 5 and 7 block 7. This will provide a second access point until land develops around the site and the other local streets can be connected.

WSB reviewed the street plans for the city to determine compliance with the 2012 Collector Street Study. WSB found the plans to be consistent except noted Agate as a collector does not need to be a 44 foot wide road but could function with a 36 foot wide road. Agate has been reduced to 36 feet on the plan set with this report.

The streets and right-of-way comply with city standards and the local streets provide a sidewalk on one side as required.

The main public street system is designed to be connected to 70th Street, Hwy 3 and Argenta Trail. The County is doing a large scale construction and reconstruction project on 70th and Argenta over the next 3 years. 65th Street will be extended westward to current Argenta Trail, 70th Street will be widened from Hwy 3 westward to Hwy 55 in Eagan and the round-a-bout at Argenta Trail/70th Street will be constructed. There will be times during this period that access to 70th Street will be blocked leaving access to the site through Alverno Court to the west and Agate Trail to the north.

PARKING

The applicant has provided a summary of the parking being proposed for the different unit types. Parking in all neighborhoods meet or exceed parking requirements. All have enclosed stalls and driveway parking. There are guest parking spaces shown on the private streets. The

width of the private streets as proposed would not allow parking on either side and would require to be posted no parking both sides. Parking for the apartment building is proposed with 107 below grade stalls and and 63 surface stalls for a total of 170 spaces. By calculation, parking is seven spaces short. On-street parking would be allowed along Agate Trail and this additional parking would provide for the spaces short on-site. The code allows adjacent on-street parking to count towards off-street parking for a site.

Overall parking for Phase 1 would be satisfied with the proposed plans.

DAKOTA COUNT/MnDOT REVIEW

The Dakota County Plat Committee reviewed a concept plan of the project on April 16, 2021. They made comment on the need for a 75 foot half right-of-way for 70th and appears to be ok with the location of Agate Trail intersection with 70th. They are still concerned about the request by developer for a ¾ intersection on 70th for the future commercial site. The plat has been sent to Dakota County for their review and comment. Approval of the plat will be subject to the comments from the County.

The plans have also been sent to MnDOT for review. Approval of the plat will be subject to the comments from MnDOT.

LANDSCAPING/TREE PRESERVATION

Tree Preservation/Landscape Plan:

The developer provided a tree inventory of the site based on samples from three select areas. The majority of the trees are on the western portion of the site. The Code allows a tree removal of 40% for higher density. The code allows removal beyond the threshold and requires replacement for those trees over the limit.

Tree inventories based on sampling have been used and approved in the past. Concerns wre raised by residents that a full tree inventory should be done on this site as required by code since there are a significant number of trees on site. A full inventory should be done so any reforestation is based on a full inventory.

The new tree inventory has not been submitted with the revised plan set. Staff therefore recommends a condition be added that a full inventory be submitted with the final PUD plan set so the reforestation number would be determined with that review. The condition should also include that no grading permits be issued until the final tree inventory has been reviewed and approved by City Council with the final plan set.

WETLANDS

The preliminary plans identify 3 wetlands on the site. The wetlands would not be impacted by this development.

GRADING, DRAINAGE, STORMWATER AND UTILITIES

Engineering has reviewed the plans and has also sent to other city consultants for review. Engineering review is ongoing at this point and any needed conditions should be part of the approval.

FIRE MARSHAL REVIEW

The Fire Marshal has reviewed the plans and makes notes on width of streets and parking/no parking. Streets less than 28 feet must be posted no parking both sides. Streets 28 feet to 36 feet must be posted no parking on at least one side. Streets 36 feet and greater may have parking both sides.

NORTHWEST AREA TRUNK UTILITY CHARGES

To fund the utility improvements in the Northwest Area, the Council adopted a funding resource of collecting connection fees at time of development rather than assess properties. To cover the cost of the sewer, water and storm water improvements, there are connection fees paid at time of final plat and connection fees paid at time of building permit. Plat connection fees are due at time of final plat release for each phase. A breakdown of the fees will be listed in the development contract. The building permit connection fees are due with building permit for each unit.

DEVELOPMENT CONTRACT

The Developer and Owner shall enter into a Development Contract and other associated agreements with the City. The list of agreements and details of the contract will be discussed with the applicant, city attorney and staff as part of the final PUD review. All of the agreements will be approved by the City Council as part of the final PUD review.

ALTERNATIVES

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

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

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

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

Preliminary Plat	dated 6/7/21
Site Plan (5 sheets)	dated 9/24/21
Development Capacity Plan	dated 9/24/21
Natural Area/Open Space Plan	dated 9/24/21
Grading Plan (5 sheets)	dated 9/24/21
Erosion Control Plan (2 sheets)	dated 9/24/21
Utility Plans (5 sheets)	dated 9/24/21

Street Plans (6 sheets)	dated 9/24/21
Landscape Plan (5 sheets)	dated 9/24/21

***The final list of approved plans and date of plans shall be identified in the development contract.**

2. Prior to final plat and plan approval, the final grading, drainage and erosion control, street plans and utility plans shall be approved by the City Engineer and subject to all conditions noted by the City Engineer and consultants in their review memos.

3. Drainage and utility easements shall be provided on the final plat as required by the City Engineer.

4. The developer shall be responsible for installing marker posts at reasonable locations to define the boundary of the open space. This provides identification for future land owners to know boundaries of the open space areas. The final PUD plans must show the location of the marker posts.

5. Plan approval shall be subject to the recommendations of the Park and Recreation Commission. Park dedication shall include at least a 4.03 acres dedication for park land. Any additional dedication shall be made in the form of a cash contribution.

6. The final plan set shall be subject to the review of the city Fire Marshal.

7. The approval of the preliminary Plat and PUD development plans are subject to the review and comment from Dakota County and MnDOT.

8. Prior to execution of the plat by the City and prior to recording of the plat with the County, the Owner shall execute a Storm Water Facilities Maintenance Agreement with the City whereby the developer shall be responsible for the maintenance of storm water improvements on such lots.

9. The developer shall be responsible to ensure the undisturbed area shown on the Open Space Plan remains undisturbed through all construction grading.

10. In the Development Contract, the Developer and Owner shall agree that the following elements of the Planned Unit Development shall not be altered, changed or removed without first obtaining the following consents:

Site Plan Element	Consent Required By
Building Location	City Council
Driveways and Private Roads	Planning Department
Landscaping	Planning Department
Location of Utilities	Engineering Department

Location of Conservation Easement and Open Space	City Council

11. The Developer and Owner shall execute an Acknowledgement of Planned Unit Development Zoning. This Acknowledgement shall state that property within the plat is subject to the approved PUD plans and PUD zoning and that the development on the property must conform to the PUD plans and PUD zoning. This Acknowledgement shall be recorded when the plat is recorded.

12. The Developer and Owner shall enter into a Development Contract with the City.

13. Northwest Area plat connection fees are due at time of final plat release for each phase. The connection fees will be listed in the development contract. The Northwest Area building permit connection fees are due with building permit for each unit. Final details of the amounts to be paid shall be part of the final PUD plan review.

14. Street lighting shall be required along all public streets. The street lighting plans shall be approved by the City prior to installation.

15. A full tree inventory for the site shall be submitted with the final PUD plan set. No grading permits or tree removal shall occur until city council has reviewed and approved the final PUD plan set including any tree reforestation requirements.

16. Because there will be disruptions on the regional roadway network for the next 2-3 years, the project may be subject to final approval in phases to minimize residential traffic that would be using other routes while construction occurs on Co. Rds 63 and 26.

17. A traffic study shall be required to be submitted by the applicant and reviewed by the city to verify trip generation and traffic routing.

18. The required 20 foot separation between buildings 19 and 20 shall be met on the final plan set submittal.

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

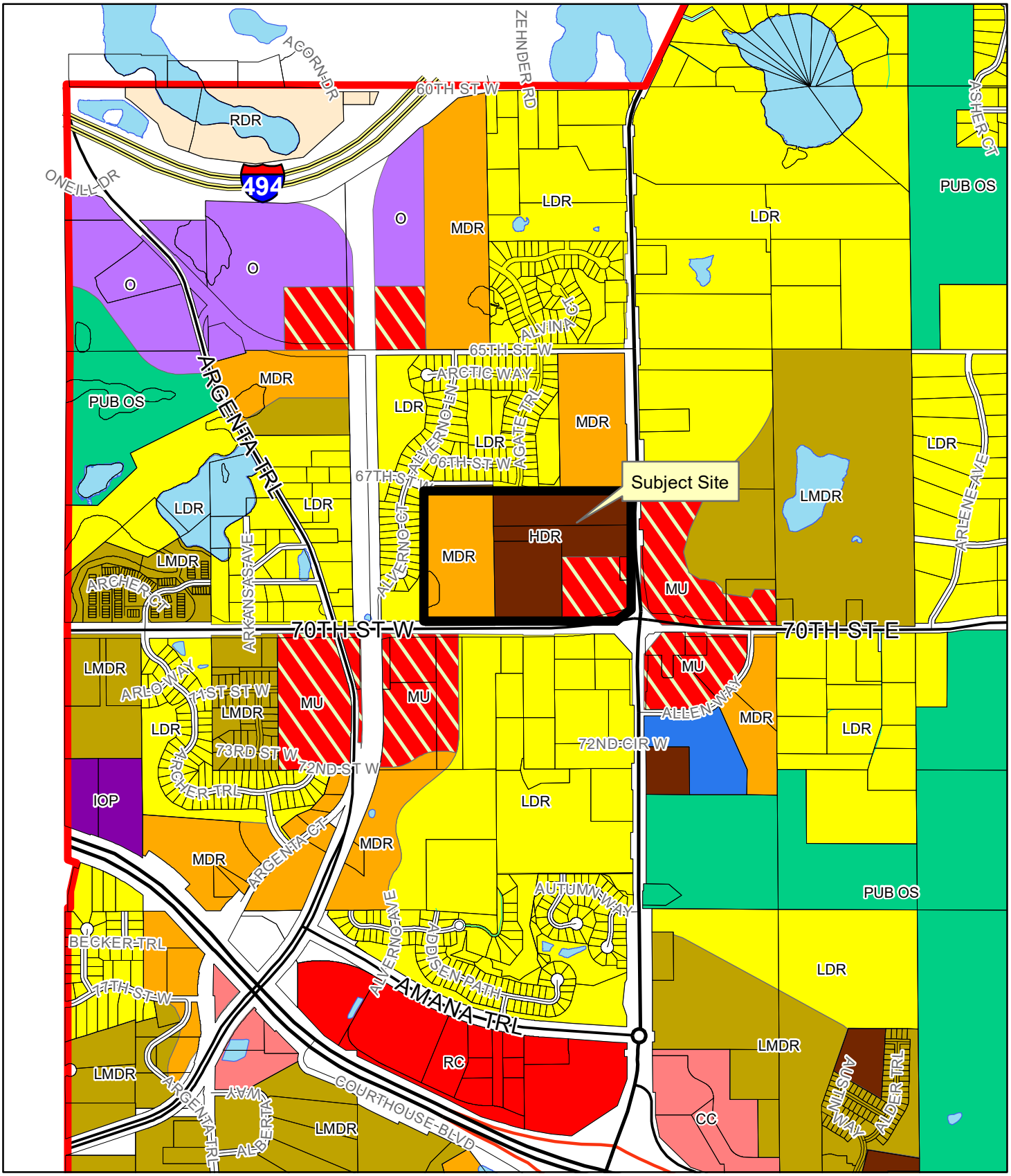
RECOMMENDATION

The project complies with all performance standards of the Northwest Area except for setbacks at three locations. The county road construction projects will have an impact on traffic flows for the next 2-3 years. This may or may not impact traffic in the development as construction of the project, construction of homes and occupancy also take time.

Staff would recommend approval of the requests as presented with the conditions listed.

Attachments:
Location Map
Applicant Narrative
Preliminary Plat
Site Plan (5 sheets)
Development Capacity Plan
Natural Area/Open Space Plan
Grading Plan (5 sheets)
Landscape Plan (5 sheets)
Resident e-mails

Location/Comprehensive Plan Map
Case No. 21-45PUD



Preliminary Plat Application and Preliminary PUD Application: Narrative

At Home Apartments, L.L.C. and its related entity, Agate Trail Apartments, LLC (collectively, the "Applicant") is submitting a Preliminary Plat Application for the replat and subdivision of the following parcels: 20-00600-78-012, 20-28500-01-012, 20-28500-01-011, and 20-28500-01-020 (collectively, the "Property").

These parcels are currently owned by Falcon Partners Limited Partnership and Oak Grove Properties of MN, LLLP (collectively, the "Owners") At Home Apartments and its assign, Agate Trail Apartments, LLC have an agreement with the Owners whereby Agate Trail Apartments, LLC will acquire title to these parcels for the purpose of redeveloping approximately 30 acres of the overall site into a multi-family rental community. The Applicant, pending approval from the City of Inver Grove Heights, intends to improve the property by developing a rental community with 259 housing units.

At Home Apartments, L.L.C. is a property management and development company based in St. Paul, Minnesota. At Home Apartments has a long history of owning, self managing and developing apartment communities throughout the Twin Cities metro, St. Cloud, and Kansas City. A copy of the At Home Apartments' company profile has been included with this application. More information about At Home Apartments can also be found at www.athomeapartments.com

Project Description:

The proposed project development, which necessitates the preliminary plat and subdivision of the current parcels, is a 253 unit high-end rental community providing numerous housing options to create life cycle housing. This development is purposefully designed to provide housing options for various stages of a person's life. Examples of the housing products that can be found within this community are: 42 twin home style units, 40 manor/large house stye apartment units, 16 4-plex units, 60 6-plex units, and a 95 unit apartment building. By providing a variety of housing options within the site, we are able to utilize the contours of the land to preserve the natural beauty these parcels currently provide. Preserving as much green space as possible while dedicating a portion of the land back to the City for the future development of a public park are important features of this redevelopment.

Applications:

To begin the approval process for the Applicant's proposed development project two applications are being submitted: the Preliminary Plat Application and Preliminary Planned Unit Development Application.

Subdivisions/PUD:

The proposed project meets the subdivision requirements as outlined in municipal code of Inver Grove Heights. Furthermore the subdivision and proposed project are in harmony with the city's 2040 Comprehensive Plan as well as the additional requirements in the Northwest Area Plan initiative. Consistent with the requirements for developments in the Northwest Overlay District, we propose that

this project have the zoning classification of a Planned Unit Development (PUD) with land uses that are in alignment with the uses called for in the 2040 Comprehensive Plan.

Community Impact:

This proposed project is a benefit to the community because it allows for the redevelopment of the site in a manner that is consistent with the City's housing and density goals while balancing the needs of the surrounding neighborhoods. Our proposed project does not adversely impact the sensitive areas that currently exist within the site, rather it works to preserve the environmental uniqueness of the site. The proposed plan also considers the dedication of 4 acres of land to the City for public benefit.

In addition to the other stated benefits, the Applicant will be responsible for building the extension of Agate Trail as well as the extension of 67th street, both of which are public roads. With the extension of Agate Trail and 67th Street, and other access connections to city and county roads, the traffic generated by this site mirrors that of other nearby developments.

Additionally, the number of proposed units is lower than that identified in the AUAR, thus we believe the traffic study presented as a part of that report concludes that this development is consistent with the collector street plan and the capacities of the municipal roadway system to accommodate the traffic generated by this development.

Phasing:

The Applicant intends to develop Lot 1, Block 1 and Lot 1, Block 2 (27.95 acres total) in the initial phase of development. The schedule for future phases of development, Lot 2, Block 2 and Outlot C, (Future Development) are not known at this time. The Applicant is not requesting rezoning of the Future Development parcels at this time. It is understood that the existing uses within the Future Development parcels will remain as approved uses.

Parking Summary/Description:

The parking summary for the overall project has been separated into sections to demonstrate the parking supply based on the different housing product types for the site.

The Northwest Area AUAR allows for a decreased parking ratio using the formula as follows:

# of Units multiplied by 2.5, multiplied by .75 = ____ REQUIRED STALLS).

The east side of the proposed development (east of the future Agate Trail extension) provides 88 units with parking stalls provided producing 283 stalls. Using the equation noted above, 165 stalls are required under code. In looking at the housing product type, the 88 units and parking stalls are broken down as follows:

- East side townhomes – 48 units: 81 enclosed stalls, 81 driveway stalls for a total of 162 parking stalls which equates to 3.35 stalls per unit. (90 stalls required under code).
- East side ten plex homes - 40 units: 56 enclosed stalls, 56 driveway stalls for a total of 112 stalls which equates to 2.8 stalls per unit (75 would be required under code).
- Guest Parking- Road C - 9

The west side of the proposed development (west of the future Agate Trail extension) provides 165 units with parking stalls provided producing 372 stalls. Using the equation noted above, stalls are required under code. In looking at the housing product type, the 165 units and parking stalls are broken down as follows:

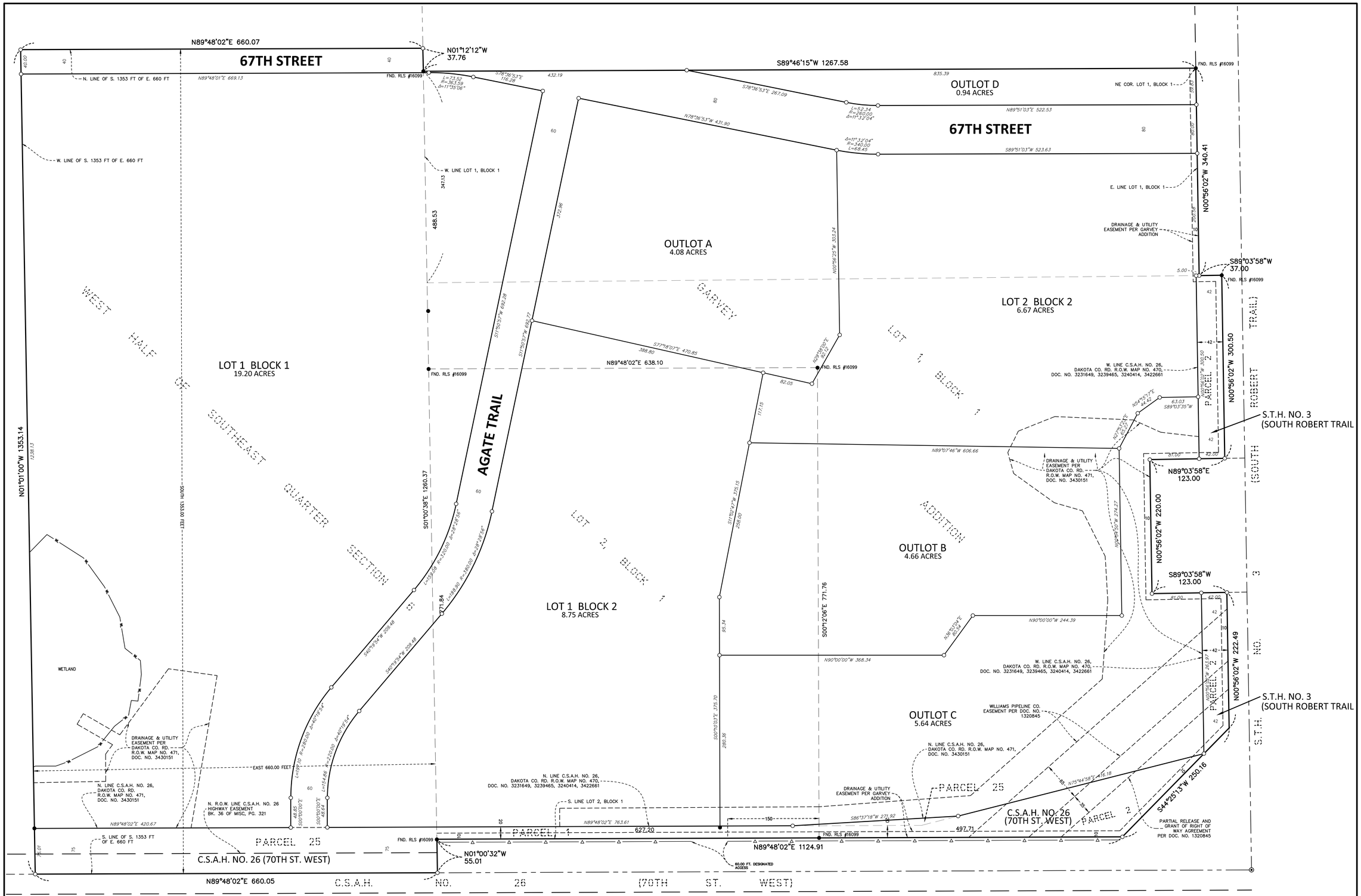
- West side townhomes – 28 units: 47 enclosed stalls, 47 driveway stalls for a total of 94 parking stalls which equates to 3.35 stalls per unit. (53 stalls required under code).
- West side twin homes - 42 units: 42 enclosed stalls, 42 driveway stalls for a total of 84 stalls which equates to 2 stalls per unit (79 would be required under code).
- Apartment Building - 95 Units: 107 below grade stalls, 63 surface stalls for a total of 170 stalls. This equates to 1.78 stalls per unit (178 stalls would be required under code).
- Guest Parking- Road A - 24

Overall, the proposed development meets or exceeds the City's parking requirement. If you separated the parking ratios by product type, the apartment building (on its own) is light on parking, meaning that it is 8 stalls short of the City's code requirement. Given that this proposed development is within a PUD, we are asking the City to use its discretion to allow us to waive the parking requirement as it relates to the apartment building. As the City may be aware, many suburban municipalities have older parking code requirements (2 or more stalls per multifamily unit) which do not correspond with current housing trends specifically as it relates to multifamily buildings. Based on our experience of managing multifamily projects over the last 30 years and taking into consideration our new development projects throughout the Metro over the last 10 tears, a parking ratio of 1.78 stalls per unit would be more than adequate for a development of this size. Increasing the amount of parking for the apartment building in order to meet current City requirements would result in underutilized land, create a potential eyesore of unused parking, and detract from the overall goal of maintaining a green and environmentally conscious site.

Tree Preservation:

The project team has made every effort to feasibly preserve trees on this site, in fact the trees are a significant reason this site was selected. The previous site plan allowed for more preservation of the trees due to the positioning of building types to optimize grading. The revised site plan impacts approximately 1,000 additional caliper inches.

The applicant is requesting relief from planting the additional 415 caliper inches on site, as a good faith effort had been made to design a site more sensitive to the trees and the Council had indicated the placement of the apartment building was of utmost importance.



SUBJECT PROPERTY

Description from title commitment:

Parcel 1:

The South 1353.00 feet of the East 660.00 feet of the West Half of the Southeast Quarter of Section 6, Township 27, Range 22.

Dakota County, Minnesota
Abstract Property

Parcel 2:

That part of Lot 1, Block 1, Garvey Addition, Dakota County, Minnesota which lies Northerly of a line described as follows: Commencing at the Northeast corner of said Lot 1; thence Southerly along the East line of said Lot 1, a distance of 340.41 feet to an angle point in said East line, said point being the point of beginning of the line to be described; thence Westerly a distance of 1267.06 feet to a point on the West line of said Lot 1 which is 347.13 feet South of the Northwest corner thereof, as measured along said West line, and there terminated.

Dakota County, Minnesota
Abstract Property

Parcel 3:

That part of Lot 1, Block 1, Garvey Addition, Dakota County, Minnesota which lies Southerly of a line described as follows:
Commencing at the Northeast corner of said Lot 1; thence Southerly along the East line of said Lot 1, a distance of 340.41 feet to an angle point in said East line, said point being the point of beginning of the line to be described; thence Westerly a distance of 1267.06 feet to a point on the West line of said Lot 1 which is 347.13 feet South of the Northwest corner thereof, as measured along said West line, and there terminating.

Dakota County, Minnesota
Abstract Property

Parcel 4:

Lot 2, Block 1, Garvey Addition.

Dakota County, Minnesota
Abstract Property

PROPERTY SUMMARY

THE GROSS LAND AREA OF THE SUBJECT PROPERTY IS 56.96 ACRES OR 2,481,134 SQUARE FEET.

PROPOSED:

LOT 1, BLOCK 1	836,239 SQ. FT. OR 19.20 ACRES
LOT 1, BLOCK 2	381,337 SQ. FT. OR 8.75 ACRES
LOT 2, BLOCK 2	290,707 SQ. FT. OR 6.67 ACRES
OUTLOT A	177,780 SQ. FT. OR 4.08 ACRES
OUTLOT B	203,029 SQ. FT. OR 4.66 ACRES
OUTLOT C	245,853 SQ. FT. OR 5.64 ACRES
OUTLOT D	41,060 SQ. FT. OR 0.94 ACRES
RIGHT -OF- WAY	305,129 SQ. FT. OR 7.02 ACRES

DEVELOPMENT NOTES

1. DRAINAGE AND UTILITY EASEMENTS SHALL BE PROVIDED AS REQUIRED.
2. THE BEARING SYSTEM IS BASED ON THE DAKOTA COUNTY COORDINATE SYSTEM, NAD83 (1986 ADJUST).
3. SUBJECT PROPERTY'S ADDRESSES & PID:
   1285 70th Street West, Inver Grove Heights, MN. PID# 20-00600-78-012 (Parcel 1)
   6815 Robert Trail South, Inver Grove Heights, MN. PID# 20-28500-01-012 (Parcel 2)
   1165 70th Street West, Inver Grove Heights, MN. PID # 20-28500-01-020 (Parcel 4)
   The property address for Parcel 3 is unassigned. PID # 20-28500-01-011

NORTH
0 60 120
SCALE IN FEET

Sambatek
www.sambatek.com
12800 Whitewater Drive, Suite 300
Minnetonka, MN 55343
763.476.6010 telephone
Engineering | Surveying | Planning | Environmental

Client
COLLAGE ARCHITECTS

708 NE 15TH AVE
MINNEAPOLIS, MN 55413

Project
AT HOME APARTMENTS

Location
INVER GROVE HEIGHTS, MN
LOCATION ADDRESS

Certification

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.

George D. Abernathy
Registration No. 43505 Date: MM/DD/2021

If applicable, contact us for a wet signed copy of this plan which is available upon request at Sambatek's, Minnetonka, MN office.

Summary

Designed: GDA Drawn: JGP
Approved: JMM Book / Page:
Phase: PRELIMINARY Initial Issued: MM/DD/2021

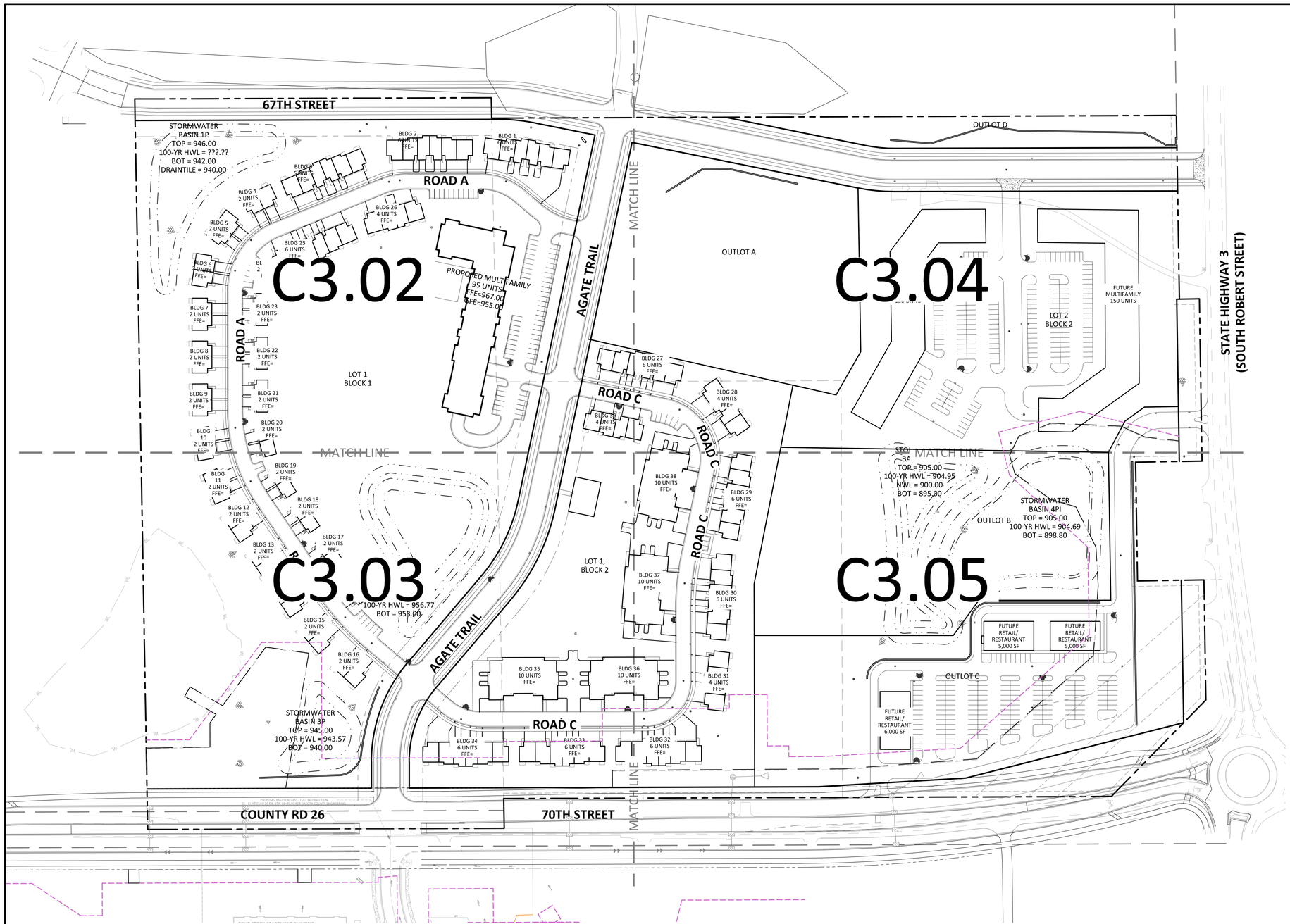
Revision History

No.	Date	By	Submittal / Revision
A	6/7/21		Preliminary PUD Submittal

Sheet Title

Sheet No. Revision

Project No. 22291.02



DEVELOPMENT SUMMARY

AREA		
GROSS SITE AREA	2,481,134 SF	56.96 AC
LOT 1, BLOCK 1	836,239 SF	19.20 AC
LOT 1, BLOCK 2	381,337 SF	8.75 AC
LOT 2, BLOCK 2	290,707 SF	6.67 AC
LESS OUTLOT A	177,780 SF	4.08 AC
LESS OUTLOT B	203,029 SF	4.66 AC
LESS OUTLOT C	245,853 SF	5.64 AC
LESS OUTLOT D	41,060 SF	0.94 AC
LESS RIGHT-OF-WAY	305,129 SF	7.02 AC
NET SITE AREA	1,508,283 SF	34.62 AC
UNIT TOTALS		
APARTMENT BUILDING		95 UNITS
DUPLEX BUILDINGS (x21)		42 UNITS
FOUR-PLEX BUILDINGS (x4)		16 UNITS
SIX-PLEX BUILDINGS (x10)		60 UNITS
TEN-PLEX BUILDINGS (x4)		40 UNITS
TOTAL		253 UNITS
PROPOSED BUILDING SETBACKS		
FRONT YARD		25 FEET
REAR YARD		25 FEET
SIDE YARD		10 FEET
ZONING		
EXISTING ZONING		A-AGRICULTURAL
PROPOSED ZONING		PUD, A-AGRICULTURAL
PARKING SUMMARY - MULTIFAMILY SITE		
PARKING REQUIRED		178 STALLS
PARKING PROVIDED		170 STALLS
PARKING SUMMARY - TOWNHOME SITES		
PARKING REQUIRED		297 STALLS
PARKING PROVIDED		485 STALLS
PARKING SUMMARY - FUTURE MULTIFAMILY SITE		
PARKING REQUIRED		563 STALLS
PARKING PROVIDED		450 STALLS
IMPERVIOUS SURFACES		
AREA (R3-C)	245,590 SF	5.64 AC
PERCENT		19.1 %
BUILDING SURFACE COVERAGE		
AREA (R3-C)	199,597 SF	4.58 AC
PERCENT		15.5 %

DEVELOPMENT NOTES

1. ALL DIMENSIONS ARE ROUNDED TO THE NEAREST TENTH FOOT.
2. ALL DIMENSIONS SHOWN ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
3. CONTRACTOR SHALL REVIEW PAVEMENT GRADIENT AND CONSTRUCT "GUTTER OUT" WHERE WATER DRAINS AWAY FROM CURB. ALL OTHER AREAS SHALL BE CONSTRUCTED AS "GUTTER IN" CURB. COORDINATE WITH GRADING CONTRACTOR.
4. ALL AREAS ARE ROUNDED TO THE NEAREST SQUARE FOOT.
5. ALL PARKING STALLS TO BE 9' IN WIDTH AND 18' IN LENGTH UNLESS OTHERWISE INDICATED.
6. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF EXIT PORCHES, RAMPS, PRECISE BUILDING DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
7. SEE ARCHITECTURAL PLANS FOR PYLON SIGN DETAILS.
8. LIGHT STANDARD LOCATIONS ARE FOR REFERENCE ONLY, SITE LIGHTING PLAN IS DESIGN BUILD BY CONTRACTOR. CONTRACTOR SHALL CONFIRM LIGHT STANDARD LOCATION WITH LIGHTING VENDOR. OR SEE ARCHITECTURAL PLANS FOR LIGHT POLE FOUNDATION DETAIL AND FOR EXACT LOCATIONS OF LIGHT POLE.
9. REFER TO FINAL PLAT FOR LOT BOUNDARIES, LOT NUMBERS, LOT AREAS, AND LOT DIMENSIONS.
10. ALL GRADIENTS ON SIDEWALKS ALONG THE ADA ROUTE HAVE BEEN DESIGNED WITH A MAXIMUM LONGITUDINAL SLOPE OF 4.5%, AND A MAXIMUM CROSS SLOPE OF 1.5%. THIS IS LESS THAN THE ADA CODE MAXIMUM LONGITUDINAL SLOPE OF 5% (1:20), EXCEPT AT CURB RAMPS (1:12), AND A MAXIMUM CROSS SLOPE OF 2.00% (1:50). THE MAXIMUM DESIGN SLOPE IN ANY DIRECTION ON AN ADA PARKING STALL OR ACCESS AISLE IS 1.5%, LESS THAN THE ADA CODE MAXIMUM SLOPE IN ANY DIRECTION ON AN ADA PARKING STALL OR ACCESS AISLE OF 2.00% (1:50). THE CONTRACTOR SHALL REVIEW AND VERIFY THE GRADIENT IN THE FIELD ALONG THE ADA ROUTES PRIOR TO PLACING CONCRETE OR BITUMINOUS PAVEMENT. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY IF THERE IS A DISCREPANCY BETWEEN THE GRADIENT IN THE FIELD VERSUS THE DESIGN GRADIENT AND COORDINATE WITH GRADING CONTRACTOR.
11. "NO PARKING" SIGNS SHALL BE PLACED ALONG ALL DRIVEWAYS AS REQUIRED BY CITY.
12. STREET NAMES ARE SUBJECT TO APPROVAL BY THE CITY.

CIVIL 3D MODEL LIMITATIONS

SAMBATEK'S DELIVERABLE AND GOVERNING DOCUMENTS FOR CONSTRUCTION SHALL BE A HARD COPY AND/OR PDF PLAN SHEETS. IF A CIVIL 3D MODEL IS GENERATED IN THE PROCESS OF PREPARING THE PLAN SHEETS, IT IS AS A DESIGN TOOL ONLY AND NOT AS A SEPARATE DELIVERABLE. AT THE OWNER'S REQUEST, WE WILL RELEASE OUR CIVIL 3D MODEL FOR THE CONTRACTOR'S USE. HOWEVER, ITS USE IS AT THE CONTRACTOR'S RISK AND SHALL NOT BE USED FOR STAKING OF CURB, SIDEWALK, OR OTHER HARD SURFACE IMPROVEMENTS. IF A CIVIL 3D MODEL FOR STAKING HARD SURFACE IMPROVEMENTS IS REQUIRED, WE CAN PROVIDE A SUPPLEMENTAL AGREEMENT FOR REFINEMENT AND PREPARATION OF THE CIVIL 3D MODEL.

THE SUBSURFACE UTILITY INFORMATION SHOWN ON THESE PLANS IS A UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA." THE CONTRACTOR AND/OR SUBCONTRACTORS SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, BY CONTACTING THE NOTIFICATION CENTER (GOPHER STATE ONE FOR MINNESOTA). THE CONTRACTOR AND/OR SUBCONTRACTOR AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, WHICH MIGHT BE OCCASIONED BY HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD.

IF THE CONTRACTOR ENCOUNTERS ANY DRAIN TILE WITHIN THE SITE, HE OR SHE SHALL NOTIFY THE ENGINEER WITH THE LOCATION, SIZE, INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER.

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

NORTH

0 80 160

SCALE IN FEET

Sambatek
www.sambatek.com
12800 Whitewater Drive, Suite 300
Minnetonka, MN 55343
763.476.6010 telephone
Engineering | Surveying | Planning | Environmental

Client

COLLAGE ARCHITECTS

708 NE 15TH AVE
MINNEAPOLIS, MN 55413

Project

AGATE TRAIL APARTMENTS

Location

INVER GROVE HEIGHTS, MN

Certification

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.

George D. Abernathy
Registration No. 43505 Date: 06/07/2021

If applicable, contact us for a wet signed copy of this plan which is available upon request at Sambatek's, Minnetonka, MN office.

Summary

Designed: GDA Drawn: JGP
Approved: JMM Book / Page:
Phase: PRELIMINARY Initial Issued: 06/07/2021

Revision History

No.	Date	By	Submittal / Revision
	06/07/21		Preliminary PUD Submittal
	09/03/21		Preliminary PUD Resubmittal
	09/24/21		Preliminary PUD Comment Response

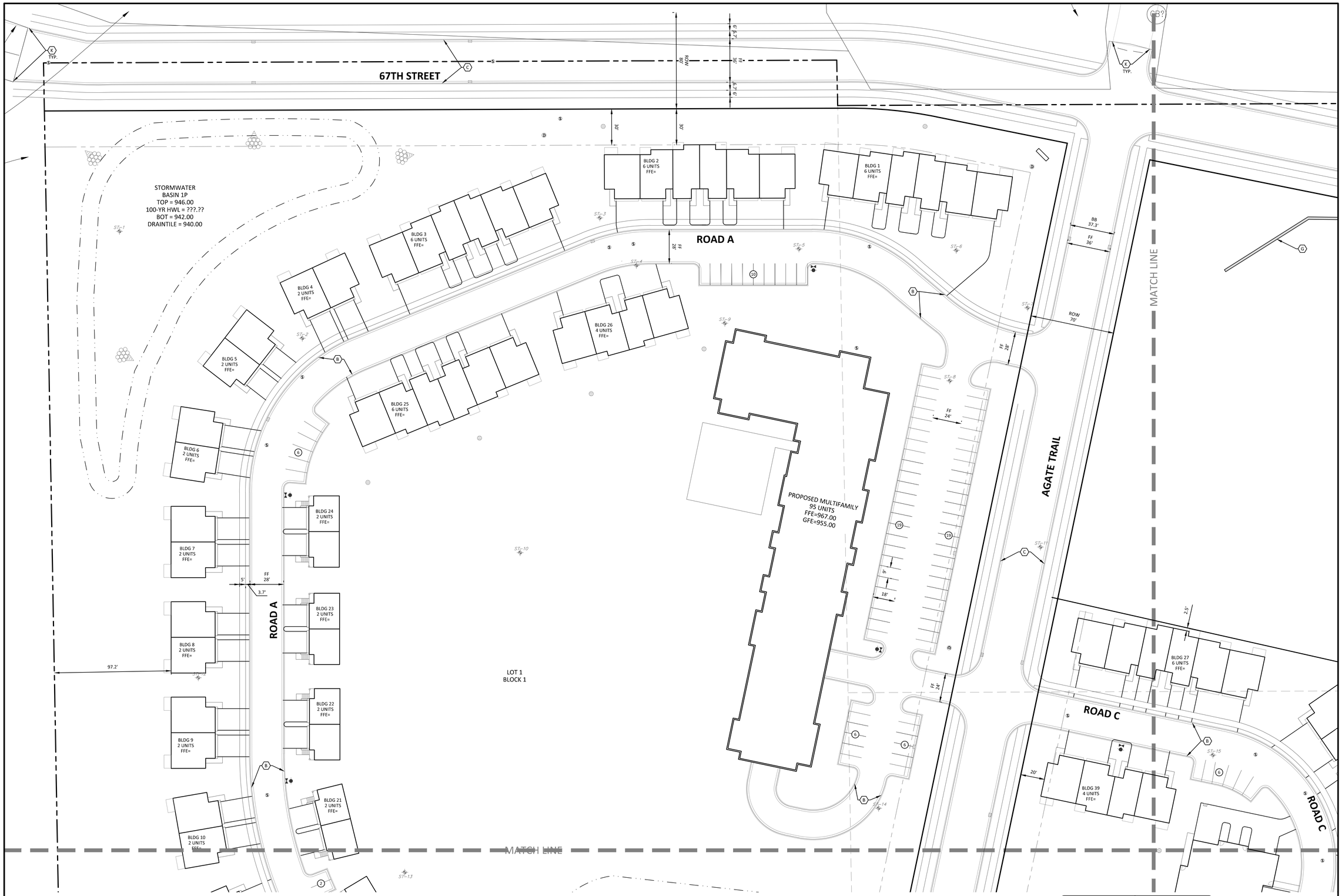
Sheet Title

OVERALL SITE PLAN

Sheet No. Revision

C3.01

Project No. 22291.02



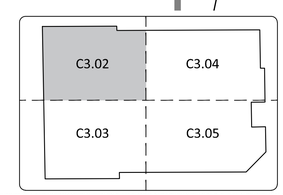
LEGEND

	PROPOSED	EXISTING
PROPERTY LIMIT		
CURB & GUTTER		
EASEMENT		
BUILDING		
RETAINING WALL		
WETLAND LIMITS		WL
TREELINE		
SAWCUT LINE		
SIGN		
PIPE BOLLARD		
NUMBER OF PARKING STALLS PER ROW	XX	
KEY NOTE	XX	

STANDARD DUTY ASPHALT PAVING	
HEAVY DUTY ASPHALT PAVING	
CONCRETE PAVING	
CONCRETE SIDEWALK	
PAVEMENT BY OTHERS (SEE ARCHITECTURAL PLANS)	

KEY NOTES

A. BUILDING, STOOPS, STAIRS (SEE ARCHITECTURAL PLANS)
B. SURMOUNTABLE CONCRETE CURB AND GUTTER
C. B-618 6CONCRETE CURB AND GUTTER
D. CONCRETE APRON
E. FLAT CURB SECTION
F. CONCRETE SIDEWALK
G. RETAINING WALL
H. ACCESSIBLE RAMP
I. ACCESSIBLE STALL STRIPING
J. ACCESSIBLE PARKING SIGN
K. MEET AND MATCH EXISTING



THE SUBSURFACE UTILITY INFORMATION SHOWN ON THESE PLANS IS A UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA." THE CONTRACTOR AND/OR SUBCONTRACTORS SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, BY CONTACTING THE NOTIFICATION CENTER (GOPHER STATE ONE FOR MINNESOTA). THE CONTRACTOR AND/OR SUBCONTRACTOR AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, WHICH MIGHT BE OCCASIONED BY HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD).

IF THE CONTRACTOR ENCOUNTERS ANY DRAIN TILE WITHIN THE SITE, HE OR SHE SHALL NOTIFY THE ENGINEER WITH THE LOCATION, SIZE, INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER.

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

NORTH

0 30 60
SCALE IN FEET

Sep 24, 2021 - 2:30pm - User:JPistorius L:\PROJECTS\22291.02\CAD\Civil\Sheets\22291.02-C3-SITE.dwg

Sambatek
www.sambatek.com
12800 Whitewater Drive, Suite 300
Minnetonka, MN 55343
763.476.6010 telephone
Engineering | Surveying | Planning | Environmental

Client
COLLAGE ARCHITECTS

708 NE 15TH AVE
MINNEAPOLIS, MN 55413

Project
AGATE TRAIL APARTMENTS

Location
INVER GROVE HEIGHTS, MN

Certification

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.

George D. Abernathy
Registration No. 43505 Date: 06/07/2021

If applicable, contact us for a wet signed copy of this plan which is available upon request at Sambatek's, Minnetonka, MN office.

Summary

Designed: GDA Drawn: JGP
Approved: JMM Book / Page:
Phase: PRELIMINARY Initial Issued: 06/07/2021

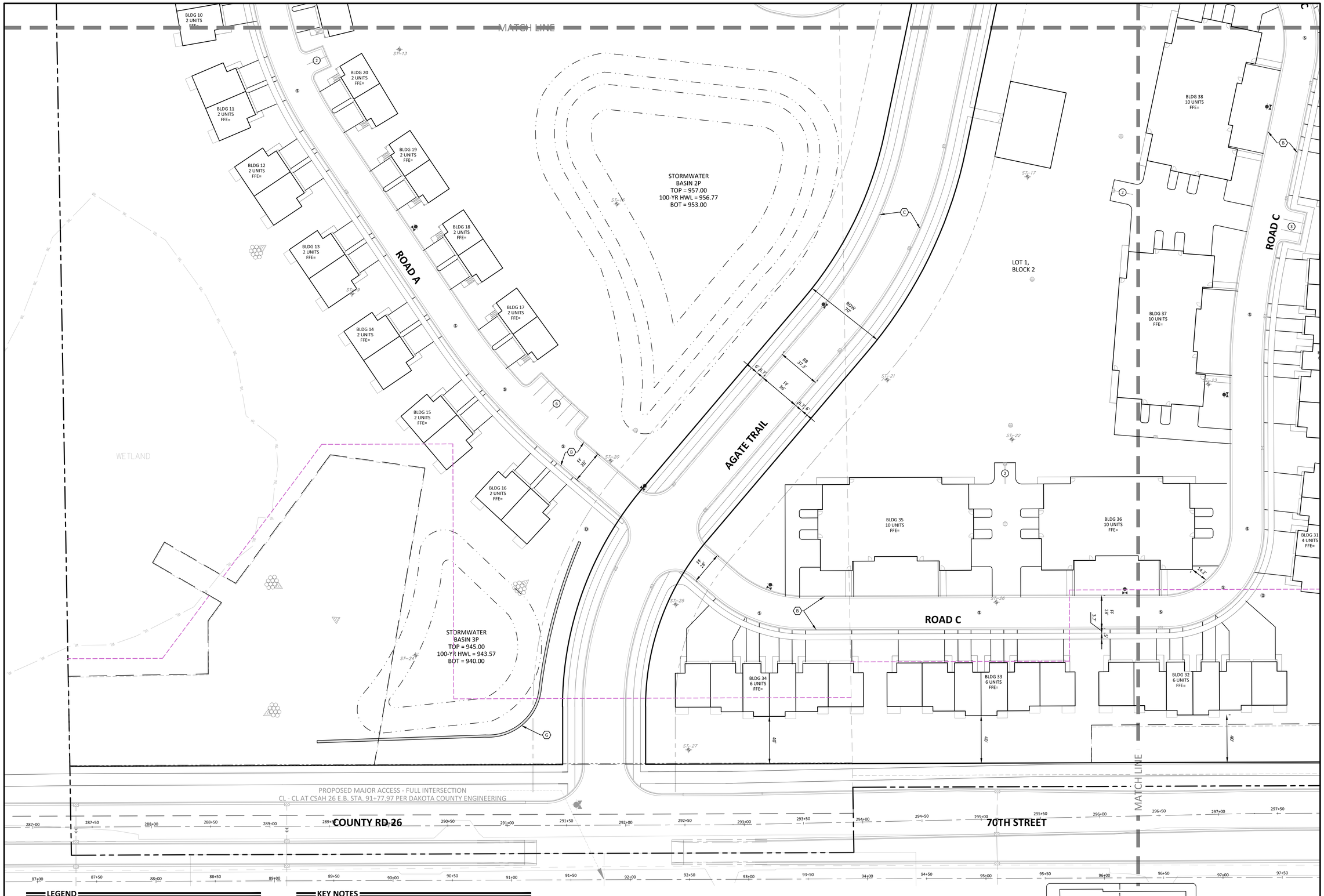
Revision History

No.	Date	By	Submittal / Revision
	06/07/21		Preliminary PUD Submittal
	09/03/21		Preliminary PUD Resubmittal
	09/24/21		Preliminary PUD Comment Response

Sheet Title
SITE PLAN - NW

Sheet No. Revision
C3.02

Project No. 22291.02



LEGEND

	PROPOSED	EXISTING
PROPERTY LIMIT		
CURB & GUTTER		
EASEMENT		
BUILDING		
RETAINING WALL		
WETLAND LIMITS		
TREELINE		
SAWCUT LINE		
SIGN		
PIPE BOLLARD		
NUMBER OF PARKING STALLS PER ROW	XX	
KEY NOTE	XX	

- STANDARD DUTY ASPHALT PAVING
- HEAVY DUTY ASPHALT PAVING
- CONCRETE PAVING
- CONCRETE SIDEWALK
- PAVEMENT BY OTHERS (SEE ARCHITECTURAL PLANS)

KEY NOTES

A. BUILDING, STOOPS, STAIRS (SEE ARCHITECTURAL PLANS)
B. SURMOUNTABLE CONCRETE CURB AND GUTTER
C. B-618 6CONCRETE CURB AND GUTTER
D. CONCRETE APRON
E. FLAT CURB SECTION
F. CONCRETE SIDEWALK
G. RETAINING WALL
H. ACCESSIBLE RAMP
I. ACCESSIBLE STALL STRIPING
J. ACCESSIBLE PARKING SIGN
K. MEET AND MATCH EXISTING



THE SUBSURFACE UTILITY INFORMATION SHOWN ON THESE PLANS IS A UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA." THE CONTRACTOR AND/OR SUBCONTRACTORS SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, BY CONTACTING THE NOTIFICATION CENTER (GOPHER STATE ONE FOR MINNESOTA). THE CONTRACTOR AND/OR SUBCONTRACTOR AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, WHICH MIGHT BE OCCASIONED BY HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD).

IF THE CONTRACTOR ENCOUNTERS ANY DRAIN TILE WITHIN THE SITE, HE OR SHE SHALL NOTIFY THE ENGINEER WITH THE LOCATION, SIZE, INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER.

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

NORTH
0 30 60
SCALE IN FEET

Sambatek
www.sambatek.com
12800 Whitewater Drive, Suite 300
Minnetonka, MN 55343
763.476.6010 telephone
Engineering | Surveying | Planning | Environmental

Client
COLLAGE ARCHITECTS

708 NE 15TH AVE
MINNEAPOLIS, MN 55413

Project
AGATE TRAIL APARTMENTS

Location
INVER GROVE HEIGHTS, MN

Certification
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.

George D. Abernathy
Registration No. 43505 Date: 06/07/2021

If applicable, contact us for a wet signed copy of this plan which is available upon request at Sambatek's, Minnetonka, MN office.

Summary
Designed: GDA Drawn: JGP
Approved: JMM Book / Page:
Phase: PRELIMINARY Initial Issued: 06/07/2021

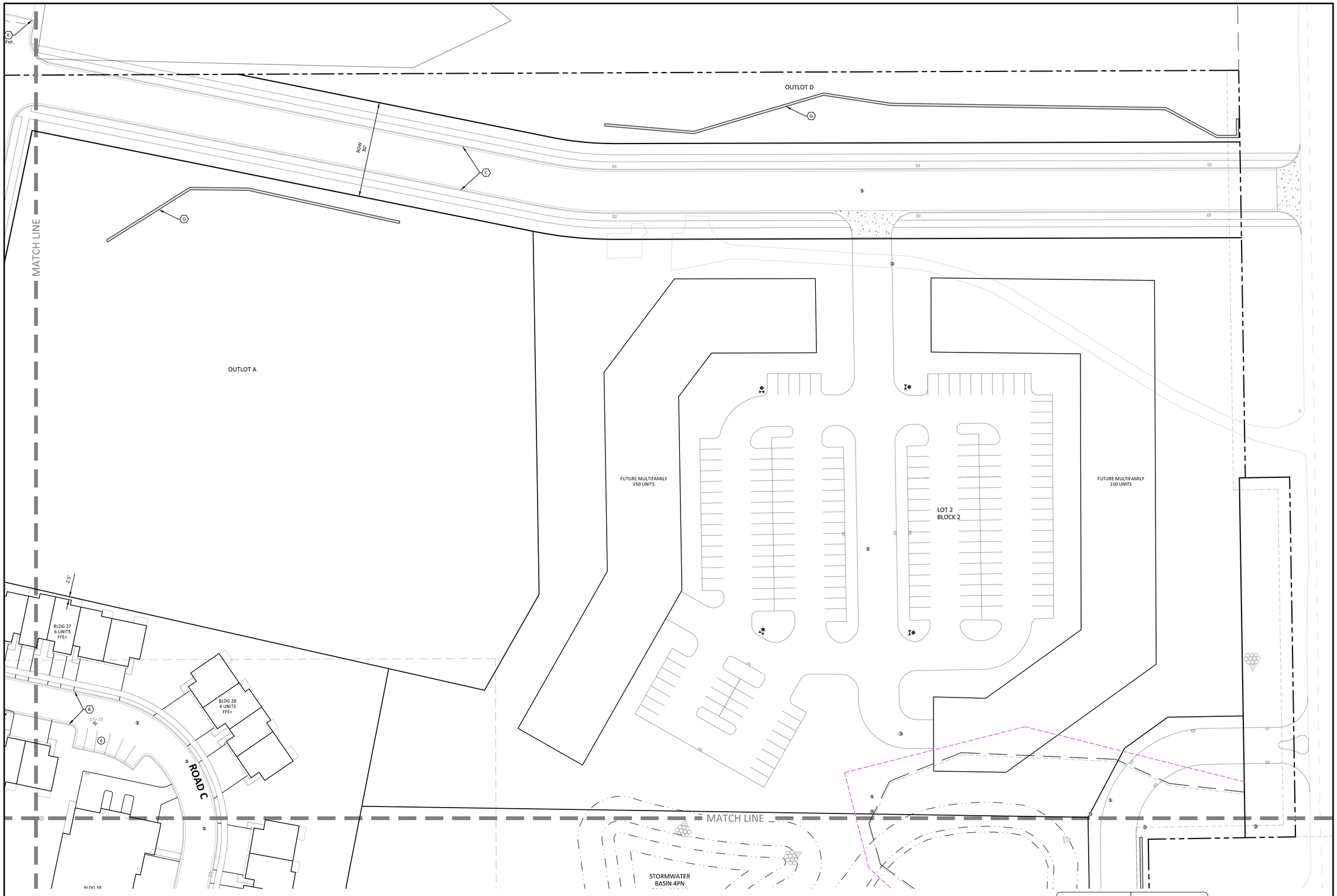
Revision History

No.	Date	By	Submittal / Revision
	06/07/21		Preliminary PUD Submittal
	09/03/21		Preliminary PUD Resubmittal
	09/24/21		Preliminary PUD Comment Response

Sheet Title
SITE PLAN - SW

Sheet No. Revision
C3.03

Project No. 22291.02



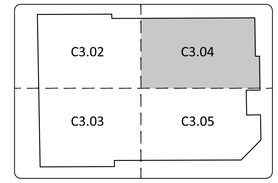
LEGEND

	PROPOSED	EXISTING
PROPERTY LIMIT		
CURB & GUTTER		
EASEMENT		
BUILDING		
RETAINING WALL		
WETLAND LIMITS		WL
TREELINE		
SAWCUT LINE		
SIGN		
PIPE BOLLARD		
NUMBER OF PARKING STALLS PER ROW	XX	
KEY NOTE	XX	

STANDARD DUTY ASPHALT PAVING	
HEAVY DUTY ASPHALT PAVING	
CONCRETE PAVING	
CONCRETE SIDEWALK	
PAVEMENT BY OTHERS (SEE ARCHITECTURAL PLANS)	

KEY NOTES

A. BUILDING, STOOPS, STAIRS (SEE ARCHITECTURAL PLANS)
B. SURMOUNTABLE CONCRETE CURB AND GUTTER
C. B-618 6CONCRETE CURB AND GUTTER
D. CONCRETE APRON
E. FLAT CURB SECTION
F. CONCRETE SIDEWALK
G. RETAINING WALL
H. ACCESSIBLE RAMP
I. ACCESSIBLE STALL STRIPING
J. ACCESSIBLE PARKING SIGN
K. MEET AND MATCH EXISTING



THE SUBSURFACE UTILITY INFORMATION SHOWN ON THESE PLANS IS A UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA." THE CONTRACTOR AND/OR SUBCONTRACTORS SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, BY CONTACTING THE NOTIFICATION CENTER (GOPHER STATE ONE FOR MINNESOTA). THE CONTRACTOR AND/OR SUBCONTRACTOR AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, WHICH MIGHT BE OCCASIONED BY HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD).

IF THE CONTRACTOR ENCOUNTERS ANY DRAIN TILE WITHIN THE SITE, HE OR SHE SHALL NOTIFY THE ENGINEER WITH THE LOCATION, SIZE, INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER.

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

NORTH

0 30 60
SCALE IN FEET

Sambatek
www.sambatek.com
12800 Whitewater Drive, Suite 300
Minnetonka, MN 55343
763.476.6010 telephone
Engineering | Surveying | Planning | Environmental

Client
COLLAGE ARCHITECTS

708 NE 15TH AVE
MINNEAPOLIS, MN 55413

Project
AGATE TRAIL APARTMENTS

Location
INVER GROVE HEIGHTS, MN

Certification

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.

George D. Abernathy
Registration No. 43505 Date: 06/07/2021

If applicable, contact us for a wet signed copy of this plan which is available upon request at Sambatek's, Minnetonka, MN office.

Summary

Designed: GDA Drawn: JGP
Approved: JMM Book / Page:
Phase: PRELIMINARY Initial Issued: 06/07/2021

Revision History

No.	Date	By	Submittal / Revision
	06/07/21		Preliminary PUD Submittal
	09/03/21		Preliminary PUD Resubmittal
	09/24/21		Preliminary PUD Comment Response

Sheet Title
SITE PLAN - NE

Sheet No. Revision
C3.04

Project No. 22291.02

MATCH LINE

BLDG 38
10 UNITS
FFE=

BLDG 29
6 UNITS
FFE=

BLDG 37
10 UNITS
FFE=

BLDG 30
6 UNITS
FFE=

BLDG 36
UNITS
FFE=

BLDG 31
4 UNITS
FFE=

BLDG 32
6 UNITS
FFE=

ROAD C

39.4'

37.7'

14.2'

40'

ST-18

ST-21

ST-28

STORMWATER
BASIN 4PN
TOP = 905.00
100-YR HWL = 904.95
NWL = 900.00
BOT = 895.00

OUTLOT B

STORMWATER
BASIN 4PI
TOP = 905.00
100-YR HWL = 904.69
BOT = 898.80

FUTURE RETAIL/ RESTAURANT
5,000 SF

FUTURE RETAIL/ RESTAURANT
5,000 SF

OUTLOT C

FUTURE RETAIL/ RESTAURANT
6,000 SF

MATCH LINE

296+50 297+00 297+50 298+00 298+50 299+00 299+50 300+00 300+50 301+00 301+50 302+00 302+50 303+00 303+50 304+00 304+50 305+00 305+50 306+00 306+50 307+00

96+50 97+00 97+50 98+00 98+50 99+00 99+50 100+00 100+50 101+00 101+50 102+00 102+50 103+00 103+50 104+00 104+50 105+00 105+50 106+00 106+50 107+00

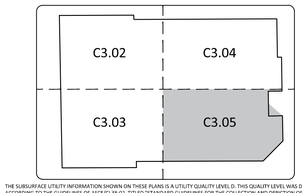
LEGEND

	PROPOSED	EXISTING
PROPERTY LIMIT		
CURB & GUTTER		
EASEMENT		
BUILDING		
RETAINING WALL		
WETLAND LIMITS		WL
TREELINE		
SAWCUT LINE		
SIGN		
PIPE BOLLARD		
NUMBER OF PARKING STALLS PER ROW	XX	
KEY NOTE	XX	

STANDARD DUTY ASPHALT PAVING	
HEAVY DUTY ASPHALT PAVING	
CONCRETE PAVING	
CONCRETE SIDEWALK	
PAVEMENT BY OTHERS (SEE ARCHITECTURAL PLANS)	

KEY NOTES

A. BUILDING, STOOPS, STAIRS (SEE ARCHITECTURAL PLANS)
B. SURMOUNTABLE CONCRETE CURB AND GUTTER
C. B-618 6CONCRETE CURB AND GUTTER
D. CONCRETE APRON
E. FLAT CURB SECTION
F. CONCRETE SIDEWALK
G. RETAINING WALL
H. ACCESSIBLE RAMP
I. ACCESSIBLE STALL STRIPING
J. ACCESSIBLE PARKING SIGN
K. MEET AND MATCH EXISTING



THE SUBSURFACE UTILITY INFORMATION SHOWN ON THESE PLANS IS A UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA." THE CONTRACTOR AND/OR SUBCONTRACTORS SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, BY CONTACTING THE NOTIFICATION CENTER (GOPHER STATE ONE FOR MINNESOTA). THE CONTRACTOR AND/OR SUBCONTRACTOR AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, WHICH MIGHT BE OCCASIONED BY HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD).

IF THE CONTRACTOR ENCOUNTERS ANY DRAIN TILE WITHIN THE SITE, HE OR SHE SHALL NOTIFY THE ENGINEER WITH THE LOCATION, SIZE, INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER.

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

NORTH

0 30 60
SCALE IN FEET

Sambatek
www.sambatek.com
12800 Whitewater Drive, Suite 300
Minnetonka, MN 55343
763.476.6010 telephone
Engineering | Surveying | Planning | Environmental

Client
COLLAGE ARCHITECTS

708 NE 15TH AVE
MINNEAPOLIS, MN 55413

Project
AGATE TRAIL APARTMENTS

Location
INVER GROVE HEIGHTS, MN

Certification

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.

George D. Abernathy
Registration No. 43505 Date: 06/07/2021

If applicable, contact us for a wet signed copy of this plan which is available upon request at Sambatek's, Minnetonka, MN office.

Summary

Designed: GDA Drawn: JGP
Approved: JMM Book / Page:
Phase: PRELIMINARY Initial Issued: 06/07/2021

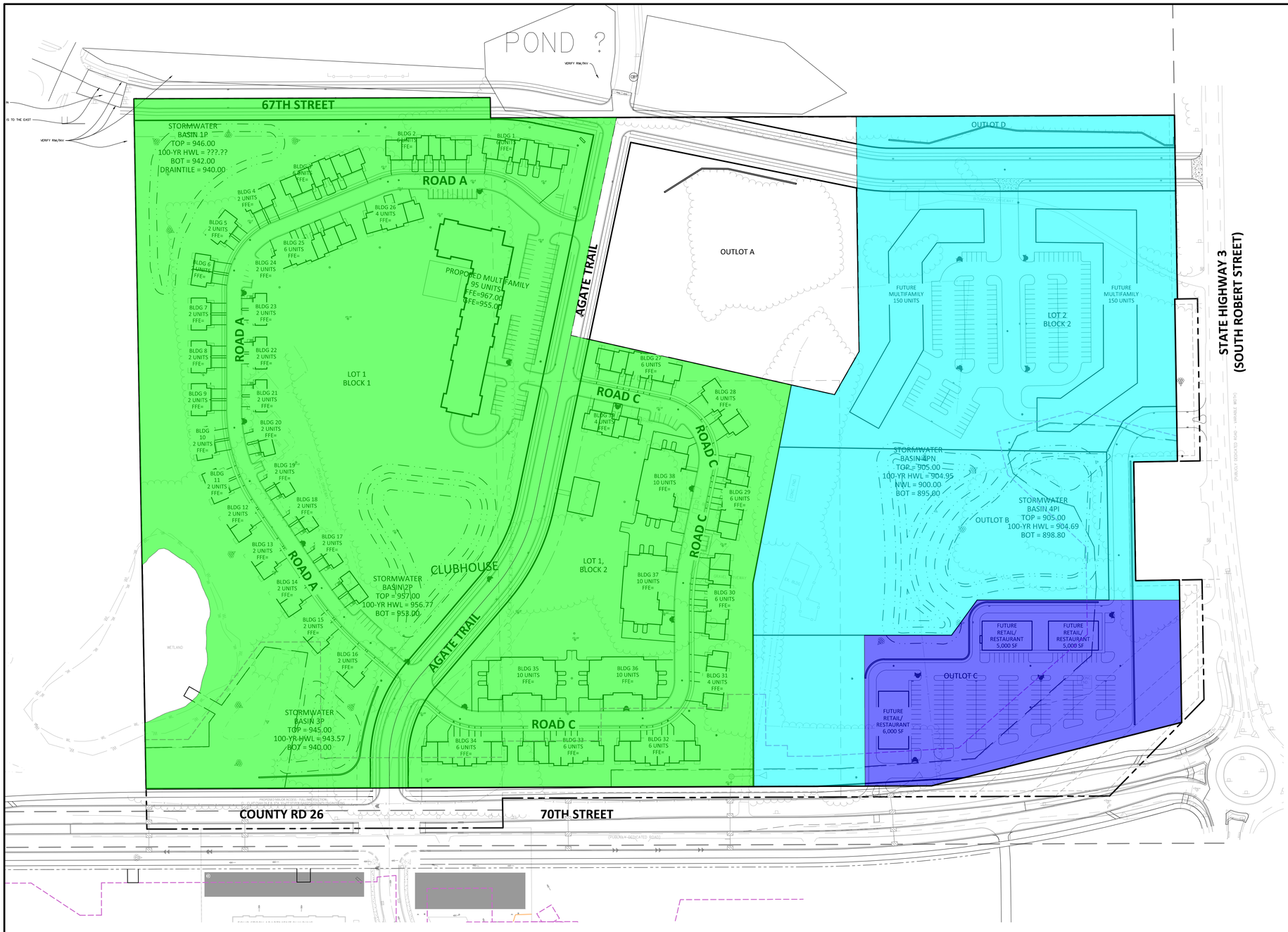
Revision History

No.	Date	By	Submittal / Revision
	06/07/21		Preliminary PUD Submittal
	09/03/21		Preliminary PUD Resubmittal
	09/24/21		Preliminary PUD Comment Response

Sheet Title
SITE PLAN - SE

Sheet No. Revision
C3.05

Project No. 22291.02



LEGEND

PROPERTY LIMIT
CURB & GUTTER
EASEMENT
BUILDING

RESIDENTIAL DEVELOPMENT SUMMARY

	MULTI-FAMILY (R-3C)	MULTI-FAMILY (R-3C)
COMP. PLAN DESIGNATION	MDR	HDR
AREA	29.48 AC	15.14 AC
MIN. LOT AREA	2,000 SF	12,000 SF
DENSITY RANGE (2040 LAND USE)	8-12 UNITS/AC	12-35 UNITS/AC
UNITS	253	300
PROPOSED DENSITY	8.6 UNITS/AC	19.82 UNITS/AC
MINIMUM DENSITY (NW AREA OVERLAY)	8 UNITS/AC	12 UNITS/AC

COMMERCIAL DEVELOPMENT SUMMARY

		LOT AREA	BUILDING AREA	MINIMUM FAR	PROPOSED FAR
COMMERCIAL RETAIL (B-3)	MU	3.73 AC	16,000 SF	0.25	0.10

NORTH
0 80 160
SCALE IN FEET

Sambatek
www.sambatek.com
12800 Whitewater Drive, Suite 300
Minnetonka, MN 55343
763.476.6010 telephone
Engineering | Surveying | Planning | Environmental

Client
COLLAGE ARCHITECTS

708 NE 15TH AVE
MINNEAPOLIS, MN 55413

Project
AGATE TRAIL APARTMENTS

Location
INVER GROVE HEIGHTS, MN

Certification

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.

George D. Abernathy
Registration No. 43505 Date: 06/07/2021

If applicable, contact us for a wet signed copy of this plan which is available upon request at Sambatek's, Minnetonka, MN office.

Summary

Designed: GDA Drawn: JGP
Approved: JMM Book / Page:
Phase: PRELIMINARY Initial Issued: 06/07/2021

Revision History

No.	Date	By	Submittal / Revision
	06/07/21		Preliminary PUD Submittal
	09/03/21		Preliminary PUD Resubmittal
	09/24/21		Preliminary PUD Comment Response

Sheet Title
DEVELOPMENT CAPACITY PLAN

Sheet No. Revision
C3.06

Project No. 22291.02



LEGEND

- PROPERTY LIMIT
- CURB & GUTTER
- EASEMENT
- BUILDING
- EXISTING WETLAND
- LIMITS OF DISTURBANCE
- EXISTING TREELINE
- UPLAND RESOURCE MANAGEMENT CAT. 3
- OPEN SPACE
- UNDISTURBED OPEN SPACE
- PARK DEDICATION
- WETLANDS
- PROPOSED STORMWATER

DEVELOPMENT SUMMARY

AREA		
GROSS SITE AREA	2,481,134 SF	56.96 AC
LESS WETLANDS	59,524 SF	1.37 AC
LESS R-O-W	174,305 SF	4.00 AC
LESS PARK	177,725 SF	4.08 AC
NET SITE AREA	2,155,023 SF	47.51 AC

OPEN SPACE SUMMARY	REQUIRED	PROPOSED
OPEN SPACE (20% NET DEVELOPABLE)	9.89 AC	18.72 AC
UNDISTURBED SPACE (50% OPEN SPACE)	4.95 AC	5.09 AC
CONTIGUOUS OPEN SPACE (75%, 100' MIN)	7.42 AC	12.52 AC

NORTH

0 80 160
SCALE IN FEET

Sambatek
www.sambatek.com
12800 Whitewater Drive, Suite 300
Minnetonka, MN 55343
763.476.6010 telephone
Engineering | Surveying | Planning | Environmental

Client

COLLAGE ARCHITECTS

708 NE 15TH AVE
MINNEAPOLIS, MN 55413

Project

AGATE TRAIL APARTMENTS

Location

INVER GROVE HEIGHTS, MN

Certification

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.

George D. Abernathy
Registration No. 43505 Date: 06/07/2021

If applicable, contact us for a wet signed copy of this plan which is available upon request at Sambatek's, Minnetonka, MN office.

Summary

Designed: GDA Drawn: JGP
Approved: JMM Book / Page:
Phase: PRELIMINARY Initial Issued: 06/07/2021

Revision History

No.	Date	By	Submittal / Revision
	06/07/21		Preliminary PUD Submittal
	09/03/21		Preliminary PUD Resubmittal
	09/24/21		Preliminary PUD Comment Response

Sheet Title

NATURAL & OPEN SPACE PLAN

Sheet No. Revision

C3.07

Project No. 22291.02



GRADING NOTES

INFILTRATION BASIN CONSTRUCTION NOTES

THE SUBSURFACE UTILITY INFORMATION SHOWN ON THESE PLANS IS A UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA." THE CONTRACTOR AND/OR SUBCONTRACTORS SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, BY CONTACTING THE NOTIFICATION CENTER (GOPHER STATE ONE FOR MINNESOTA). THE CONTRACTOR AND/OR SUBCONTRACTOR AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, WHICH MIGHT BE OCCASIONED BY HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD).

IF THE CONTRACTOR ENCOUNTERS ANY DRAIN TILE WITHIN THE SITE, HE OR SHE SHALL NOTIFY THE ENGINEER WITH THE LOCATION, SIZE, INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER.

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

NORTH

SCALE 0 80 160 IN FEET

Sambatek
www.sambatek.com
12800 Whitewater Drive, Suite 300
Minnetonka, MN 55343
763.476.6010 telephone
Engineering | Surveying | Planning | Environmental

Client
COLLAGE ARCHITECTS

708 NE 15TH AVE
MINNEAPOLIS, MN 55413

Project
AGATE TRAIL APARTMENTS

Location
INVER GROVE HEIGHTS, MN

Certification

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.

George D. Abernathy
Registration No. 43505 Date: 06/07/2021

If applicable, contact us for a wet signed copy of this plan which is available upon request at Sambatek's, Minnetonka, MN office.

Summary

Designed: GDA Drawn: JGP
Approved: JMM Book / Page:
Phase: PRELIMINARY Initial Issued: 06/07/2021

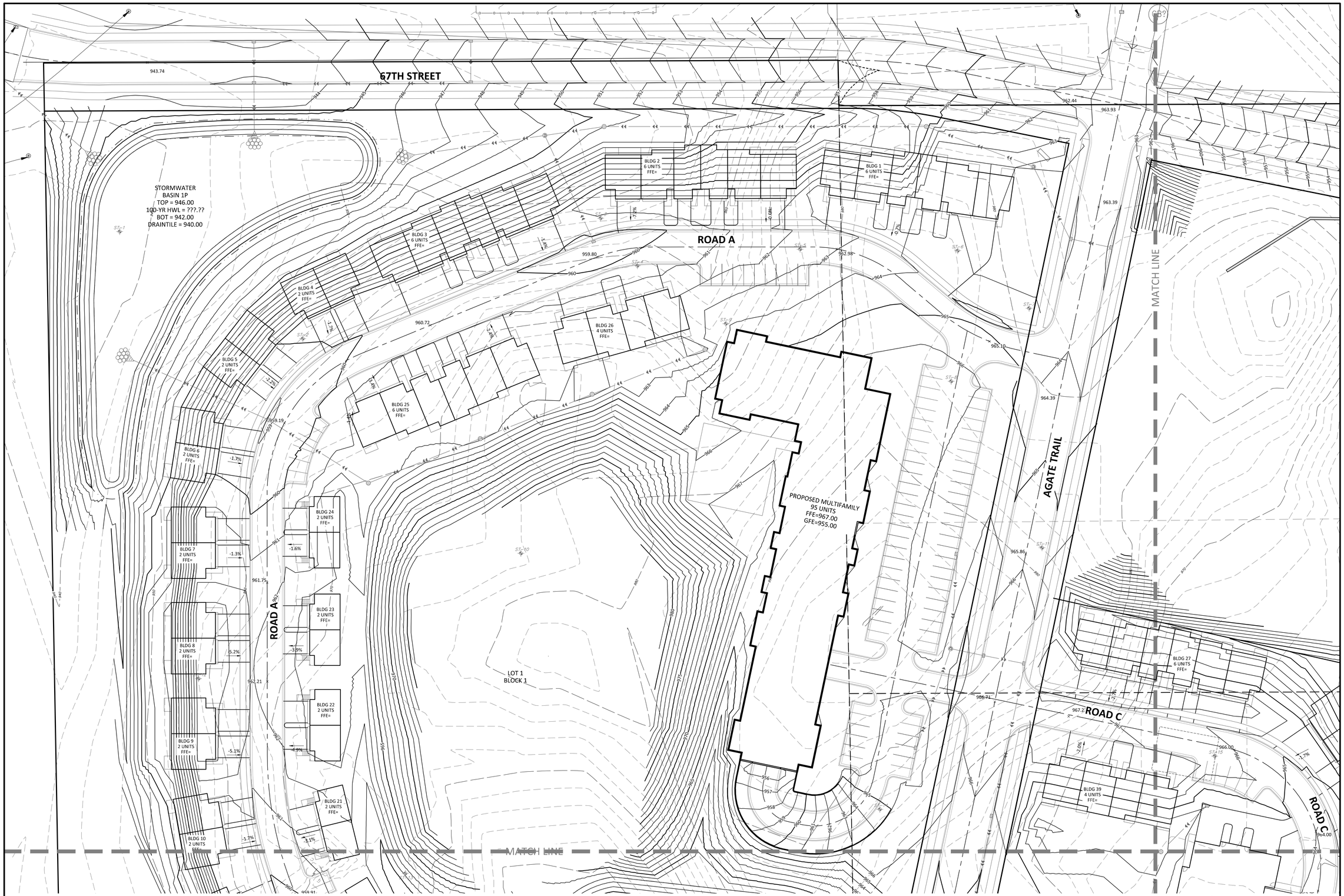
Revision History

No.	Date	By	Submittal / Revision
	06/07/21		Preliminary PUD Submittal
	09/03/21		Preliminary PUD Resubmittal
	09/24/21		Preliminary PUD Comment Response

Sheet Title
OVERALL GRADING PLAN

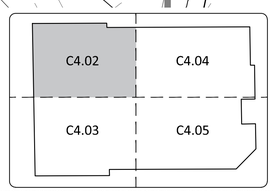
Sheet No. Revision
C4.01

Project No. 22291.02



LEGEND

	PROPOSED	EXISTING
PROPERTY LIMIT		
CURB & GUTTER		
STORM SEWER		
DRAINTILE		
BUILDING		
RETAINING WALL		
WETLAND LIMITS		WL
TREELINE		
SPOT ELEVATION	902.5	902.5
CONTOUR	902	902
RIP RAP		
OVERFLOW ELEV.	EOF 902.5	
SOIL BORINGS		ST-5 902.5



THE SUBSURFACE UTILITY INFORMATION SHOWN ON THESE PLANS IS A UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA". THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFICATION AND LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. BY CONTACTING THE NOTIFICATION CENTER (GOPHER STATE ONE CALL MINNESOTA), THE CONTRACTOR AND/OR SUBCONTRACTOR AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, WHICH MAY BE OCCASIONED BY HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD).

IF THE CONTRACTOR ENCOUNTERS ANY DRAIN TILE WITHIN THE SITE, HE OR SHE SHALL NOTIFY THE ENGINEER WITH THE LOCATION, SIZE, INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER.

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

NORTH

SCALE 0 30 60 IN FEET

Sambatek
www.sambatek.com
12800 Whitewater Drive, Suite 300
Minnetonka, MN 55343
763.476.6010 telephone
Engineering | Surveying | Planning | Environmental

Client

COLLAGE ARCHITECTS

708 NE 15TH AVE
MINNEAPOLIS, MN 55413

Project

AGATE TRAIL APARTMENTS

Location

INVER GROVE HEIGHTS, MN

Certification

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.

George D. Abernathy
Registration No. 43505 Date: 06/07/2021

If applicable, contact us for a wet signed copy of this plan which is available upon request at Sambatek's, Minnetonka, MN office.

Summary

Designed: GDA Drawn: JGP
Approved: JMM Book / Page:
Phase: PRELIMINARY Initial Issued: 06/07/2021

Revision History

No.	Date	By	Submittal / Revision
	06/07/21		Preliminary PUD Submittal
	09/03/21		Preliminary PUD Resubmittal
	09/24/21		Preliminary PUD Comment Response

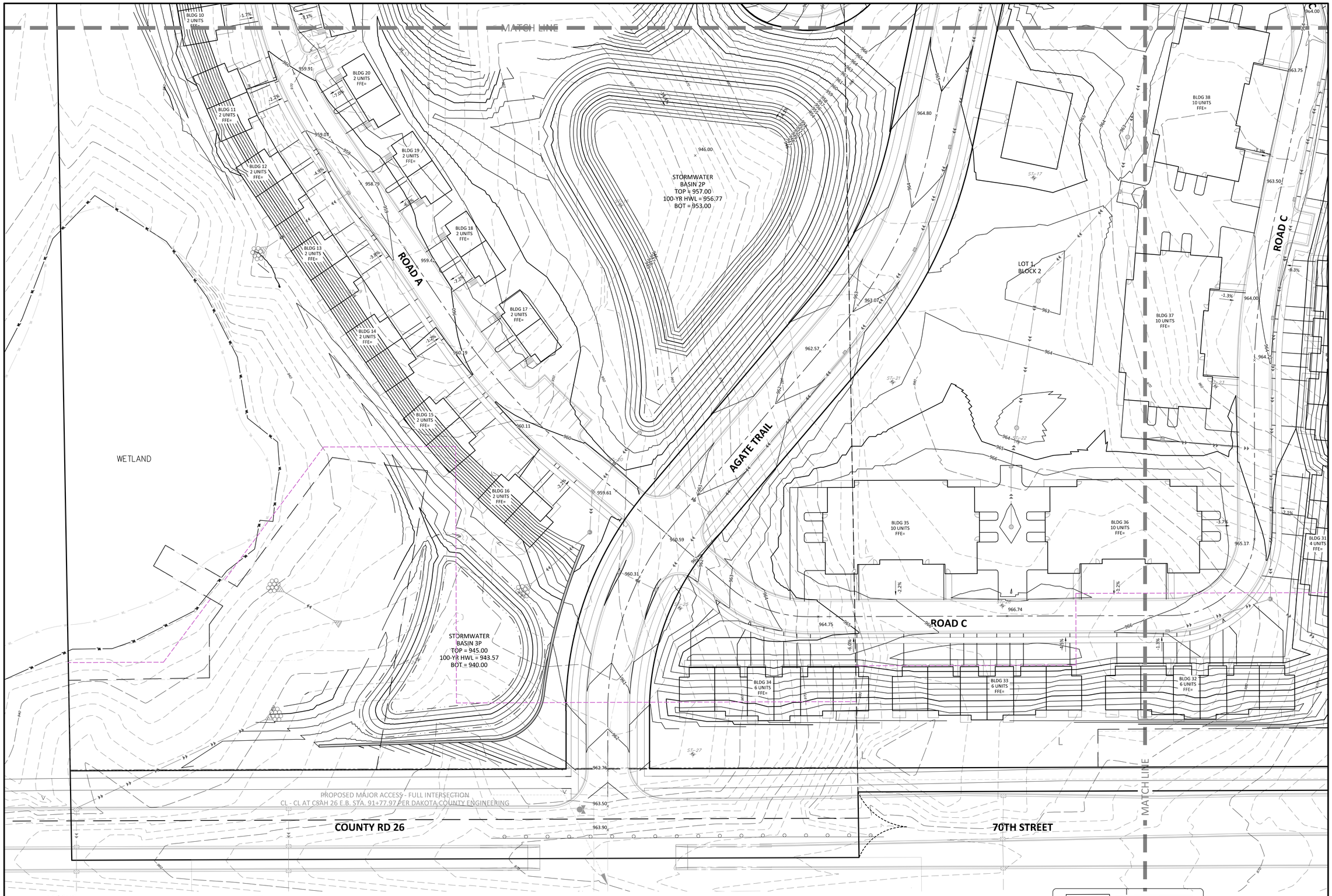
Sheet Title

GRADING PLAN - NW

Sheet No. Revision

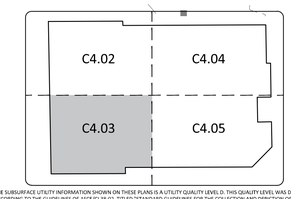
C4.02

Project No. 22291.02



LEGEND

	PROPOSED	EXISTING
PROPERTY LIMIT		
CURB & GUTTER		
STORM SEWER		
DRAINTILE		
BUILDING		
RETAINING WALL		
WETLAND LIMITS		WL
TREELINE		
SPOT ELEVATION	902.5	902.5
CONTOUR	902	902
RIP RAP		
OVERFLOW ELEV.	EOF 902.5	
SOIL BORINGS		ST-1 902.5



THE SUBSURFACE UTILITY INFORMATION SHOWN ON THESE PLANS IS A UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA." THE CONTRACTOR AND/OR SUBCONTRACTORS SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, BY CONTACTING THE NOTIFICATION CENTER (GOPHER STATE ONE FOR MINNESOTA). THE CONTRACTOR AND/OR SUBCONTRACTOR AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, WHICH MIGHT BE OCCASIONED BY HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD).

IF THE CONTRACTOR ENCOUNTERS ANY DRAIN TILE WITHIN THE SITE, HE OR SHE SHALL NOTIFY THE ENGINEER WITH THE LOCATION, SIZE, INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER.

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

NORTH

0 30 60
SCALE IN FEET

Sambatek
www.sambatek.com
12800 Whitewater Drive, Suite 300
Minnetonka, MN 55343
763.476.6010 telephone
Engineering | Surveying | Planning | Environmental

Client
COLLAGE ARCHITECTS

708 NE 15TH AVE
MINNEAPOLIS, MN 55413

Project
AGATE TRAIL APARTMENTS

Location
INVER GROVE HEIGHTS, MN

Certification

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.

George D. Abernathy
Registration No. 43505 Date: 06/07/2021

If applicable, contact us for a wet signed copy of this plan which is available upon request at Sambatek's, Minnetonka, MN office.

Summary

Designed: GDA Drawn: JGP
Approved: JMM Book / Page:
Phase: PRELIMINARY Initial Issued: 06/07/2021

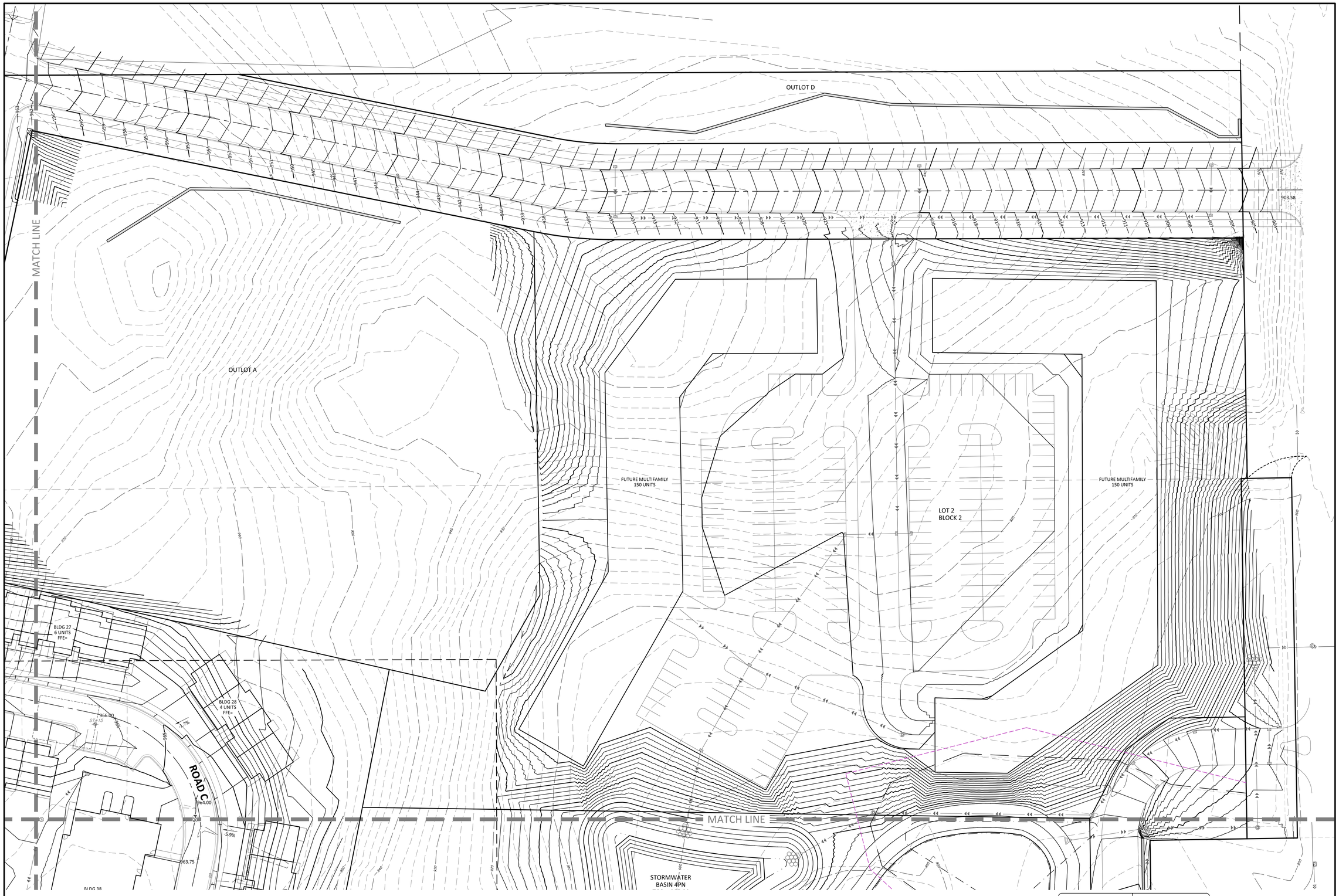
Revision History

No.	Date	By	Submittal / Revision
	06/07/21		Preliminary PUD Submittal
	09/03/21		Preliminary PUD Resubmittal
	09/24/21		Preliminary PUD Comment Response

Sheet Title
GRADING PLAN - SW

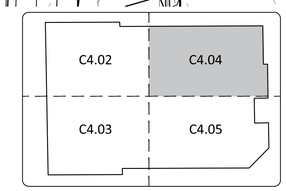
Sheet No. Revision
C4.03

Project No. 22291.02



LEGEND

	PROPOSED	EXISTING
PROPERTY LIMIT		
CURB & GUTTER		
STORM SEWER		
DRAINTILE		
BUILDING		
RETAINING WALL		
WETLAND LIMITS		
TREELINE		
SPOT ELEVATION	902.5	902.5
CONTOUR	902	902
RIP RAP		
OVERFLOW ELEV.	EOF 902.5	ST. 5 902.5
SOIL BORINGS		



THE SUBSURFACE UTILITY INFORMATION SHOWN ON THESE PLANS IS A UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA." THE CONTRACTOR AND/OR SUBCONTRACTORS SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, BY CONTACTING THE NOTIFICATION CENTER (GOPHER STATE ONE FOR MINNESOTA). THE CONTRACTOR AND/OR SUBCONTRACTOR AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, WHICH MIGHT BE OCCASIONED BY HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD).

IF THE CONTRACTOR ENCOUNTERS ANY DRAIN TILE WITHIN THE SITE, HE OR SHE SHALL NOTIFY THE ENGINEER WITH THE LOCATION, SIZE, INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER.

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

NORTH

SCALE 0 30 60 IN FEET

Sep 24, 2021 - 2:33pm - User:JPistorius L:\PROJECTS\22291.02\CAD\Civil\Sheets\22291.02-C4-GRADE.dwg

Sambatek
www.sambatek.com
12800 Whitewater Drive, Suite 300
Minnetonka, MN 55343
763.476.6010 telephone
Engineering | Surveying | Planning | Environmental

Client

COLLAGE ARCHITECTS

708 NE 15TH AVE
MINNEAPOLIS, MN 55413

Project

AGATE TRAIL APARTMENTS

Location

INVER GROVE HEIGHTS, MN

Certification

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.

George D. Abernathy
Registration No. 43505 Date: 06/07/2021

If applicable, contact us for a wet signed copy of this plan which is available upon request at Sambatek's, Minnetonka, MN office.

Summary

Designed: GDA Drawn: JGP
Approved: JMM Book / Page:
Phase: PRELIMINARY Initial Issued: 06/07/2021

Revision History

No.	Date	By	Submittal / Revision
	06/07/21		Preliminary PUD Submittal
	09/03/21		Preliminary PUD Resubmittal
	09/24/21		Preliminary PUD Comment Response

Sheet Title

GRADING PLAN - NE

Sheet No. Revision

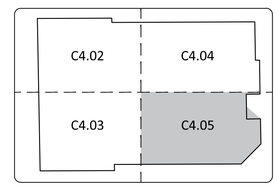
C4.04

Project No. 22291.02



LEGEND

	PROPOSED	EXISTING
PROPERTY LIMIT		
CURB & GUTTER		
STORM SEWER		
DRAINTILE		
BUILDING		
RETAINING WALL		
WETLAND LIMITS		WL
TREELINE		
SPOT ELEVATION	902.5	902.5
CONTOUR	902	902
RIP RAP		
OVERFLOW ELEV.	EOF 902.5	
SOIL BORINGS		ST 5 902.5



THE SUBSURFACE UTILITY INFORMATION SHOWN ON THESE PLANS IS A UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA." THE CONTRACTOR AND/OR SUBCONTRACTORS SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, BY CONTACTING THE NOTIFICATION CENTER (GOPHER STATE ONE FOR MINNESOTA). THE CONTRACTOR AND/OR SUBCONTRACTOR AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, WHICH MIGHT BE OCCASIONED BY HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD).

IF THE CONTRACTOR ENCOUNTERS ANY DRAIN TILE WITHIN THE SITE, HE OR SHE SHALL NOTIFY THE ENGINEER WITH THE LOCATION, SIZE, INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER.

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

NORTH

0 30 60
SCALE IN FEET

Sambatek
www.sambatek.com
12800 Whitewater Drive, Suite 300
Minnetonka, MN 55343
763.476.6010 telephone
Engineering | Surveying | Planning | Environmental

Client

COLLAGE ARCHITECTS

708 NE 15TH AVE
MINNEAPOLIS, MN 55413

Project

AGATE TRAIL APARTMENTS

Location

INVER GROVE HEIGHTS, MN

Certification

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.

George D. Abernathy
Registration No. 43505 Date: 06/07/2021

If applicable, contact us for a wet signed copy of this plan which is available upon request at Sambatek's, Minnetonka, MN office.

Summary

Designed: GDA Drawn: JGP
Approved: JMM Book / Page:
Phase: PRELIMINARY Initial Issued: 06/07/2021

Revision History

No.	Date	By	Submittal / Revision
	06/07/21		Preliminary PUD Submittal
	09/03/21		Preliminary PUD Resubmittal
	09/24/21		Preliminary PUD Comment Response

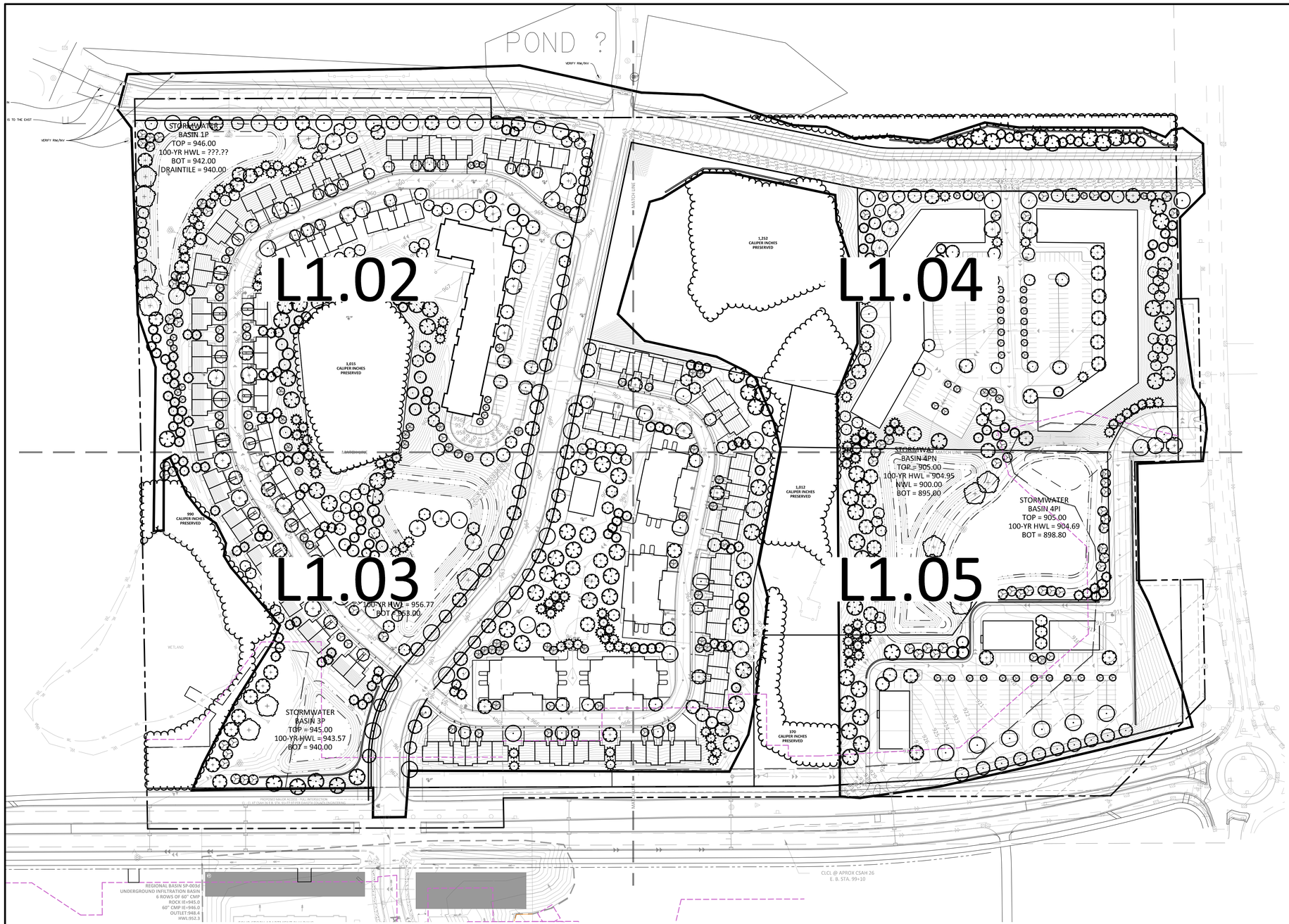
Sheet Title

GRADING PLAN - SE

Sheet No. Revision

C4.05

Project No. 22291.02



LEGEND

	PROPOSED	EXISTING
PROPERTY LIMIT		
CURB & GUTTER		
EASEMENT		
BUILDING		
RETAINING WALL		
WETLAND LIMITS		
TREELINE		
LANDSCAPE EDING		
STORM SEWER	D	
SANITARY SEWER	S	
FORCEMAIN (SAN.)	LS FM S	
WATERMAIN		
YARDDRAIN		
LIMITS OF DISTURBANCE		
TREE PROTECTION FENCE	TP	
SIGN		
PIPE BOLLARD		
RIPRAP		

STANDARD DUTY ASPHALT PAVING

CONCRETE PAVING

CONCRETE SIDEWALK

INVER GROVE HEIGHTS LANDSCAPE CODE

CALCULATIONS	REQUIRED	PROPOSED
ONE OVERSTORY TREE PER DWELLING UNIT	548	575
CONIFEROUS TREE	-	269
ORNAMENTAL TREE	-	120
SHRUB	tbd	tbd
REFORESTATION (SEE L0.01)	3,197	2,785

Chapter 15 - 10-15-11 - LANDSCAPING
(B)Multi-family residential site shall contain, at a minimum, one tree per dwelling unit.
(2) An equivalent of up to fifty percent (50%) of the required number of overstory trees may be created through the use of overstory trees in combination with other landscape design elements at a ratio of six (6) shrubs to one overstory tree and/or two (2) ornamental trees to one overstory tree. In no case shall the number of overstory trees be less than fifty percent (50%) of the appropriate formula.

TREE SCHEDULE

PLANT SCHEDULE

TREES	CODE	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	QTY
	SG	Acer freemanii `Sienna Glen` / Sienna Glen Maple	B & B	3"Cal.		54
	ARF	Acer rubrum 'Franksred' TM / Red Sunset Maple	B & B	3"Cal.		32
	BE	Aesculus x arnoldiana `Autumn Splendor` / Autumn Splendor Buckeye	B & B	3"Cal.		30
	RB	Betula nigra `Cully` TM / Heritage Birch	B & B	3"Cal.		72
	HL	Gleditsia triacanthos `Skyline` / Skyline Honey Locust	B & B	3"Cal.		63
	KC	Gymnocladus dioica `Espresso` / Kentucky Coffeetree	B & B	3"Cal.		27
	QA	Populus tremuloides / Quaking Aspen	B & B	3"Cal.		86
	SO	Quercus bicolor / Swamp White Oak	B & B	3"Cal.		73
	RO	Quercus rubra / Red Oak	B & B	3"Cal.		78
	SAN	Salix alba 'Niobe' / Niobe Weeping Willow	B & B	3"Cal.		14
	PE	Ulmus americana `Princeton` / American Elm	B & B	3"Cal.		46
CONIFERS	CODE	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	QTY
	NS	Picea abies / Norway Spruce	B & B		7'	86
	BS	Picea glauca densata / Black Hills Spruce	B & B		7'	56
	WP	Pinus strobus / White Pine	B & B		7'	83
	SP	Pinus sylvestris / Scotch Pine	B & B		7'	44
ORN. TREES	CODE	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	QTY
	SB	Amelanchier canadensis `Autumn Brilliance` / Autumn Brilliance Serviceberry	B & B	2"Cal		49
	HT	Crataegus crus-galli `Inermis` / Thornless Hawthorn	B & B	2.5"Cal		26
	PF	Malus x `Prairifire` / Prairifire Crab Apple	B & B	2"Cal		10
	IL	Syringa reticulata `Ivory Silk` / Ivory Silk Japanese Tree Lilac	B & B	2"Cal		35

NORTH

0 80 160
SCALE IN FEET

Sambatek
www.sambatek.com
12800 Whitewater Drive, Suite 300
Minnetonka, MN 55343
763.476.6010 telephone
Engineering | Surveying | Planning | Environmental

Client
COLLAGE ARCHITECTS

708 NE 15TH AVE
MINNEAPOLIS, MN 55413

Project
AGATE TRAIL APARTMENTS

Location
INVER GROVE HEIGHTS, MN

Certification

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed LANDSCAPE ARCHITECT under the laws of the State of Minnesota.

John Workman
Registration No. 12345 Date: MM/DD/2021

This certification is not valid unless wet signed in blue ink. If applicable, contact us for a wet signed copy of this survey which is available upon request at Sambatek, Minnetonka, MN office.

Summary

Designed: GDA Drawn: JGP
Approved: JMM Book / Page:
Phase: PRELIMINARY Initial Issued: 06/07/2021

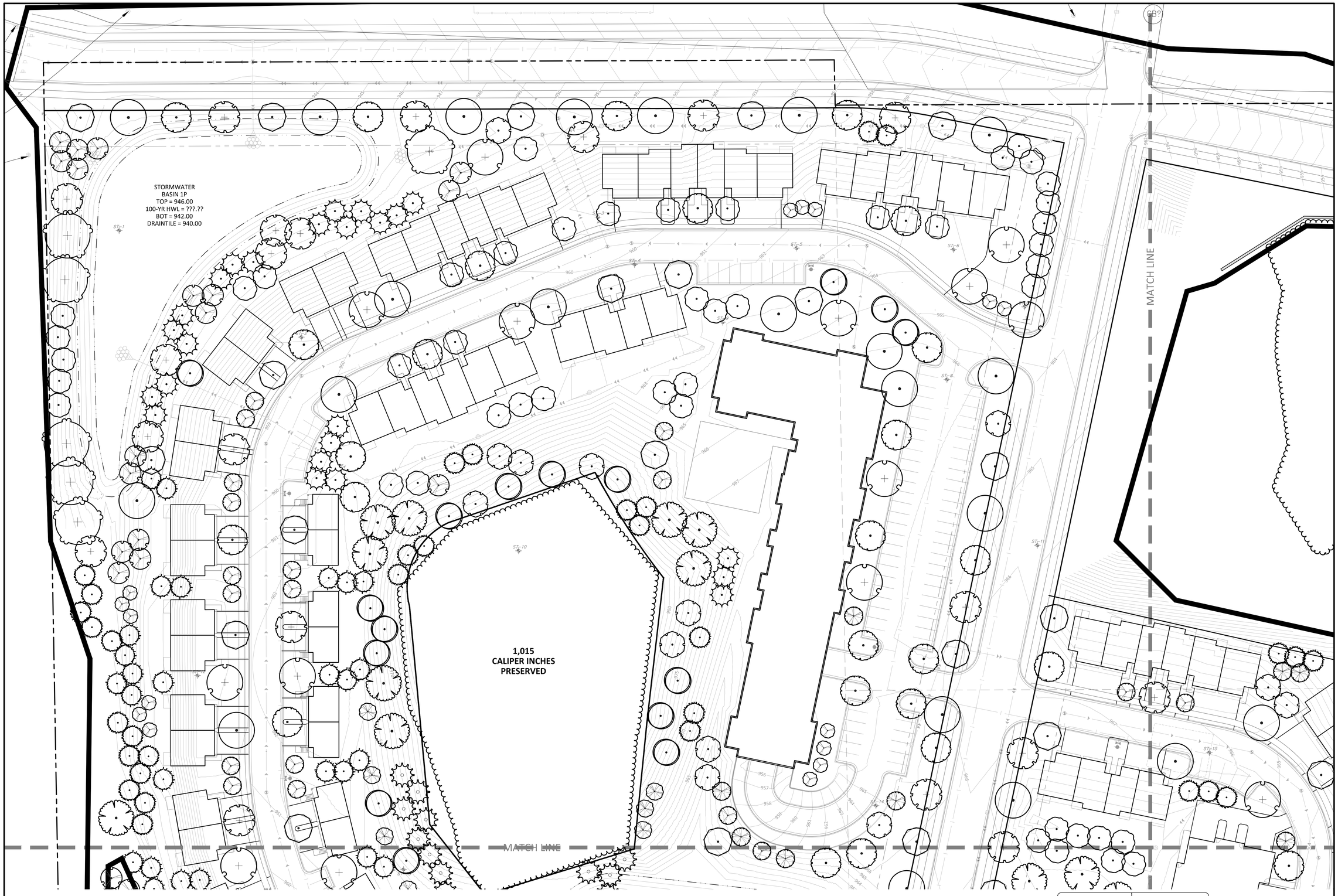
Revision History

No.	Date	By	Submittal / Revision
	06/07/21		Preliminary PUD Submittal
	09/03/21		Preliminary PUD Resubmittal
	09/24/21		Preliminary PUD Comment Response

Sheet Title
OVERALL LANDSCAPE PLAN

Sheet No. Revision
L1.01

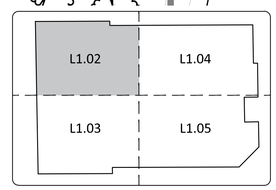
Project No. 22291.02



LEGEND

	PROPOSED	EXISTING
PROPERTY LIMIT		
CURB & GUTTER		
EASEMENT		
BUILDING		
RETAINING WALL		
WETLAND LIMITS		WL
TREELINE		
SAWCUT LINE		
SIGN		
PIPE BOLLARD		
NUMBER OF PARKING STALLS PER ROW	XX	
KEY NOTE	XX	

- STANDARD DUTY ASPHALT PAVING
- HEAVY DUTY ASPHALT PAVING
- CONCRETE PAVING
- CONCRETE SIDEWALK
- PAVEMENT BY OTHERS (SEE ARCHITECTURAL PLANS)



THE SUBSURFACE UTILITY INFORMATION SHOWN ON THESE PLANS IS A UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA." THE CONTRACTOR AND/OR SUBCONTRACTORS SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, BY CONTACTING THE NOTIFICATION CENTER (GOPHER STATE ONE FOR MINNESOTA). THE CONTRACTOR AND/OR SUBCONTRACTOR AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, WHICH MIGHT BE OCCASIONED BY HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD).

IF THE CONTRACTOR ENCOUNTERS ANY DRAIN TILE WITHIN THE SITE, HE OR SHE SHALL NOTIFY THE ENGINEER WITH THE LOCATION, SIZE, INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER.

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

NORTH

SCALE 0 30 60 IN FEET

Sep 24, 2021 - 2:38pm - User:jPistorius L:\PROJECTS\22291.02\CAD\Civil\Sheets\22291.02-L1 LSCP.dwg

Sambatek
www.sambatek.com
12800 Whitewater Drive, Suite 300
Minnetonka, MN 55343
763.476.6010 telephone
Engineering | Surveying | Planning | Environmental

Client
COLLAGE ARCHITECTS

708 NE 15TH AVE
MINNEAPOLIS, MN 55413

Project
AGATE TRAIL APARTMENTS

Location
INVER GROVE HEIGHTS, MN

Certification

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed LANDSCAPE ARCHITECT under the laws of the State of Minnesota.

John Workman
Registration No. 12345 Date: MM/DD/2021

This certification is not valid unless wet signed in blue ink. If applicable, contact us for a wet signed copy of this survey which is available upon request at Sambatek, Minnetonka, MN office.

Summary

Designed: GDA Drawn: JGP
Approved: JMM Book / Page:
Phase: PRELIMINARY Initial Issued: 06/07/2021

Revision History

No.	Date	By	Submittal / Revision
	06/07/21		Preliminary PUD Submittal
	09/03/21		Preliminary PUD Resubmittal
	09/24/21		Preliminary PUD Comment Response

Sheet Title
LANDSCAPE PLAN - NW

Sheet No. Revision
L1.02

Project No. 22291.02

MATCH LINE

990
CALIPER INCHES
PRESERVED

WETLAND

STORMWATER
BASIN 2P
TOP = 957.00
100-YR HWL = 956.77
BOT = 953.00

STORMWATER
BASIN 3P
TOP = 945.00
100-YR HWL = 943.57
BOT = 940.00

PROPOSED MAJOR ACCESS - FULL INTERSECTION
CL - CL AT CSAH 26 E.B. STA. 91+77.97 PER DAKOTA COUNTY ENGINEERING

MATCH LINE

LEGEND

	PROPOSED	EXISTING
PROPERTY LIMIT		
CURB & GUTTER		
EASEMENT		
BUILDING		
RETAINING WALL		
WETLAND LIMITS		
TREELINE		
SAWCUT LINE		
SIGN		
PIPE BOLLARD		
NUMBER OF PARKING STALLS PER ROW	XX	
KEY NOTE	XX	

STANDARD DUTY ASPHALT PAVING
HEAVY DUTY ASPHALT PAVING
CONCRETE PAVING
CONCRETE SIDEWALK
PAVEMENT BY OTHERS (SEE ARCHITECTURAL PLANS)

L1.02	L1.04
L1.03	L1.05

THE SUBSURFACE UTILITY INFORMATION SHOWN ON THESE PLANS IS A UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA." THE CONTRACTOR AND/OR SUBCONTRACTORS SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, BY CONTACTING THE NOTIFICATION CENTER (GOPHER STATE ONE FOR MINNESOTA). THE CONTRACTOR AND/OR SUBCONTRACTOR AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, WHICH MIGHT BE OCCASIONED BY HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD).

IF THE CONTRACTOR ENCOUNTERS ANY DRAIN TILE WITHIN THE SITE, HE OR SHE SHALL NOTIFY THE ENGINEER WITH THE LOCATION, SIZE, INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER.

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

NORTH

0 30 60
SCALE IN FEET

Sep 24, 2021 - 2:38pm - User:JPistorius L:\PROJECTS\22291.02\CAD\Civil\Sheets\22291.02-L1-LSCP.dwg

Sambatek
www.sambatek.com
12800 Whitewater Drive, Suite 300
Minnetonka, MN 55343
763.476.6010 telephone
Engineering | Surveying | Planning | Environmental

Client
COLLAGE ARCHITECTS

708 NE 15TH AVE
MINNEAPOLIS, MN 55413

Project
AGATE TRAIL APARTMENTS

Location
INVER GROVE HEIGHTS, MN

Certification

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed LANDSCAPE ARCHITECT under the laws of the State of Minnesota.

John Workman
Registration No. 12345 Date: MM/DD/2021

This certification is not valid unless wet signed in blue ink. If applicable, contact us for a wet signed copy of this survey which is available upon request at Sambatek, Minnetonka, MN office.

Summary

Designed: GDA Drawn: JGP
Approved: JMM Book / Page:
Phase: PRELIMINARY Initial Issued: 06/07/2021

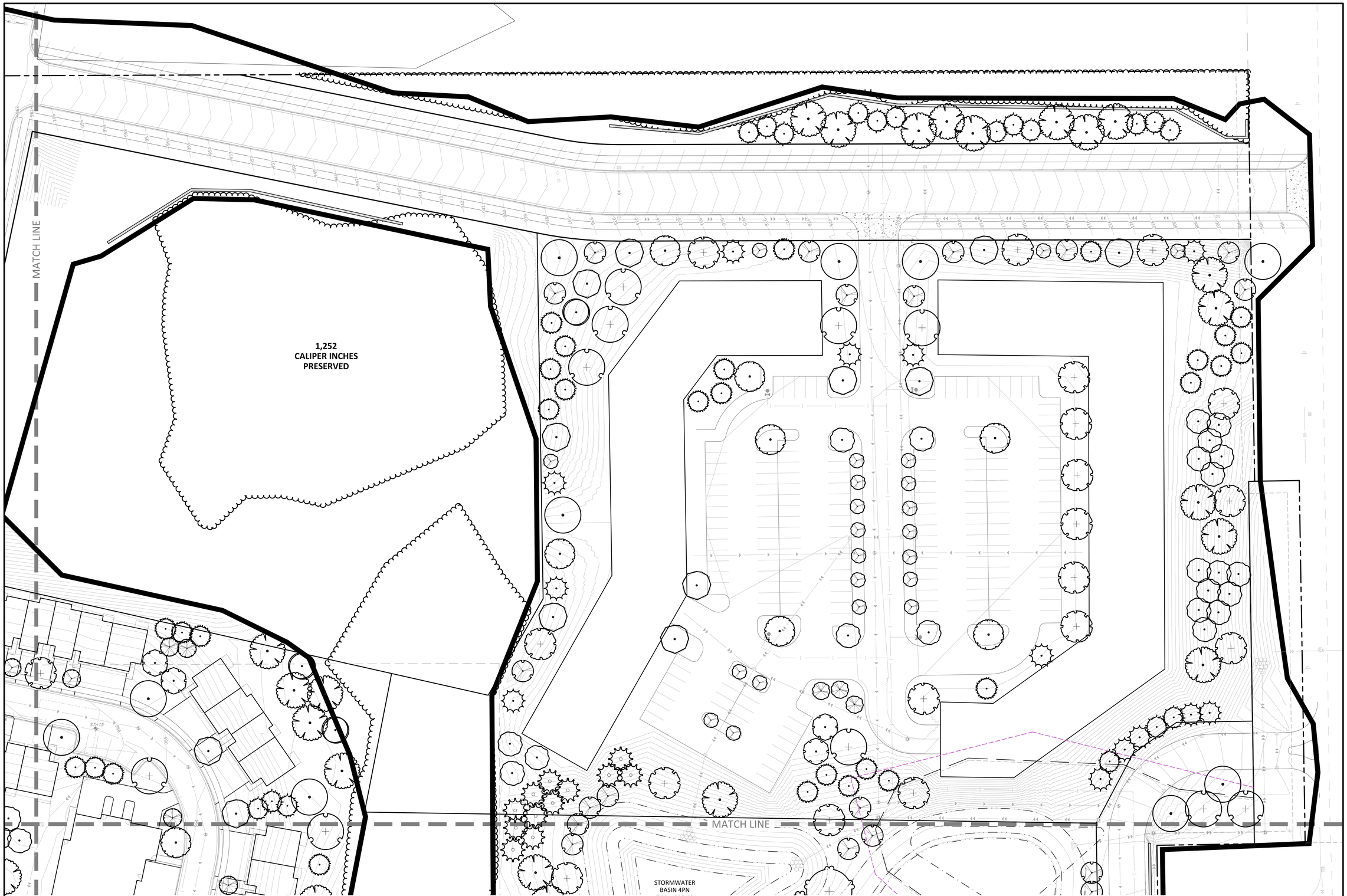
Revision History

No.	Date	By	Submittal / Revision
	06/07/21		Preliminary PUD Submittal
	09/03/21		Preliminary PUD Resubmittal
	09/24/21		Preliminary PUD Comment Response

Sheet Title
LANDSCAPE PLAN - SW

Sheet No. Revision
L1.03

Project No. 22291.02



LEGEND

	PROPOSED	EXISTING
PROPERTY LIMIT		
CURB & GUTTER		
EASEMENT		
BUILDING		
RETAINING WALL		
WETLAND LIMITS		
TREELINE		
SAWCUT LINE		
SIGN		
PIPE BOLLARD		
NUMBER OF PARKING STALLS PER ROW	XX	
KEY NOTE	XX	

STANDARD DUTY ASPHALT PAVING

HEAVY DUTY ASPHALT PAVING

CONCRETE PAVING

CONCRETE SIDEWALK

PAVEMENT BY OTHERS (SEE ARCHITECTURAL PLANS)



THE SUBSURFACE UTILITY INFORMATION SHOWN ON THESE PLANS IS A UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA." THE CONTRACTOR AND/OR SUBCONTRACTORS SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, BY CONTACTING THE NOTIFICATION CENTER (GOPHER STATE ONE FOR MINNESOTA). THE CONTRACTOR AND/OR SUBCONTRACTOR AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, WHICH MIGHT BE OCCASIONED BY HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD).

IF THE CONTRACTOR ENCOUNTERS ANY DRAIN TILE WITHIN THE SITE, HE OR SHE SHALL NOTIFY THE ENGINEER WITH THE LOCATION, SIZE, INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER.

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

NORTH

0 30 60

SCALE IN FEET

Sambatek
www.sambatek.com
12800 Whitewater Drive, Suite 300
Minnetonka, MN 55343
763.476.6010 telephone
Engineering | Surveying | Planning | Environmental

Client

COLLAGE ARCHITECTS

708 NE 15TH AVE
MINNEAPOLIS, MN 55413

Project

AGATE TRAIL APARTMENTS

Location

INVER GROVE HEIGHTS, MN

Certification

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed LANDSCAPE ARCHITECT under the laws of the State of Minnesota.

John Workman
Registration No. 12345 Date: MM/DD/2021

This certification is not valid unless wet signed in blue ink. If applicable, contact us for a wet signed copy of this survey which is available upon request at Sambatek, Minnetonka, MN office.

Summary

Designed: GDA Drawn: JGP
Approved: JMM Book / Page:
Phase: PREELIMINARY Initial Issued: 06/07/2021

Revision History

No.	Date	By	Submittal / Revision
	06/07/21		Preliminary PUD Submittal
	09/03/21		Preliminary PUD Resubmittal
	09/24/21		Preliminary PUD Comment Response

Sheet Title

LANDSCAPE PLAN - NE

Sheet No. Revision

L1.04

Project No. 22291.02

MATCH LINE

1,012
CALIPER INCHES
PRESERVED

370
CALIPER INCHES
PRESERVED

STORMWATER
BASIN 4PN
TOP = 905.00
100-YR HWL = 904.95
NWL = 900.00
BOT = 895.00

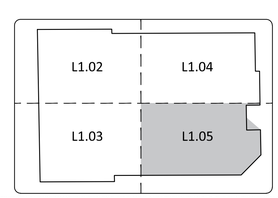
STORMWATER
BASIN 4PI
TOP = 905.00
100-YR HWL = 904.69
BOT = 898.80

MATCH LINE

LEGEND

	PROPOSED	EXISTING
PROPERTY LIMIT		
CURB & GUTTER		
EASEMENT		
BUILDING		
RETAINING WALL		
WETLAND LIMITS		
TREELINE		
SAWCUT LINE		
SIGN		
PIPE BOLLARD		
NUMBER OF PARKING STALLS PER ROW	XX	
KEY NOTE	XX	

STANDARD DUTY ASPHALT PAVING
HEAVY DUTY ASPHALT PAVING
CONCRETE PAVING
CONCRETE SIDEWALK
PAVEMENT BY OTHERS (SEE ARCHITECTURAL PLANS)



THE SUBSURFACE UTILITY INFORMATION SHOWN ON THESE PLANS IS A UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA." THE CONTRACTOR AND/OR SUBCONTRACTORS SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, BY CONTACTING THE NOTIFICATION CENTER (GOPHER STATE ONE FOR MINNESOTA). THE CONTRACTOR AND/OR SUBCONTRACTOR AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, WHICH MIGHT BE OCCASIONED BY HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD).

IF THE CONTRACTOR ENCOUNTERS ANY DRAIN TILE WITHIN THE SITE, HE OR SHE SHALL NOTIFY THE ENGINEER WITH THE LOCATION, SIZE, INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER.

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

NORTH

0 30 60
SCALE IN FEET

Sep 24, 2021 - 2:38pm - User:JPistorius L:\PROJECTS\22291.02\CAD\Civil\Sheets\22291.02-L1-LSCP.dwg

Sambatek
www.sambatek.com
12800 Whitewater Drive, Suite 300
Minnetonka, MN 55343
763.476.6010 telephone
Engineering | Surveying | Planning | Environmental

Client
COLLAGE ARCHITECTS

708 NE 15TH AVE
MINNEAPOLIS, MN 55413

Project
AGATE TRAIL APARTMENTS

Location
INVER GROVE HEIGHTS, MN

Certification

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed LANDSCAPE ARCHITECT under the laws of the State of Minnesota.

John Workman
Registration No. 12345 Date: MM/DD/2021

This certification is not valid unless wet signed in blue ink. If applicable, contact us for a wet signed copy of this survey which is available upon request at Sambatek, Minnetonka, MN office.

Summary

Designed: GDA Drawn: JGP
Approved: JMM Book / Page:
Phase: PRELIMINARY Initial Issued: 06/07/2021

Revision History

No.	Date	By	Submittal / Revision
	06/07/21		Preliminary PUD Submittal
	09/03/21		Preliminary PUD Resubmittal
	09/24/21		Preliminary PUD Comment Response

Sheet Title
LANDSCAPE PLAN - SE

Sheet No. Revision
L1.05

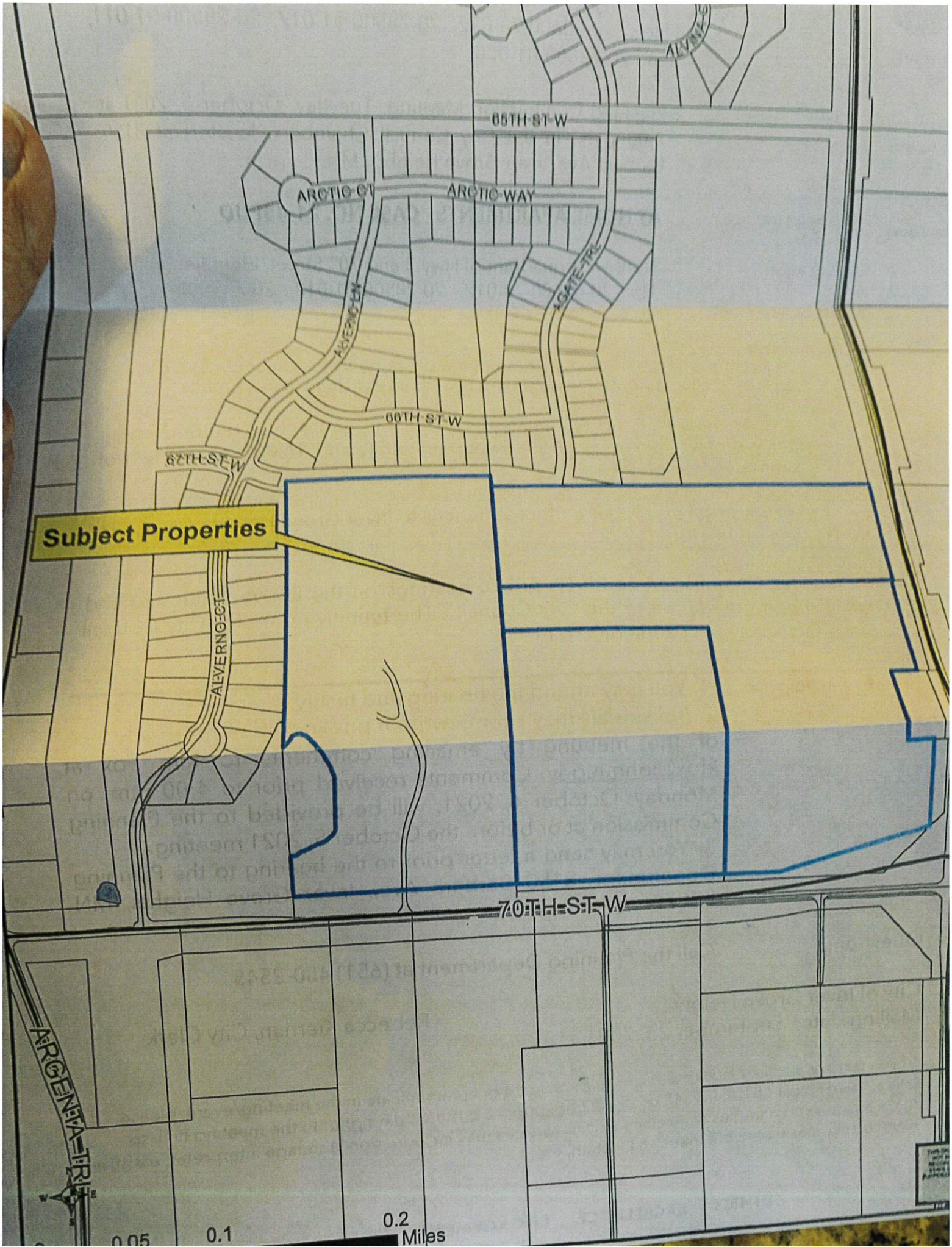
Project No. 22291.02

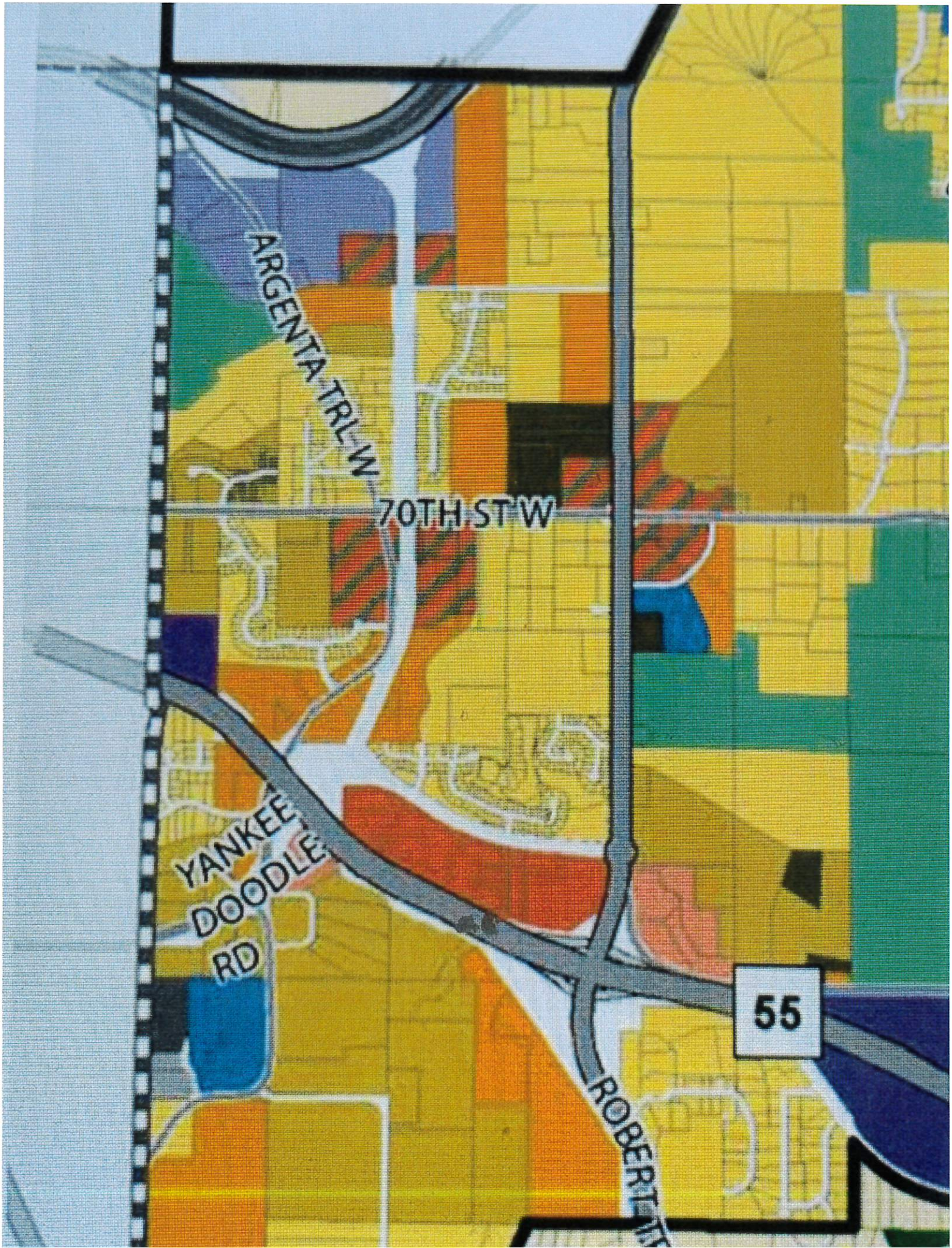
From: patricia magnus
To: Kim Fox
Subject: At home apartments-Case #21-45pud
Date: Tuesday, September 28, 2021 2:53:40 PM
Attachments: IMG_3926.jpg
IMG_3924.jpg
IMG_3925.jpg

Hi
I am submitting input for the Oct 5th meeting. I have attached the map from the proposal as well as the relevant pages from the 2040 Comprehensive plan. This is the data that many of Settlers Ridge residents including us had available to make a purchasing decision.(2017 for us). The 2040 comprehensive plan shows that the ONLY area of high density(R-3C) is at the corner of 70th & Hwy 3 and not further north and west closer to the Settler Ridge houses. I think the Planning Commission should follow the 2040 comprehensive plan and not modify At Home's request to change the location of where the high density R-3C is. The surrounding area just south and east of the Settlers ridge houses should stay either low medium density or medium density as documented in the 2040 plan.
Thank you
Patti Magnus/1373 66th St W

Sent from my iPad

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.


65TH ST W
ARCTIC CT
ARCTIC WAY
ALVERNO CT
AGATE TRL
66TH ST W
67TH ST W
Subject Properties
ALVERNO CT
70TH ST W
ARGENTA TRL
0.05
0.1
0.2
Miles


ARGENTA TRL W
70TH ST W
YANKEE DOODLE RD
55


Low Density Residential
Low-Medium Density Residentia
Medium Density Residential
High Density Residential
Neighborhood Commercial

CASE NO: 21-45PUD

APPLICANT: At Home Apartments, L.L.C.

PROPERTY OWNER: Falcon Partners Limited Partnership & Oak Grove Properties of MN, LLLP

REQUEST: Rezoning, Comprehensive Plan Amendment

HEARING DATE: December 21, 2021

LOCATION: 1285 70th Street, 6815 Robert Trail South and 1165 70th Street

COMPREHENSIVE PLAN: Mixed Use, MDR, HDR

ZONING: A, Agricultural

REVIEWING DIVISIONS:	Planning Engineering	**PREPARED BY:**	Allan Hunting City Planner

BACKGROUND

This request is specific to clarifying the needed rezoning and a comprehensive plan for the project. There are no changes made to the plan that was presented to Planning Commission on October 7 where the plans showed a new location for the apartment building. The actions for this public hearing relate to Lot 1, Block 1 and Lot 1, Block 2.

Previously, public hearings have been held on rezoning applications to rezone Lot 1, Block 1 to:

- PUD
- R-3C, PUD

Initially, it was thought that the Apartment Building Lot (Lot 1, Block 1) should be rezoned R-3C, based on the proposed size of the apartment building (now proposed at 95 units). The Applications have been further reviewed by staff, who have identified that under the City's zoning ordinance, multi-family buildings containing 7 or more units are only allowed in the R-3C, MF-PUD, and MU-PUD zoning districts. It was further determined that the R-3C zoning district correlates with the City's Comprehensive Plan designation of HDR. Because the Apartment Building Lot is guided MDR, and the proposed density of the site is less than the 12+ units/acre it cannot be rezoned to R-3C as that would not be consistent with the MDR Comprehensive Plan designation. As proposed, a comp plan amendment would be required to amend this lot to MDR.

Separating the project on the east side of proposed Agate Trail between Lot 1, Block 2, and the future 300 unit apartment building (Lot 2, Block 2), meant that the density on Lot 1, Block 2 was less than the current designation of HDR (12-35 units/acre). The proposed density would be 9.4 units/acre which is not consistent with the MDR designation.

REQUESTS

Based on the re-analysis of the project, the specific requests for the development project include the following:

1. Rezoning of Lot 1, Block 1 and Lot 1, Block 2 to R-3B/PUD Multiple Family Residential District.
2. Comprehensive Plan Amendment to change Lot 1, Block 2 from HDR to MDR, Medium Density Residential.

Density:

The Preliminary plan is to develop only Lot 1, Block 1 and Lot 1, Block 2 at this time. Lot 1, Block 1 contains 165 units over 20.07 acres for a density of 8.25 units/acre. Lot 1, Block 2 contains 88 units over 9.41 acres for a density of 9.4 units/acre,

The Northwest Area Overlay District contains Table 13J-1, which establishes specific uses and the maximum percentages of units associated with each use which are permissible in the various zoning districts in the northwest area overlay district.

Zoning District (Percentages Represent Maximums)

Uses	**R-1C**	**R-2**	**R-3A or R-3B**	**R-3C**	**MU-PUD**
Single-family dwellings	100 percent	100 percent	10 percent	10 percent	10 percent
Twin homes/two-family dwellings	30 percent	100 percent	30 percent	10 percent	15 percent
Multiple dwelling unit buildings (4 or fewer units)	10 percent	30 percent	100 percent	40 percent	100 percent
Multiple dwelling unit building (5+ units)	0 percent	0 percent	50 percent	100 percent	100 percent

The intent of the NW ordinance was to allow a variety of housing types and densities in each zoning district. For example, the R-3A and R-3B districts are solely a multiple family residential category in the standard zoning ordinance. In the NWA ordinance, they can have percentages of different housing types under that zoning classification. The code establishes the percentages of the mix allowed.

The unit mix proposed for the two lots do not fit the exact percentages of the unit type proposed vs. unit type percentage allowed.

Lot 1, Block 1	Proposed Units	Percentage of units on lot	Maximum Percentage of units in each building type allowed if zoned R-3B
Total 2 unit buildings	42	Proposed 25%	Allowed 30%
Total 4 unit buildings	4	Proposed 2%	Allowed 100%
Total 5+ (6 unit+apt building)	119	Proposed 72%	Allowed 50%

Lot 1, Block 2	Proposed Units	Percentage of units on lot	Maximum Percentage of units in each building type allowed if zoned R-3B
Total 2 unit buildings	0	Proposed 0%	Allowed 30%
Total 4 unit buildings	12	Proposed 14%	Allowed 100%
Total 5+ (6 unit+apt building)	76	Proposed 86%	Allowed 50%

The At-Home Apartments development is located within the Northwest Area Overlay District, and is required to be developed pursuant to a Planned Unit Development. Significant flexibility is afforded to development within the Northwest Area Overlay District that is not afforded to development within areas of "straight zoning" within the City. Planned unit developments *may be excluded from certain requirements of [the Zoning Ordinance] when specifically approved as a part of the planned unit development*. Such exclusions "shall only be granted for the purpose of creating better overall design and an improved living environment and not solely for the economic advantage of the developer. A planned unit development may provide for a variety of housing types in any one of the basic residential zoning districts. Uses approved and permitted under a planned unit development shall only include permitted, conditional and accessory uses allowed in *residential districts* in the city.

The purposes of the northwest area overlay district include encouragement of development which includes, among other things, diverse housing styles and cluster development practices which preserve significant natural features. Additional bulk standards are required for development within the northwest area overlay district, including minimum density requirements, maximum building heights, uses within each zoning district, and maximum percentages of housing types permitted within individual zoning districts. Specifically, "PUD developments in the northwest area overlay district are allowed to have an increased mixture of housing types, … [and] the total number and location of housing units and housing types for a specific property shall be established by the city council at the time of final PUD plan approval

for that specific property." The Council has the further ability to permit exceptions to the standards required within the northwest area overlay district as part of its approval of the PUD plans. Such exceptions are allowed based on the following:

- The project's ability to protect public safety
- The purpose and intent of the northwest area overlay district
- The consistency of the exceptions with the goals, policies and plans of the city's comprehensive plan
- The general compatibility of the exceptions and a finding that such exceptions would not be materially injurious to existing or future uses of surrounding properties.
- A finding that the exceptions do not have an undue adverse impact on existing or planned city facilities and services and the reasonable ability of the city to provide such services in an orderly, timely manner.

The proposed development provides for more 5+ unit buildings than allowed by the percentage maximums. The design of the project was to minimize grading/tree removal, blend unit type to match abutting neighborhoods and provide as much open space and open space buffer as possible.

If the table and the language in the code is interpreted to permit multiple-family dwellings containing 7+ units within the R-3A and R-3B zoning districts, then the 95-unit apartment building may be permitted on property zoned R-3B with a flexibility request based on the criteria established in PUD's to allow such variations. The project would not be exceeding the density maximums allowed in the MDR category.

COMPREHENSIVE PLAN

Lot 1, Block 1 is located in the MDR land use category of 8-12 units/acre. The proposed density is 8.25 units/acre which is consistent with the guiding. Lot 1, Block 2 is located in the HDR land use category of 12-35 units/acre. The proposed density is 9.4 units/acre. A land use change to MDR is required to be consistent with density and to be consistent with the proposed rezoning to R-3B which allows project densities of less than 12 units/acre.

ALTERNATIVES

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

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

- Approval of the **Comprehensive Plan Amendment** to change the land use designation of Lot 1, Block 2 from HDR, High Density Residential (12-35 units/acre) to MDR, Medium Density Residential (8-12 units/acre) subject to the following conditions:

    1. The comprehensive plan land use change shall not become effective until approved by the Metropolitan Council and rezoning and development plans have been approved by the City Council.

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

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

- Approval of the Rezoning of Lot 1, Block 1 and Lot 1, Block 2 from A, Agricultural to R-3B, Multiple Family Planned Unit Development.

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

RECOMMENDATION

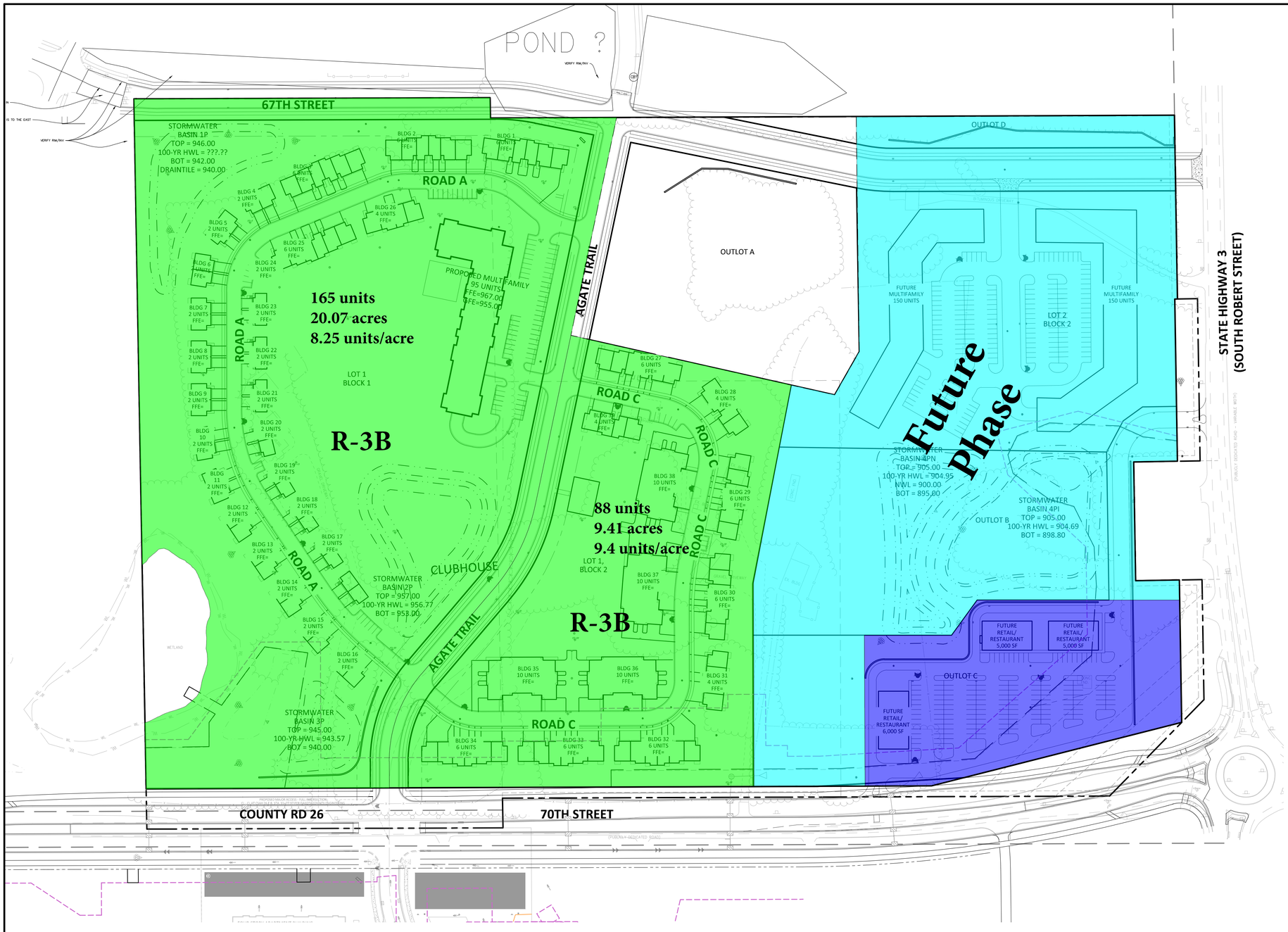
The intent of this rezoning and comp plan amendment is to clarify the zoning of the parcel and to provide flexibility from the Northwest Quadrant Ordinance to allow a greater mix of 5+ unit buildings than allowed for the R-3B district based on flexibility provisions allowed in the zoning ordinance. The Comprehensive plan amendment would be reducing the maximum density for one of the lots to provide for the design elements proposed in the project.

Approval of the proposed Preliminary PUD will require the Council to utilize the flexibility granted to it to make modifications to the various Northwest Area standards, including the maximum percentage mix of uses by district.

Staff would recommend approval of the requests as presented with the conditions listed.

Attachments:

Map of Proposed Zoning
Map of Proposed Comp Plan Amendment
Resident Comment



Map Showing Proposed Zoning

LEGEND

PROPERTY LIMIT
CURB & GUTTER
EASEMENT
BUILDING

RESIDENTIAL DEVELOPMENT SUMMARY

	MULTI-FAMILY (R-3C)	MULTI-FAMILY (R-3C)
COMP. PLAN DESIGNATION	MDR	HDR
AREA	29.48 AC	15.14 AC
MIN. LOT AREA	2,000 SF	12,000 SF
DENSITY RANGE (2040 LAND USE)	8-12 UNITS/AC	12-35 UNITS/AC
UNITS	253	300
PROPOSED DENSITY	8.6 UNITS/AC	19.82 UNITS/AC
MINIMUM DENSITY (NW AREA OVERLAY)	8 UNITS/AC	12 UNITS/AC

COMMERCIAL DEVELOPMENT SUMMARY

		LOT AREA	BUILDING AREA	MINIMUM FAR	PROPOSED FAR
COMMERCIAL RETAIL (B-3)	MU	3.73 AC	16,000 SF	0.25	0.10

NORTH
0 80 160
SCALE IN FEET

Sambatek
www.sambatek.com
12800 Whitewater Drive, Suite 300
Minnetonka, MN 55343
763.476.6010 telephone
Engineering | Surveying | Planning | Environmental

Client
COLLAGE ARCHITECTS

708 NE 15TH AVE
MINNEAPOLIS, MN 55413

Project
AGATE TRAIL APARTMENTS

Location
INVER GROVE HEIGHTS, MN

Certification

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.

George D. Abernathy
Registration No. 43505 Date: 06/07/2021

If applicable, contact us for a wet signed copy of this plan which is available upon request at Sambatek's, Minnetonka, MN office.

Summary

Designed: GDA Drawn: JGP
Approved: JMM Book / Page:
Phase: PRELIMINARY Initial Issued: 06/07/2021

Revision History

No.	Date	By	Submittal / Revision
	06/07/21		Preliminary PUD Submittal
	09/03/21		Preliminary PUD Resubmittal
	09/24/21		Preliminary PUD Comment Response

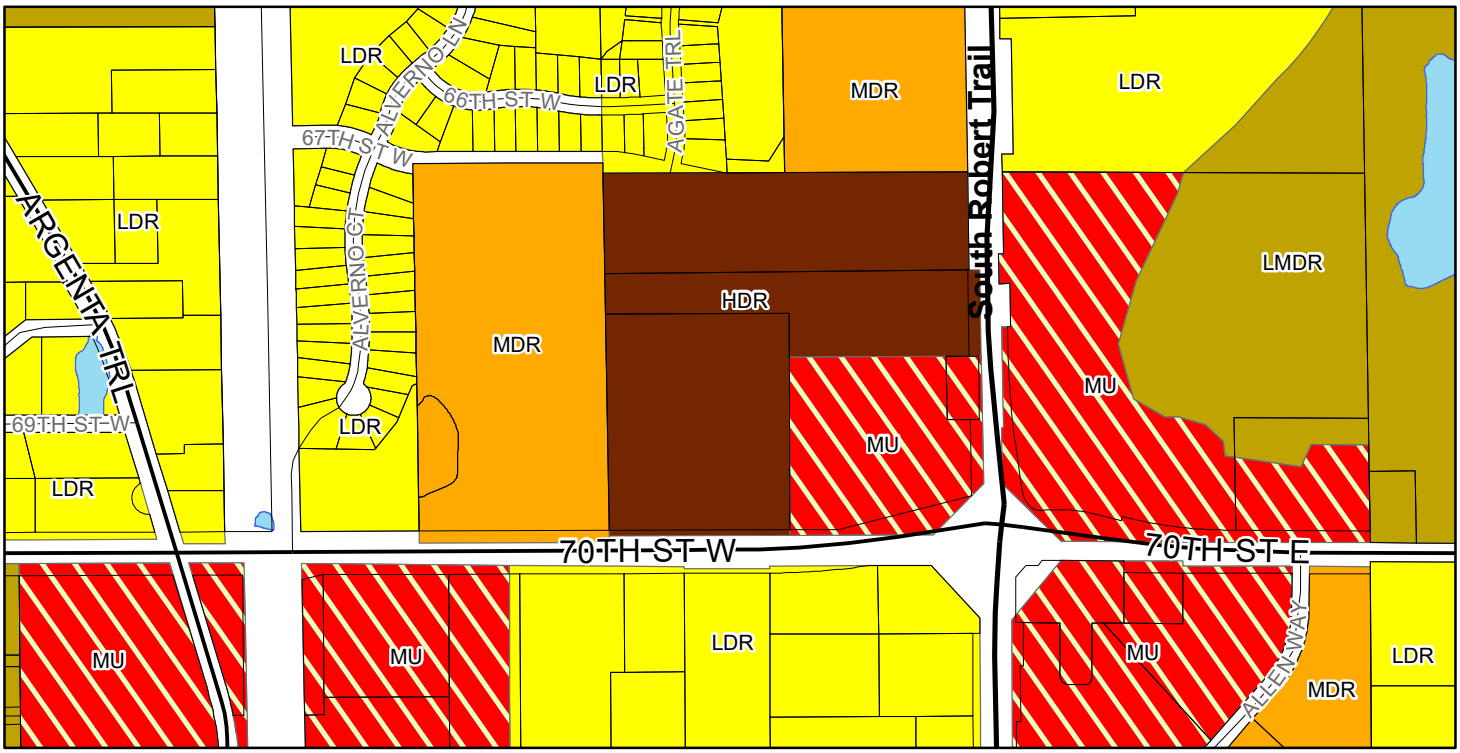
Sheet Title
DEVELOPMENT CAPACITY PLAN

Sheet No. Revision
C3.06

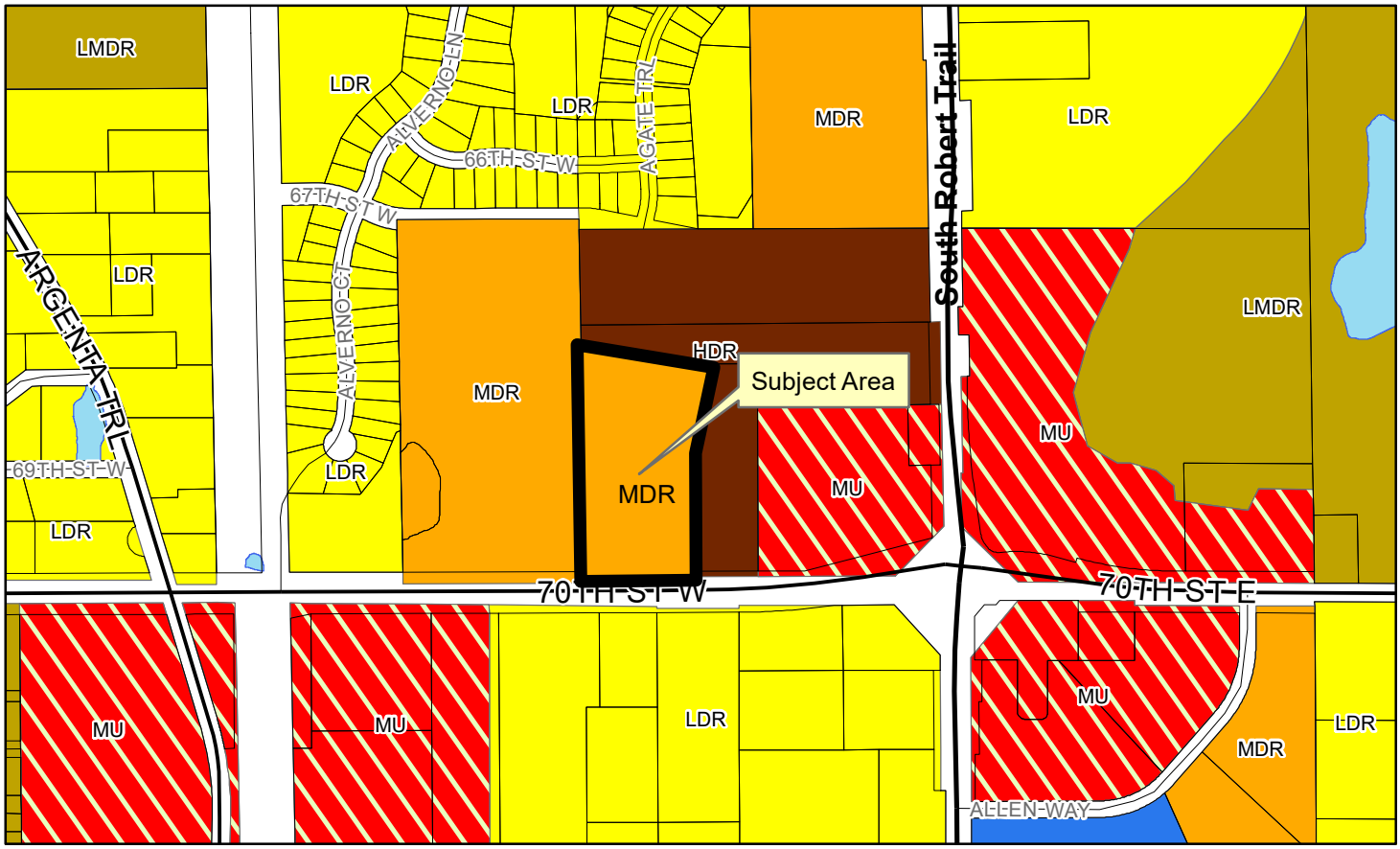
Project No. 22291.02

At Home Apartments CPA

Existing Comp Plan



Proposed Comp Plan



Dr. and Mrs. Arnie Svendsen
6594 Agate Trai
Inver Grove Heights, MN 55077

City of Inver Grove Heights

8150 Barbara Avenue

Inver Grove Heights

Attention: Inver Grove Heights Planning Commission

December 8, 2021

Dear Planning Commissioners:

My husband, Arnie, and I live at 6594 Agate Trail. We are home owners who will be directly impacted by your decisions on the plans for the increased traffic from the new At Home development.

In addressing the plans for this extensive development, you must consider the wants of the developers, the goals of the Comprehensive Plan, and the needs and safety of the residents.

You must study and evaluate traffic plan.

We, as homeowners, have already made our investment in Inver Grove Hts., (for many of us our single biggest investment.) We are already paying taxes on our investment which in turn pays for our city government and the consultants hired by the city.

At a previous City Council meeting, a City Council member said that there are "Always negative reactions by residents to new plans for development near their homes". The statement sounded dismissive. We were told that we had not done "our due diligence" before buying our homes. However, by raising our concerns, and acting on our own behalf we are presenting our side and it should be considered. The impact of new developments on existing home owners must be

addressed particularly when it comes to safety issues, like traffic. Please do not dismiss our concerns.

Presentations have been made to you showing schematic drawings and computer- generated images of the plans for the traffic flows down Agate Trail. We would like to describe what it is actually like on Agate Trail in living terms, as we walk our neighborhood.

The houses are close together, each with an asphalt driveway entering the street. The street is not wide and cars are regularly parked along the street in front of and/or across from our house. During spring, summer and fall driveways are used as play areas for children. There are many young children along this street and more new babies are arriving regularly. School buses stop at each end of the two blocks letting the kids out. Young couples are out walking with their toddlers, strollers and dogs. When the garage doors open along the street, youngsters riding their various vehicles emerge and flow onto sidewalks and the road. Their vehicles are amazing: miniature bikes for 3,4 and 5- year-olds, miniature cars, razor scooters, skateboards, newer models of skateboards (hover boards), big wheels and groups of pre-teen bicyclists. They can zip in and out of garages onto driveways, sidewalks and from between parked cars onto the **streets in an instant.**

Those of us who live here are aware of these "children on wheels" and we are very careful.

However, will the residents of the new apartment complex be as careful? There are no traffic signs indicating speed limits or to watch for children. Many apartment dwellers may not have children and may be less likely to think about watching for them.

Will the traffic plan take into consideration the makeup of the residents on Agate Trail, families with youngsters, or the proximity of the driveways, now play areas, for these kids?

We will describe to you a scene as we walked our neighborhood last fall. There were three little boys on one side of the street, each had a ball in hand. One of the balls rolled out into the street. Predictably, one of the boys ran after it. A car was coming toward the boy and the ball. It was driven by a young woman.

Fortunately, she was driving slowly, perhaps a mother aware of the neighbors' families, and stopped. A potentially tragic accident was averted by her caution.

Why must Agate Trail, populated by young families with children, serve as a conduit for the new residents of the At Home development?

What about the construction phase of this new development?

The huge size of construction equipment going back and forth on Agate Trail is another potential for accidents. Consider the disparity in size of a bulldozer and a small "child on wheels."

Will the drivers of these huge vehicles see small "children on wheels" zipping out unexpectedly?

Can the developer plan for an alternate route for these construction vehicles other than through Agate Trail?

If Agate Trail could remain a dead end at the extension of 67th Street and an alternate route could be created for the residents of the new development redirecting the traffic around Agate Trail these problems would be resolved.

We hope that the traffic study, once prepared and studied by our City Planning Commission and City Council, will be thoroughly considered as to whether it addresses the **actual situation and safety of the existing residents.**

Traffic studies may offer plans, but your decisions must be made based on the realities and the safety issues we have tried to explain. One tragic traffic accident for lack of foresight on the traffic plans would be one too many.

Thank you for your careful consideration of our concerns.

Sincerely,

Arnie + Deni Svendsen

Arnie and Deni Svendsen

AGENDA ITEM 6E

CITY OF INVER GROVE HEIGHTS

Request for Council Action

TITLE: Consider Request for Approval of Rental Housing Licenses

		Fiscal/FTE Impact	Mark all that apply
Meeting Date:	February 14, 2022	None	X
Item Type:	Regular	Amount included in current budget	
Contact:	651-450-2491	Budget amendment requested	
Prepared by:	Nicole Cook Rental and Code Compliance Coordinator	FTE included in current complement	
Reviewed by:	Heather Rand, Community Development Director	New FTE requested - N/A	
		Other	

PURPOSE/ACTION REQUESTED

The City Council is asked to consider approval of twenty three (23) rental licenses.

BACKGROUND

The City Council adopted a rental licensing ordinance that requires all rental property owners to obtains a rental license every two years. The purpose of the ordinance is to assure proper maintenance of structures to preserve neighborhood stability, protect the quality of existing rental housing stock and maintain property values. The ordinance provides for basic safety and living standards for rentals.

ANALYSIS

The following rental license applications have been submitted:

8553 BECHTEL COURT - JOSEPH WYMAN
4868 BIVENS COURT - GKH MANAGEMENT
8851 BRODERICK BLVD - JOHN BRONDELLO
4880 BIVENS COURT - PEGGY LOVEJOY
4929 BISSET LANE - PEGGY LOVEJOY
4919 BISSET LANE - MATTHEW BONIN
2590 49TH ST - MATTHEW BONIN
4888 BISSET LANE - MATTHEW BONIN
6830-6832 CRAIG COURT - HERNAN CARREIRA
6892 CRAIG COURT - WEIHUAN CHEN
4917 BOLGER TRAIL - RICHARD JI
8779 BRUNELL WAY - RICHARD BRAUN

8792 BRUNELL WAY - RICHARD BRAUN
8908 BRUNELL WAY - RICHARD BRAUN
8795 BRUNELL WAY - RICHARD BRAUN
7912 BARBARA AVE - CLYDE REYNOLDS
6983 ARCHER COURTT - MADHU KOLAN
8791 BRANSON DRIVE #73 - ALANTE WILLIAMSON
5946 CONCORD BLVD - LEO EXLEY
4857 BOATMAN LANE - PEGGY LOVEJOY
9925 ALAUREATE COURT - CHARLENE GUBASH
6929 RICH VALLEY BLVD - CHARLENE GUBASH
6967 ARCHER PLACE - JOSEPH WININGAR

The above applications have been found to be complete. The applications include the necessary fee payments and the BCA background checks. The City of Inver Grove Heights Police Chief/Designee has also reviewed and approved the license applications.

RECOMMENDATION

Community Development staff recommends approval of the licenses listed above.

AGENDA ITEM 6F

CITY OF INVER GROVE HEIGHTS

Request for Council Action

Consider approval of change orders and construction contingency for Vista Pines Park.

		Fiscal/FTE Impact	Mark all that apply
Meeting Date:	February 14, 2022	None	
Item Type:	Regular	Amount included in current budget	
Contact:	651-450-2587	Budget amendment requested	X
Prepared by:	Adam Lares, Parks and Recreation Director	FTE included in current complement	
Reviewed by:	Adam Lares, Parks and Recreation Director	New FTE requested – N/A	
		Other	

PURPOSE/ACTION REQUESTED

The City Council is asked to approve change orders in the amount of $81,237.11, with contractor Max Steininger, for the completion of Vista Pines Park in the late spring/early summer of 2022.

Additionally, the Council is asked to approve a 5% construction contingency in the amount of $9,639.26 to cover any remaining field-adjusted measurements or minor unforeseen issues on-site through the remainder of the park development construction project.

SUMMARY

In early 2021, the city acquired approximately 8 acres of land adjacent to Argenta Trail in the Northwest Area of the city for the purpose of constructing a neighborhood park. The city retained the services of HKGi for landscape architecture and civil engineering services.

Over the spring of 2021, the elements of the park were determined through a community-engagment design process that involved gathering input from residents of the area. A park concept design was approved by participating residents and the PRAC in May of 2021. The Preferred Concept design includes a natural surface trail loop, a 5,000 sf play area with adjacent nature play, full-court basketball, an open play lawn with option for pleasure skating in winter, a beginner's bike skills course, and a paved trail loop connecting the upper and lower areas of the park.

Contract documents including bid spec documents were developed by HKGi in the early summer months. HKGi and the interim parks and recreation director projected the total project cost to be $785,000 and recommended accepting bids for the project in late July 2021, The construction contract was awarded to low bidder Max Steininger Construction (the contractor), for an approved amount of $361,875.82 in August of 2021. In order to efficiently utilize

city funds, a number of items were kept out of the construction contract, with staff committing to making either direct purchases with vendors and/or performing in-house installation.

Upon commencement of the construction project, a flaw in the bid documents was realized by the City Engineer in that appropriate levels of storm water management for the site were not designed for or included in the original scope of contractor's site work. At their own expense, HKGi provided complementary civil engineering and staff review to redesign park plans to include the City Engineer's storm water management for the site. As such, the additional stormwater work must be performed and HKGi solicited detailed line-item change orders for such work to be performed by Max Steininger Construction.

HKGi and city staff have reviewed the change order requests, that now also include some work items being removed from the original contract to be performed by parks maintenance staff to hold down overall project costs. An explanation and summary of change order items, organized by topic area is as follows:

Items Removed / To Be Completed by City Staff:
In an attempt to find further efficiencies within the project budget and to expedite completion of the project, staff have requested removal of the installation of the following items from the contractor's scope, with the intention of city staff performing installation in the Spring of 2022. This will result in a deduction of value from the original contract. The following items are accounted for with this deduction:

1. Materials and labor to install plant bed at entrance.
2. Labor to install site furnishings (benches, bike racks, picnic table, trash recycling, dog waste receptacle, park rule sign, basketball hoop, entry monument sign).

Total deduction to contract: $15,662.15

Stormwater Re-Design:
The initial stormwater design was intended to meet both city and Minnesota Pollution Control Agency (MPCA) regulations for rate control, volume control, water quality, and to meet requirements listed for Drinking Water Management Supply Area (DWMSA), as the project site is located within a DWMSA. A Stormwater Management Plan was submitted for preliminary and pre-bid review, which outlined the design approach using a filtration basin and stated assumptions. After construction commenced, and based on input received from city engineering staff, it was determined that the stormwater system needed to be re-evaluated and was re-designed for full infiltration to meet requirements for the Northwest Area. The stormwater re-design resulted in a change in type of materials, quantity, and scope required to address drainage, erosion control, clearing, and seeding. This has resulted in added costs from the original contract. The following items are accounted for with this addition (note that there are also credits for unused materials that were reduced or eliminated with the re-design):

1. Grading for larger basin, swale.
2. Additional survey work required.
3. Additional drainage structures.

4. Additional clearing and grubbing.
5. Additional erosion control.
6. Additional seeding areas.
7. Credits for unused materials not installed/needed for stormwater redesign.

Total addition to contract: $47,118.04

Expanded Grading and Seeding Limits:
The Preferred Concept Design for the park originally included maintaining significant portions of the existing restored prairie, primarily throughout the eastern portion of the park and between the activity areas of the basketball court and open play lawn. During construction, it was determined that more area of the park needed to converted to open play lawn for expanded play areas. This has resulted in additional work and materials required to complete, as well as a request from the contractor to extend the completion date to July 1 to ensure turf establishment:

1. Additional stripping of existing vegetated areas.
2. Additional grading (to make slopes and ditch able to be mowed and maintained)
3. Additional turf seeding and erosional control blanket

Total addition to contract: $32,663.21

Miscellaneous Construction Contingency Items:
Typically, construction projects are approved with a construction contingency to cover minor changes in material or labor to address variations in site conditions or minor unforeseen issues that arise when performing earthwork and other installations. The contracted amount was approved in August 2021 without a construction contingency. The following items are additions or credits as a result of adjustments related to field-verified measurements:

1. Additional length (material) needed for drain tile (field measure).
2. Credit for un-used soil corrections.
3. Gravel connection from bituminous trail to bike trail.
4. Insulation for Magellan Gas Line.
5. Ped Ramp adjustment.
6. Additional grading.
7. Temporary Fall seeding and hydro mulch.
8. Additional survey work to verify items not included in original survey.

Total addition to contract: $17,118.01

Net Contract Change Requested
The above additions and credits result in a net contract change request of $81,237.11.

Request for Contingency:
The original contract amount was approved without a typical construction contingency. After review of the remaining items to be installed with the contractor and staff, it has been determined that a 5% construction contingency should cover any remaining field-adjusted measurements or minor unforeseen issues on-site through the remainder of the project. The 5% contingency equals $9,799.26 for the remainder of the contract budget with approved change order indicated above.

This contingency will provide flexibility to adjust final quantities and to make minor field adjustments to the plan, without the need (and required time/delays) to process additional change orders.

Recommendation:
Staff recommends approving the change orders with Max Steininger Construction that will enable the completion of Vista Pines Park construction project that increase contract amount by $82,237.11. Further, staff recommend that the city council approve a 5% construction contingency budget ($9,639.26), so that parks and recreation leadership may have access to such contingency funds if needed to complete the park development project by summer, 2022.

Funding for the change order and contingency budget would come come from the Park Acquisition and Development Fund. As shared with the Council during a recent discussion of upcoming park development projects, this fund has an approximate balance of $1.7 million, after accounting for currently planned parks in the northwest area and the City's portion of Phase 4 of Heritage Village Park.

CITY INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO._____

CONSIDER RESOLUTION APPROVING CHANGE ORDER AND CONSTRUCTION CONTINGENCY FOR VISTA PINES PARK

WHEREAS, on July 12, 2021, City Council approved the solicitation of construction bids for the development of Vista Pines Park with an estimated project cost of $785,000 and a construction estimate of $450,000; and

WHEREAS, on August 9, 2021, City Council awarded a construction contract of $361,875.82 to Max Steininger Construction; and

WHEREAS, after approval and commencement of construction, staff determined that the original project budget did not include a construction contingency that would normally be in place to address unexpected costs; and

WHEREAS, there currently exist $82,237.11 in change orders that are necessary to address unforeseen items in construction and changes in scope of work; and

WHEREAS, staff recommendation is to increase the project budget by adding in a construction contingency of $91,876.37 which will be used to address the current change orders and leave a balance of $9,799.26 available to cover any remaining field-adjustment measurements or minor unforeseen issues on-site through the remainder of the project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS, MINNESOTA, does hereby approve $82,237.11 in change orders and the addition of a $91,876.37 construction contingency to the project budget.

Adopted this 14th day of February 2022 by the City Council of Inver Grove Heights, MN

_____
Tom Bartholomew, Mayor

ATTEST:

_____
Rebecca Kiernan, City Clerk

Change Order

OWNER City of Inver Grove Heights
LANDSCAPE ARCHITECT Hoisington Koegler Group inc.
CONTRACTOR Max Steininger

THIS DOCUMENT HAS IMPORTANT LEGAL CONSEQUENCES; CONSULTATION WITH AN ATTORNEY IS ENCOURAGED WITH RESPECT TO ITS COMPLETION OR MODIFICATION.

PROJECT:
NWA Park #1 (Vista Pines)

CHANGE ORDER NUMBER:	**1**
DATE:	**02.08.2022**
CITY PROJECT NO:	**2021-12**
CONTRACT DATE:	**8.24.21**

TO CONTRACTOR:
Max Steininger
3080 Lexingting Ave S, Eagan, MN 55121

The Contract is changed as follows:

Not valid until signed by the Owner, Landscape Architect and Contractor.

The original (Contract Sum) was		**$ 361,875.34**
Net change by previously authorized Change Orders		**$ -**
The (Contract Sum) prior to this Change Order was		**$ 361,875.34**
The (Contract Sum) will be **INCREASED** by the Change Order in the amount of		**$ 81,237.11**
The new (Contract Sum) including this Change Order will be		**$ 443,112.45**
The Contract Time will be **(CHANGED)** from June 15, 2022		
The date of Substantial Completion as of the date of this Change Order therefore is	**1-Jul-22**	

Note: This summary does not reflect changes in the Contract Sum, or Contract Time which have been authorized by Construction Change Directive.

LANDSCAPE ARCHITECT	CONTRACTOR	OWNER
Hoisington Koegler Group inc.	*Max Steininger, Inc*	City of Inver Grove Heights
Address	Address	Address
800 Washington Ave. N., Suite 103. Minneapolis, Minnesota 55401	3080 Lexingting Ave S, Eagan, MN 55121	8150 Barbara Ave, Inver Grove Heights, MN 55077
By	By	By
Amy Bower		
Date: 02.02.2022	Date 2/8/2022	Date

(see following pages for Change Order details)

Summary of Change Order No.1

You are directed to make the following changes in the Contract Documents:

	Descriptions:	Unit	Qty		UnitCost		Total
	ITEMS REMOVED / TO BE COMPLETED BY STAFF						
1	EVERGREEN SHRUB #5 CONT-deleted	EACH	-6	$	176.57	$	(1,059.42)
2	DECIDUOUS SHRUB #5 CONT-deleted	EACH	-16	$	171.22	$	(2,739.52)
3	PERENNIAL 1 GALLON-deleted	EACH	-18	$	58.86	$	(1,059.48)
4	COMPOST FOR PLANT BEDS-deleted	SF	-2200	$	1.18	$	(2,596.00)
5	INSTALL BENCH-deleted	EACH	-5	$	535.08	$	(2,675.40)
6	INSTALL BIKE HOOP-deleted	EACH	-2	$	267.54	$	(535.08)
7	INSTALL PICNIC TABLE-deleted	EACH	-3	$	802.63	$	(2,407.89)
8	INSTALL TRASH/RECYCLING RECEPTACLE-deleted	EACH	-2	$	535.08	$	(1,070.16)
9	INSTALL DOG WASTE RECEPTACLE-deleted	EACH	-1	$	267.00	$	(267.00)
10	INSTALL PARK RULE SIGN - METAL ON METAL POST-deleted	EACH	-1	$	321.05	$	(321.05)
11	BASKETBALL HOOP INSTALLATION -CREDIT	EACH	-1	$	600.00	$	(600.00)
12	INSTALL ENTRY SIGN - CREDIT	EACH	-1	$	331.15	$	(331.15)
			Items To Be Completed By City Staff Total			**$**	**(15,662.15)**
	STORMWATER RE-DESIGN						
1	COR #2: 15" RCP	LF	120	$	80.81	$	9,697.20
2	COR #2 : 15" FES	EACH	2	$	2,560.48	$	5,120.96
3	12" RCP (sub with 15")	LF	-130	$	73.11	$	(9,504.30)
4	12" FES (to 15")	EACH	-5	$	2,230.00	$	(11,150.00)
5	Additonal Grading for new swale and lengthened Storm sewer at the Pond Basin, includes strip and respread of topsoil, grading and finegrading prior to seeding	SY	413		$9.27	$	3,828.51
6	Additional Survey to stake new or changed Storm Sewer runs. Also includes restaking if damaged by clearing activities	LS	1		$3,646.50	$	3,646.50
7	Additional Seeding in the added Storm Sewer Areas	SY	413		$6.75	$	2,787.75
8	Credit back for Draintile in Bioinfiltration Pond	LF	112		-$35.75	$	(4,004.00)
9	Credit back for Bioinfiltration Media, not required. Was 90 CY's, now it's 44 CY's	CY	46		-$35.00	$	(1,610.00)
10	Credit back for Choker Stone not used in Bioinfiltration Pond	CY	15		-$55.00	$	(825.00)
11	Credit back for Fabric not used in Bioinfiltration Pond	SY	107		-$2.00	$	(214.00)
12	Added Working Days to the project - 15 days	Day	45		$0.00	$	-
13	Removal of liquidated damages from the contract	LS	1		$0.00	$	-
14	18" RCP Storm Sewer	LF	24		$102.30	$	2,455.20
15	18" FES	Each	1		$2,750.00	$	2,750.00
16	48" Drainage Structures, 8-10' Deep	EACH	2		$4,510.00	$	9,020.00
17	Modify OCS Wier	LS	1		$1,100.00	$	1,100.00
18	6" Knife Gate Valve	Each	1		$1,001.00	$	1,001.00
19	Modify 48" MH, Core for 4" SCH 40	Each	1		$605.00	$	605.00
20	Pothole Gas Line	Each	3		$605.00	$	1,815.00
21	6" SCH 40 Drain Tile	LF	10		$71.50	$	715.00
22	6" SCH 40 Drain Tile, Perforated	LF	112		$35.75	$	4,004.00
23	Drain Tile Cleanouts	Each	2		$715.00	$	1,430.00
24	Castings	Each	2		$803.00	$	1,606.00
25	Rip Rap	CY	20		$132.50	$	2,650.00
26	Additonal Shipping Cost for Pipe	HR	6		$175.00	$	1,050.00
27	Temp seeding (fall 2021) lower pond area only	LS	1		$2,350.00	$	2,350.00
28	Additional EROSION CONTROL- cat 3 blanket - for storm	SY	1498	$	2.14	$	3,205.72
29	Erosion Control - TRM Enkamat 7020	SY	135		$36.50	$	4,927.50
30	Credit back for rip rap replaced with TRM	SY	-5		$175.00	$	(875.00)
31	Additional grading - for enlarged storm basin	CY	500	$	19.07	$	9,535.00
			Stormwater Re-Design Total			**$**	**47,118.04**

EXPANDED GRADING AND SEEDING LIMITS						
1	Additonal striping of rough park land for seeding as mowable lawn	SY	2027	$ 9.27	$	18,790.29
2	2022 additional permanent seeding	LS	1	$ 7,500.00	$	7,500.00
3	Additional EROSION CONTROL-cat 3 blanket	SY	2978	$ 2.14	$	6,372.92
			Expanded Grading and Seeding Limits Total		**$**	**32,663.21**
MISCELLANEOUS CONTRUCTION CONTINGENCY ITEMS						
1	4" DRAIN TILE STUB - field measured	LS	7	$ 80.55	$	563.85
2	SOIL CORRECTIONS CREDIT- not needed under field	SY	-59	$ 23.76	$	(1,401.84)
3	ADD gravel bike trail connection	LS	1	$ 275.00	$	275.00
4	Magellan gas line insulation	SF	64	$ 2.00	$	128.00
5	Ped ramp adjusment at cul de sac	LS	1	$ 1,375.00	$	1,375.00
6	Additional grading - to accomodate plan adjustments	CY	400	$ 19.07	$	7,628.00
7	Fall 2022 temp seeding and hydro mulch	LS	1	$ 7,700.00	$	7,700.00
8	COR #4 - Additional Survey & Grading	LS	1	$ 850.00	$	850.00
			Miscellaneous Contstruction Contingency Items Total		**$**	**17,118.01**
Net Contract change for Change Order						***$ 81,237.11***

MEMORANDUM

Hoisington Koegler Group Inc.

Date: February 8, 2022

To: **Adam Lares**
Park and Recreation Director
City of Inver Grove Heights
8168 Barbara Avenue, Inver Grove Heights, MN 55077

From: Paul Paige PLA
Principal Landscape Architect

Subject: NWA Park #1 Improvements – Status Update, Change Order Summary, and Request for Budget Amendment

A. Vista Pines Park Construction Status Update

In early 2021, the City of Inver Grove Heights acquired approximately 8 acres of land adjacent to Argenta Trail in the Northwest Area of the City for the purpose of constructing a neighborhood park. The City retained the services of HKGi and Solution Blue for landscape architecture and civil engineering services. Over the Spring of 2021, the elements of the park were determined through a community-engaged design process that involved gathering input from residents of the area. A park concept design was approved by participating residents and the PRAC in May of 2021. The Preferred Concept design includes a natural surface trail loop, a 5,000sf play area with adjacent nature play, full-court basketball, an open play lawn with option for pleasure skating in winter, a beginner's bike skills course, and a paved trail loop connecting the upper and lower areas of the park.

Contract documents were developed over the early summer months, and the project was advertised to collect contractor bids in late July 2021. The construction contract was awarded to Max Steininger (the Contractor), for an approved amount of $361,875.34 in August of 2021. In order to efficiently utilize City funds, a number of items were kept out of the construction contract, with City staff committing to making either direct purchases with vendors and/or performing in-house installation. Below is a status update of items that have been completed to-date for the construction of Vista Pines Park (Northwest Neighborhood Park #1).

Delays in equipment and materials delivery and unforeseen site issues required construction to be paused over the winter months. The final constructed project will be completed in the Spring of 2022. Below is a status update regarding items completed to-date:

1. Items Completed To-Date by Contractor:
    a. Labor and materials to install concrete elements such as sidewalks, pedestrian ramps, play container edge, sign footings, basketball hoop footings, and pads for site furnishings.
    b. All bituminous (asphalt) trail installation.
    c. Stormwater improvements in the upper area of the park.

d. Fall 2021 seeding (temporary).

e. Initial excavation for lower stormwater basin.

2. Items Completed, Pending, or Purchased To-Date Directly by the City:

   a. Play Equipment and Engineered Wood Fiber (EWF) surface purchased, to be installed by vendor in Spring 2022.

   b. Site furnishings and signage (benches, bike racks, picnic table, trash recycling, dog waste receptacle, park rule sign, basketball hoop, entry monument sign) purchased.

   c. Perennial plants for bed around entry sign (pending).

   d. Trees to be donated and installed through Tree Trust Program.

   e. Bike skills course – upper area installed.

   f. Natural surface bike trail – lower area installed (partially completed); to be finished in Spring 2022.

3. Items Pending for Spring Installation by Contractor:

   a. Finish grading, seeding and category 3 erosion control blanket to be installed in upper park area.

   b. Basketball court surfacing and striping.

   c. Lower stormwater quality basin and piping, seeding and erosion control,

4. Contractor Payments to-date

   a. Pay Request #1 - **$240,225.14**

   b. Pay Request #2 - **$10,102.15**

   c. Total value of remaining original bid contractor work: **$111,548.05**

B. Summary of Change Order Items

A series of change orders have been submitted for request to the City for approval over the Fall of 2021 to address unforeseen items in construction or changes in scope of work. The change order requests have been compiled into a single Change Order (See Item C. Change Order #1). Below is an explanation and summary of Change Order #1, organized by topic area.

1. Items Removed / To Be Completed by City Staff

   a. Summary: In an attempt to further find efficiencies within the project budget and to expedite the completion of the project, City staff have requested to remove the installation of the following items from the contractor's scope, with the intention of City staff performing installation in the Spring of 2022. This will result in a deduction of value from the original contract. The following items are accounted for with this deduction:

      i. Materials and labor to install plant bed at entrance.

      ii. Labor to install site furnishings (benches, bike racks, picnic table, trash recycling, dog waste receptacle, park rule sign, basketball hoop, entry monument sign).

b. Total Deduction from Contract for Items Removed / To Be Completed by City Staff: **$15,662.15**

2. Stormwater Re-Design
    a. Summary: The initial stormwater design was intended to meet both the City and the Minnesota Pollution Control Agency (MPCA) regulations for rate control, volume control, and water quality, and to meet requirements listed for Drinking Water Management Supply Area (DWMSA), as the project site is located within a DWMSA. A Stormwater Management Plan was submitted for preliminary and pre-bid review, which outlined the design approach using a filtration basin and stated assumptions. After construction commenced, and based on input received from City engineering staff, it was determined that the stormwater system needed to be re-evaluated and was re-designed for full infiltration to meet requirements for the Northwest Area. The stormwater re-design resulted in a change in type of materials, quantity, and scope required to address drainage, erosion control, clearing, and seeding. This has resulted in an addition of value from the original contract. The following items are accounted for with this addition (note that there are also credits for unused materials that were reduced or eliminated with the re-design):
        i. Grading for larger basin, swale.
        ii. Additional survey work required.
        iii. Additional drainage structures.
        iv. Additional erosion control.
        v. Additional seeding areas.
        vi. Credits for unused materials not installed/needed for stormwater redesign.
    b. Total Addition to Contract for Stormwater Re-Design: **$47,118.04**

3. Expanded Grading and Seeding Limits
    a. Summary: The Preferred Concept Design for the park originally included maintaining significant portions of the existing restored prairie, primarily throughout the eastern portion of the park and between the activity areas of the basketball court and open play lawn. After construction commenced, it was determined that City staff's preference is for more area of the park to be converted to open play lawn for expanded play areas. This has resulted in additional work and materials required to complete, as well as request from the Contractor to extend the completion date to July 1st to ensure turf establishment:
        i. Additional stripping of existing vegetated areas.
        ii. Additional grading (to make slopes and ditch able to be mowed and maintained)
        iii. Additional turf seeding and erosional control blanket
    b. Total Addition to Contract for Expanded Grading and Seeding Limits: **$32,663.21**

4. Miscellaneous Construction Contingency Items

a. Summary: Typically, construction projects are approved with a construction contingency to cover minor changes in material or labor to address variations in site conditions or minor unforeseen issues that arise when performing earthwork and other installations. The contracted amount was approved in August 2021 without a construction contingency. The following items are additions or credits as a result of adjustments related to field-verified measurements:
    i. Additional length (material) needed for drain tile (field measure).
    ii. Credit for un-used soil corrections.
    iii. Gravel connection from bituminous trail to bike trail.
    iv. Insulation for Magellan Gas Line.
    v. Ped Ramp adjustment.
    vi. Additional grading.
    vii. Temporary Fall seeding and hydro mulch.
    viii. Additional survey work to verify items not included in original survey.
b. Total Addition to Contract for Miscellaneous Construction Contingency Items: **$17,118.01**

5. Net Contract Change Requested
    a. The above additions and credits as summarized result in a net contract change request of: **$81,237.11.**

C. Change Order #1

See the attached Change Order #1 for detailed line-item costs and credits.

It is requested that the Inver Grove Heights City Council approves Change Order #1 in the amount of $81,237.11 for the project.

D. Request for Contingency

a. As mentioned above, the original contract amount was approved without a typical construction contingency. After review of remaining items to be installed with the contractor and with City staff, it has been determined that a 5% construction contingency to cover any remaining field-adjusted measurements or minor unforeseen issues on-site through the remainder of the project.

b. It is requested that Inver Grove Heights City Council approves a 5% contingency to the remainder of the contract budget with approved Change Order #1, in the amount of: $9,799.26.

Remaining from original contract	$111,548.05
Change Order #1 (pending Council approval)	$81,237.11
Total Remaining Project	$192,785.16
5% Contingency Request on Total Remaining Project	**$9,639.26**

This contingency will provide flexibility to adjust final quantities and to make minor field adjustments to the plan, without the need (and required time/delays) to process additional Change Orders.

###

6G

AGENDA ITEM _____

CITY OF INVER GROVE HEIGHTS

Request for Council Action

Consider Second Reading of Ordinance Amending City Code Title 7, Chapter 3, Related to Public Rights of Way Management

		Fiscal/FTE Impact	Mark all that apply
Meeting Date:	February 14, 2022	None	x
Item Type:	Regular	Amount included in current budget	
Contact:	Bridget Nason, City Attorney	Budget amendment requested	
Prepared by:	Bridget Nason, City Attorney	FTE included in current complement	
Reviewed by:	Brian Connolly, Public Works Director	New FTE requested – N/A	
		Other	

PURPOSE/ACTION REQUESTED

The Council is asked to conduct a second reading of the attached ordinance, amending the City Code Title 7, Chapter 3, relating to public rights of way management, in order to better align the city code with state law regarding the installation of small wireless facilities in the public right-of-way.

SUMMARY

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

1. Includes wireless services providers in the definitions of telecommunications right of way user, as well as definitions specific to small wireless deployment;

2. Allows wireless services providers to install, mount, maintain, modify, operate or replace their small wireless facilities in the public rights-of-way;

3. Sets forth procedures for city processing of wireless services providers' rights-of-way applications;

4. Provides a right of collocation to wireless services providers' small wireless facilities on City-owned wireless support structures in public rights-of-way;

5. Provides limitations on cities with respect to the fees it may impose upon wireless service providers that locate upon City-owned wireless support structures in public rights-of-way;

6. Delineates as a permitted use small wireless facilities in all zoning districts with the exception of single family residential zoning districts, where it may be a conditional use.

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

This draft ordinance was presented for a first reading at the January 10, 2022 City Council meeting. No changes have been made to the draft ordinance since it was presented for a first reading.

CITY OF INVER GROVE HEIGHTS

DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. _____

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

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

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

Chapter 3
PUBLIC RIGHTS OF WAY MANAGEMENT

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

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

7-3-3: DEFINITIONS:

7-3-4: ADMINISTRATIVE OFFICIAL:

7-3-5: UTILITY COORDINATION COMMITTEE:

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

7-3-7: PERMIT REQUIREMENTS:

7-3-7-1: PERMITS REQUIRED:

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

7-3-7-3: PERMIT FEES:

7-3-7-4: SECURITY:

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

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

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

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

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

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

7-3-8: SUPPLEMENTARY APPLICATIONS:

7-3-9: OTHER OBLIGATIONS:

7-3-10: ROUTINE OBSTRUCTION AND EXCAVATION:

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

7-3-12: WORK STANDARDS:

7-3-13: INSPECTIONS:

7-3-14: WORK WITHOUT PERMIT:

7-3-15: INSTALLATION REQUIREMENTS:

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

7-3-17: MAPPING DATA:

7-3-18: UNDERGROUNDING:

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

7-3-20: PREEXCAVATION FACILITIES LOCATION:

7-3-21: INTERFERENCE BY OTHER FACILITIES:

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

7-3-23: INDEMNIFICATION AND LIABILITY:

7-3-24: ABANDONED FACILITIES:

7-3-25: APPEALS:

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

7-3-27: SEVERABILITY:

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

A. To provide for the health, safety and welfare of its citizens, and to ensure the integrity of its streets and the appropriate use of the rights of way, the city strives to keep its rights of way in a state of good repair and free from unnecessary encumbrances.

B. Accordingly, the city enacts this chapter relating to right of way permits and administration. This chapter imposes reasonable regulation on the placement and maintenance of facilities and equipment currently within the city rights of way or to be placed therein at some future time. This chapter is intended to complement the regulatory roles of state and federal agencies. Under this chapter, persons excavating and obstructing the rights of way will bear financial responsibility for their work through the recovery of out of pocket and projected costs from persons using the public rights of way.

C. This chapter shall be interpreted consistently with ~~1997 session laws, chapter 123, substantially codified in~~ Minnesota statutes, sections 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the "Aact") and the other laws governing applicable rights of the city and users of the rights of way. This chapter shall also be interpreted consistent with Minnesota rules 7819.0050 through 7819.9950 and Minnesota rules, chapter 7560, where possible. To the extent that any provision of this chapter cannot be interpreted consistently with the Minnesota rules, the interpretation most consistent with the Aact and other applicable statutory and case law is intended. This chapter shall not be interpreted to limit the regulatory and police powers of the City to adopt and enforce general ordinances necessary to protect the health, safety, and welfare of the public. (Ord. 1174, 4-28-2008)

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

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

7-3-3: DEFINITIONS:

The following definitions apply in this chapter:

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

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

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

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

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

COMMISSION: The State of Minnesota public utilities commission.

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

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

A. Individual project bond, including a license and permit bond.

B. Cash deposit.

C. Security of a form listed or approved under Minnesota statutes section 15.73, subdivision 2.

D. Letter of credit, in a form acceptable to the city.

E. Self-insurance, in a form acceptable to the city.

F. A blanket bond for projects within the city, or other form of construction bond, for a time specified and in a form acceptable to the city.

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

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

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

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

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

DEPARTMENT. The City's Department of Public Works.

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

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

EMERGENCY: A condition that:

A. Poses a danger to life or health, or of a significant loss of property; or

B. Requires immediate repair or replacement of facilities in order to restore service to a customer.

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

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

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

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

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

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

MANAGEMENT COSTS: The actual costs the city incurs in managing its rights of way, including such costs, if incurred, as those associated with registering applicants; issuing, processing, and verifying right of way or small wireless facility permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during right of way work; determining the adequacy of right of way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; mapping of as built location of facilities located in the right of way; revoking right of way or small wireless facility permits; and performing all other tasks required by this chapter, including other costs the city may incur in managing matters described in this chapter. Management costs do not include payment by a telecommunications right of way user for the use of the right of way, unreasonable fees of a third-party contractor used by the City including fees tied to or based on customer counts, access lines, or revenues generated by the right of way or for the city; the fees and costs of litigation relating to the interpretation of ~~Minnesota session laws 1997, chapter123~~; Minnesota statutes sections 237.162 or 237.163 or any ordinance enacted under those sections, or the city fees and costs related to appeals taken pursuant to section 7-3-25 of this chapter.

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

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

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

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

A. The compaction of the subbase and aggregate base; and

B. The replacement, in kind, of the existing pavement for a minimum of two feet (2') beyond the edges of the excavation in all directions.

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

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

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

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

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

REGISTRANT: Any person who:

A. Has or seeks to have its equipment or facilities located in any right of way; or

B. In any way occupies or uses, or seeks to occupy or use, the right of way or place its facilities or equipment in the right of way.

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

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

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

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

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

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

SERVICE OR UTILITY SERVICE: Means and includes:

A. Those services provided by a public utility, as defined in Minnesota statutes section 216B.02, subdivisions 4 and 6;

B. Services of a telecommunications right of way user, including transporting of voice or data information;

C. Services of a cable communications system as defined in Minnesota statutes ~~section 238.02, subdivision 3~~chapter 238;

D. Natural gas or electric energy or telecommunications services provided by the city;

E. Services provided by a cooperative electric association organized under Minnesota statutes chapter 308A; and

F. Water and~~,~~ sewer, including service laterals, steam, cooling or heating services.

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

A. Each antenna is located inside an enclosure of no more than six (6) cubic feet in volume or could fit within such an enclosure; and

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

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

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

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

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

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

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

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

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

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

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

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

7-3-4: ADMINISTRATIVE OFFICIAL:

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

7-3-5: UTILITY COORDINATION COMMITTEE:

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

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

A. Registration Required:

1. Each person who occupies, uses, or seeks to occupy or use the right of way or place any equipment or facilities in or on the right of way, including persons with installation and maintenance responsibilities by lease, sublease or assignment, must register with the city. Registration will consist of providing application information and paying a registration fee. Registration shall be renewed annually. No person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof in, any right of way without first being registered with the city.

2. Nothing in this chapter shall be construed to repeal or amend the provisions of a city ordinance establishing the rights of and limitations placed on persons to plant or maintain boulevard plantings or gardens in the area of the right of way between their property and the street curb. Persons carrying out or requesting the following work shall not be deemed to use or occupy the right of way within the meaning of this chapter, and shall not be governed by this chapter. Such persons are or may be governed by other code sections, including, but not limited to, those noted as follows:

a. Persons planting or maintaining vegetation in the boulevard, chapters 1 and 2 of this title and title 5, chapter 9 of this code.

b. Persons installing driveways, sidewalks, curb and gutter, or parking lots, chapter 2 of this title and section 10-15-20 of this code.

c. Persons erecting fences over drainage or utility easements, chapter 2 of this title and section 10-15-12 of this code.

d. Persons engaged in snow removal activities, chapter 1 of this title.

e. Persons installing street furnishings, mailboxes, bus stop benches and shelters, title 10, chapter 15, article I of this code.

f. Persons installing vending machines, chapter 1 of this title.

g. Persons installing irrigation systems, chapter 1 of this title.

h. Persons installing pet containment systems, chapter 1 of this title.

i. Persons installing water or sewer service lines, chapter 2 of this title.

3. Nothing herein relieves a person from complying with the provisions of the Minnesota statutes chapter 216D, gopher one call law.

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

1. Registrant's name, address, telephone number, facsimile number and gopher one call registration certificate number if required by state law.

2. Name, address, telephone number, e-mail address, and facsimile number of the person responsible for fulfilling the obligations of the registrant.

a. A certificate of insurance from a company licensed to do business in the state of Minnesota providing coverage in the following amounts:

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

Bodily injury liability	$1,000,000.00 each person

	$3,000,000.00 each occurrence
Property damage liability	$3,000,000.00 each occurrence
Bodily injury and property damage combined	$3,000,000.00 single limit

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

Bodily injury liability	$1,000,000.00 each person
Property damage liability	$3,000,000.00 each occurrence
In lieu of the above, bodily injury and property damage combined	$3,000,000.00 single limit

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

4. Twenty four (24) hour emergency number.

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

6. Such other information the director may require.

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

D. Construction And Maintenance Plan:

1. If requested by director, each registrant shall, at the time of registration and by December 1 of each year, file a construction and major maintenance plan for underground facilities with the city. Such plan shall be submitted using a format designated by the city and shall contain the information determined by the city to be necessary to facilitate the coordination and reduction in the frequency of excavations and obstructions of rights of way. The plan shall include, but not be limited to, the locations and the estimated beginning and ending dates of all projects to be commenced during the next calendar year.

2. Notwithstanding the foregoing, the city will not deny an application for a right of way permit for failure to include a project in a plan submitted to the city if the registrant has used commercially reasonable efforts to anticipate and plan for the project. (Ord. 1174, 4-28-2008)

7-3-7: PERMIT REQUIREMENTS:

7-3-7-1: PERMITS REQUIRED:

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

A. Utility Permit: A utility permit is required by a registrant to excavate that part of the right of way described in such permit and to hinder free and open passage over the specified portion of the right of way by placing facilities described therein, to the extent and for the duration specified therein.

B. Obstruction Permit: An obstruction permit is required by a registrant to hinder free and open passage over the specified portion of the right of way by placing equipment described therein on the right of way, to the extent and for the duration specified therein. An obstruction permit is not required if a person already possesses a valid utility permit for the same project.

C. Other Permits: Other permits may be required for persons in accordance with this code.

D. Overhead Facilities: Permits for installation, repair or other work on aboveground facilities within the meaning of Minnesota statutes section 237.163, subdivision 6(b)(4), will be obstruction permits, notwithstanding the need for excavation, provided the excavation is augered or hand dug for the purpose of placing a pole type structure. (Ord. 1174, 4-28-2008)

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

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

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

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

A. Registration with the city pursuant to this chapter.

B. Submission of a completed permit application form as provided by the city, including all required attachments, and five (5) copies of scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities owned or operated by the applicant. Plans must include scaled dimensions indicating the proposed location of the facility within the right of way and scaled dimensions of the facility from an existing physical topographic feature (such as "back of curb", "edge of bituminous road"). Plans must also show all existing physical topographic features (trees, shrubs, culverts, driveways, fences, street signs) that lie within ten feet (10') of the proposed facility location.

C. Scaled drawings showing the location of any public streets, alleys, sidewalks, or trails that will be disrupted by the work.

D. Scaled drawings showing the location of any public streets, alleys, sidewalks, or trails that will be temporarily closed to traffic or obstructed by the work.

E. A description of methods to be used for restoration of streets or boulevards.

F. Payment of money due the city for:

1. Permit fees, estimated restoration costs and other management costs.

2. Prior obstructions or excavations.

3. Any undisputed loss, damage, or expense suffered by the city because of applicant's prior excavations or obstructions of the rights of way or any emergency actions taken by the city.

G. Payment of disputed amounts due the city by posting security or depositing in an escrow account an amount equal to at least one hundred percent (100%) of the amount owing.

H. Posting an additional or larger construction performance bond for additional facilities when the applicant requests a utility permit to install additional facilities and the city deems the existing construction performance bond inadequate under applicable standards. (Ord. 1174, 4-28-2008)

7-3-7-3: PERMIT FEES:

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

B. Fees Established:

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

a. City management costs.

b. Degradation costs, if applicable.

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

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

a. City management costs.

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

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

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

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

7-3-7-4: SECURITY:

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

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

A. Issuance: If the applicant has satisfied the requirements of this chapter, the city shall issue a permit within ten (10) business days of receiving a completed application. If the city issues a permit under this chapter, the applicant shall not be required to obtain a permit for the same work under chapter 2 of this title.

B. Conditions: The city may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety and welfare or when necessary to protect the right of way and its current use. The permittee shall comply with all conditions contained in the permit.

C. Notice Of Work: Upon request by the director, the permittee shall notify in writing, in a form approved by the director, all residents specified by the director whose property is adjacent to the right of way where the proposed work is to be done indicating start and completion dates. Written notification is not required for routine obstruction and excavation projects described in section 7-3-10 of this chapter. (Ord. 1174, 4-28-2008)

D. Small Wireless Facility Conditions:

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

A. small wireless facility shall only be collocated on the particular wireless support structure, under those attachment specifications, and at the height indicated in the applicable permit application.

B. No new wireless support structure installed within the right-of-way shall exceed fifty (50) feet in height without the city's written authorization, provided that the city may impose a lower height limit in the applicable permit to protect the public health, safety and welfare or to protect the right-of-way and its current use, and further provided that a registrant may replace an existing wireless support structure exceeding fifty (50) feet in height with a structure of the same height subject to such conditions or requirements as may be imposed in the applicable permit.

c. No wireless facility may extend more than ten (10) feet above its wireless support structure.

d. Where an applicant proposes to install a new wireless support structure in the right-of-way, the city may impose separation requirements between such structure and any existing wireless support structure or other facilities in and around the right-of-way.

e. Where an applicant proposes collocation on a decorative wireless support structure, sign or other structure not intended to support small wireless facilities, such equipment must be consistent with the City's aesthetic standards regarding wireless equipment. Such standards shall ensure that wireless equipment is installed with a stealth design and that equipment does not detract from the character of the area in which it is installed. In addition, the City Engineer shall adopt standards that ensure City assets can continue to effectively perform their intended function, and the city may impose reasonable requirements to accommodate the particular design, appearance or intended purpose of such structure. Such standards shall be made available with the application required for a small cell permit.

f. Where an applicant proposes to replace a wireless support structure, the city may impose reasonable restocking, replacement, or relocation requirements on the replacement of such structure.

g. A permit will be deemed void if the approved equipment is not installed within one year of issuance of the permit.

E. Small Wireless Facility Agreement:

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

a. Up to $150 per year for rent to collocate on the city structure.

b. $25 per year for maintenance associated with the collocation;

c. A monthly fee for electrical service as follows:

1. $73 per radio node less than or equal to 100 maximum watts;

2. $182 per radio node over 100 maximum watts; or

3. The actual costs of electricity, if the actual cost exceed the foregoing.

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

F. Action on Small Wireless Facility Permit Applications:

a. Deadline for Action: The city shall approve or deny a small wireless facility permit application within ninety (90) days after filing of such application. The small wireless facility permit, and any associated building permit application, shall be deemed approved if the city fails to approve or deny the application within the review periods established in this section.

b. Consolidated Applications: An applicant may file a consolidated small wireless facility permit application addressing the proposed collocation of up to fifteen (15) small wireless facilities, or a greater number if agreed to by a local government unit, provided that all small wireless facilities in the application:

1. are located within a two mile (2) radius;

2. consist of substantially similar equipment; and

3. are to be placed on similar types of wireless support structures.

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

G. Tolling of Deadline:

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

a. The city receives applications from one or more applicants seeking approval of permits for more than thirty (30) small wireless facilities within a seven-day period. In such case, the city may extend the deadline for all such applications by thirty (30) days by informing the affected applicants in writing of such extension.

b. The applicant fails to submit all required documents or information and the city provides written notice of incompleteness to the applicant within thirty (30) days of receipt the application. Upon submission of additional documents or information, the city shall have ten days to notify the applicant in writing of any still-missing information.

c. The city and a small wireless facility applicant agree in writing to toll the review period.

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

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

A. Failure to register pursuant to section 7-3-6 of this chapter.

B. A proposed excavation within a street or sidewalk surface that has been constructed or reconstructed within the preceding seven (7) years, unless the director determines that no other locations are feasible or when necessitated by emergency.

C. The applicant is subject to revocation of a prior permit issued pursuant to this chapter.

D. The proposed schedule for the work would conflict or interfere with an exhibition, celebration, festival or any other similar event.

E. The right of way would become unduly congested due to the proposed facilities and equipment when combined with other uses in the right of way, as provided in subsection 7-3-19F of this chapter.

F. Businesses or residences in the vicinity will be unreasonably disrupted.

G. The applicant failed to meet a reasonable schedule to participate in a mandated joint trench operation with other applicants, and the additional work will unreasonably disrupt the restored right of way, businesses or residences.

H. The proposed schedule conflicts with scheduled reconstruction of the right of way. (Ord. 1174, 4-28-2008)

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

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

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

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

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

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

A. Joint Trenching: The director may require registrants to jointly apply for permits to excavate or obstruct the right of way at the same place and time.

B. Fees: The registrant who applies for a joint utility permit shall pay the required permit fee. (Ord. 1174, 4-28-2008)

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

A. Substantial Breach: The city reserves its right to revoke any right of way permit, without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation or any material condition of the permit. A substantial breach by permittee shall include, but shall not be limited to, the following:

1. The violation of any material provision of the right of way permit;

2. An evasion or attempt to evade any material provision of the right of way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens;

3. Any material misrepresentation of fact in the application for a right of way permit;

4. The failure to complete the work in a timely manner, unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittee's control; or

5. The failure to correct, in a timely manner, work that does not conform to a condition indicated on a written notice issued pursuant to subsection 7-3-15E of this chapter.

B. Written Notice Of Breach: If the city determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit, the city shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated in subsection A of this section, will allow the city to place additional or revised conditions on the permit to mitigate and remedy the breach.

C. Response To Notice: Within a time established by the director following permittee's receipt of notification of the breach, the permittee shall provide the city with a plan to cure the breach, acceptable to the city. The permittee's failure to submit a timely and acceptable plan, or the permittee's failure to timely implement the approved plan, shall be cause for immediate revocation of the permit.

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

7-3-8: SUPPLEMENTARY APPLICATIONS:

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

B. Limitation On Dates:

1. A right of way permit is valid only for the dates specified in the permit. No permittee may begin work before the permit start date or, except as provided herein, continue working after the end date. Except in the case of verbal extensions, if a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

2. If the obstruction or excavation of the right of way begins later or ends sooner than the date given on the permit, the permittee shall notify the city by supplementary application of the accurate information as soon as this information is known. (Ord. 1174, 4-28-2008)

7-3-9: OTHER OBLIGATIONS:

A. Compliance With Other Laws: Obtaining a right of way permit does not relieve permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the city or other applicable rule, law or regulation. A permittee shall comply with all requirements of local, state and federal laws, including, but not limited to, Minnesota statutes sections 216D.01 to 216D.09 (gopher one call excavation notice system) and Minnesota rules chapter 7560. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right of way pursuant to its permit, regardless of who does the work.

B. Prohibited Work: Except in an emergency, or with the approval of the city, no right of way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.

C. Interference With Right Of Way: A permittee shall not so obstruct a right of way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with, unless otherwise approved by the director. Private vehicles of those doing work in the right of way may not be parked within or next to a permit area, unless parked in conformance with city parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.

D. Traffic Control: A permittee shall implement traffic control measures in the area of the work and shall use traffic control procedures in accordance with the most recent manuals on uniform traffic control, traffic control devices and traffic zone layouts published by the state of Minnesota.

E. Trenchless Excavation: As a condition of all applicable permits, permittees employing trenchless excavation methods, including, but not limited to, horizontal directional drilling, shall follow all requirements set forth in Minnesota statutes chapter 216D and Minnesota rules chapter 7560, and shall require potholing or open cutting over existing underground utilities before excavating, as determined by the director. (Ord. 1174, 4-28-2008)

7-3-10: ROUTINE OBSTRUCTION AND EXCAVATION:

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

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

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

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

7-3-12: WORK STANDARDS:

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

A. Observe and comply with all laws, rules and regulations of the state.

B. Conduct the operation and perform the work in a manner as to ensure the least obstruction and interference to traffic.

C. Take adequate precautions to ensure the safety of the general public and those who require access to abutting property.

D. If required by the director, notify adjoining property owners prior to the commencement of work which may disrupt the use of and access to such adjoining properties.

E. In all cases where construction work interferes with the normal use of the construction area, provide for closing the construction area to traffic or to afford restricted use of the area and comply with MUTCD traffic safety signing requirements.

F. Exercise precaution at all times for the protection of persons, including employees and property.

G. Protect and identify excavations and work operations with barricade flags and, if required, by flagmen in the daytime and by warning lights at night.

H. Provide proper trench protection as required by OSHA when necessary and, depending upon the type of soil, in order to prevent cave ins endangering life or tending to enlarge the excavation.

I. Protect the root growth of trees and shrubbery.

J. Installation of pipe (utility conductors) under concrete or bituminous pavements shall be done by jacking, auguring or tunneling as directed by the director unless otherwise authorized.

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

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

7-3-13: INSPECTIONS:

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

B. Authority Of Director:

1. At the time of inspection, the director may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well -being of the public.

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

7-3-14: WORK WITHOUT PERMIT:

A. Emergency Situations:

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

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

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

7-3-15: INSTALLATION REQUIREMENTS:

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

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

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

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

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

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

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

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

1. The number, size, depth and duration of the excavations, disruptions or damage to the right of way;

2. The traffic volume carried by the right of way and the character of the neighborhood surrounding the right of way;

3. The preexcavation condition of the right of way and the remaining life expectancy of the right of way affected by the excavation;

4. Whether the relative cost of the method of restoration to the permit holder is in reasonable balance with the prevention of an accelerated depreciation of the right of way that would otherwise result from the excavation, disturbance or damage to the right of way; and

5. The likelihood that the particular method of restoration would be effective in slowing the depreciation of the right of way that would otherwise take place.

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

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

7-3-17: MAPPING DATA:

A. Information Required: Each registrant and permittee shall provide mapping information required by the city in accordance with Minnesota rules 7819.4000 and 7819.4100. Within ninety (90) days following completion of any work pursuant to a permit, the permittee shall provide the director accurate maps and drawings certifying the as built location of all equipment installed, owed, and maintained by the permittee. Such maps and drawings shall include the horizontal and vertical location of all facilities and equipment and shall be provided consistent with the city's electronic mapping system, when practical or as a condition imposed by the director. Failure to provide maps and drawings pursuant to this subsection shall be grounds for revoking the permit holder's registration.

B. Service Laterals: All permits issued for the installation or repair of service laterals, other than minor repairs as defined in Minnesota rules 7560.0150, subpart 2, shall require the permittee's use of appropriate means of establishing the horizontal locations of installed service laterals and the service lateral vertical locations in those cases where the director reasonably requires it. Permittees or their subcontractors shall submit to the director evidence satisfactory to the director of the installed service lateral locations. Compliance with this subsection and with applicable state gopher one call law and Minnesota rules governing service laterals installed after December 31, 2007, shall be a condition of any city approval necessary for: 1) payments to contractors working on a public improvement project including those under Minnesota statutes chapter 429; and 2) city approval of performance under development agreements or other subdivision or site plan approval under Minnesota statutes chapter 462. The director shall reasonably determine the appropriate method of providing such information to the city. Failure to provide prompt and accurate information on the service laterals installed may result in the revocation of the permit issued for the work or for future permits to the offending permittee or its subcontractors. (Ord. 1174, 4-28-2008)

7-3-18: UNDERGROUNDING:

A. Purpose: The purpose of this section is to promote the health, safety and general welfare of the public and is intended to foster: 1) safe travel over the right of way; 2) nontravel related safety around homes and buildings where overhead feeds are connected; and 3) orderly development in the city. Location and relocation, installation and reinstallation of facilities in the right of way or in or on other public ground must be made in accordance with this section and is intended to be enforced consistently with state and federal law regulating right of way users, specifically including, but not limited to, Minnesota statutes sections 161.45, 237.162, 237.163, 301B.01, 222.37, 238.084 and 216B.36 and the telecommunications act of 1996, title 47, USC section 253.

B. New Facilities: Facilities newly installed, constructed or otherwise placed in the public right of way or in other public property held in common for public use must be located and maintained underground pursuant to the terms and conditions of this chapter and in accordance with applicable construction standards, subject to the exceptions below. Aboveground installation, construction, modification, or replacement of meters, gauges, transformers, street lighting, pad mount switches, capacitor banks, reclosers and service connection pedestals shall be allowed. These requirements shall apply equally outside of the corporate limits of the city coincident with city jurisdiction of platting, subdivision regulation or comprehensive planning as may now or in the future be allowed by law.

C. Permanent Replacement, Relocated Or Reconstructed Facilities: If the city finds that one or more of the purposes set forth in subsection A of this section would be promoted, the city may require a permanent replacement, relocation or reconstruction of a facility to be located and maintained underground, with due regard for seasonal working conditions. For purposes of this subsection, "reconstruction" means any substantial repair of or any improvement to existing facilities. Undergrounding may be required whether a replacement, relocation or reconstruction is initiated by the right of way user owning or operating the facilities, or by the city in connection with: 1) the present or future use by the city or other local governmental unit of the right of way or other public ground for a public project; 2) the public health or safety; or 3) the safety and convenience of travel over the right of way. Subject to subsection D of this section, all relocations from previously placed underground facilities shall be to another underground location.

D. Exceptions: The following exceptions to the strict application of this section shall be allowed upon the conditions stated:

1. Technical/Economic Feasibility; Promotion Of Policy: Aboveground installation, construction, or placement of facilities shall be allowed in residential, commercial and industrial areas where the council, following consideration and recommendation by the planning commission, finds that:

a. Underground placement would place an undue financial burden upon the landowner, rate payer, or right of way user, or would deprive the landowner of the preservation and enjoyment of substantial property rights; or

b. Underground placement is impractical or not technically feasible due to topographical, subsoil or other existing conditions which adversely affect underground facilities placement; or

c. Failure to promote the purposes of undergrounding. The right of way user clearly and convincingly demonstrates that none of the purposes under subsection A of this section would be advanced by underground placement of facilities on the project in question, or the city determines on its own review that undergrounding is not warranted based on the circumstances of the proposed undergrounding.

2. Temporary Service: Aboveground installation, construction, or placement of temporary service lines shall only be allowed:

a. During new construction of any project for a period not to exceed three (3) months.

b. During an emergency in order to safeguard lives or property within the city.

c. For a period of not more than seven (7) months when soil conditions make excavation impractical.

E. Developer Responsibility: All owners, platters, or developers are responsible for complying with the requirements of this section and, prior to final approval of any plat or development plan, shall submit to the director written instruments from the appropriate right of way users showing that all necessary arrangements with said users for installation of such facilities have been made. (Ord. 1174, 4-28-2008)

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

A. Compliance With State Regulations: Placement, location and relocation of facilities must comply with the act, with other applicable rights of the city under its police power, and with Minnesota rules 7819.3100, 7819.5000 and 7819.5100, to the extent the rules do not limit authority otherwise available to cities.

B. Relocation Notification Procedure: The director shall notify the utility owner at least three (3) months in advance of the need to relocate existing facilities so the owner can determine if relocation or replacement is required and plan any required work. The city should provide one notification, provide the date work will start on the city's project and, if different, provide the date by which the relocation must be completed. To the extent technically feasible and limited by seasonal constraints, all utilities shall be relocated within one month or in a time

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

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

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

E. Corridors:

1. The city may assign a specific area within the right of way, or any particular segment thereof as may be necessary, for each type of facility that is or, pursuant to current technology, the city expects will be located within the right of way. All utility, obstruction, or other permits issued by the city involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue. A typical cross section of the location for utilities may be on file at the director's office. This section is not intended to establish "high density corridors".

2. Any registrant who has facilities in the right of way in a position at variance with the corridors established by the city may remain at that location until the city requires facilities relocation to the corridor pursuant to relocation authority granted under Minnesota rules 7819.3100 or other applicable law.

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

7-3-20: PREEXCAVATION FACILITIES LOCATION:

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

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

7-3-21: INTERFERENCE BY OTHER FACILITIES:

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

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

A. Reservation Of Right: If the city vacates a right of way which contains the equipment of a registrant, and if the vacation does not require the relocation of registrant facilities and equipment, the city shall reserve, to and for itself and all registrants having facilities and equipment in the vacated right of way, the right to install, maintain and operate any facilities and equipment in the vacated right of way and to enter upon such right of way at any time for the purpose of reconstruction, inspecting, maintaining or repairing the same.

B. Relocation Of Equipment: If the vacation requires the relocation of registrant facilities and equipment, and: 1) if the vacation proceedings are initiated by the registrant, the registrant must pay the relocation costs; or 2) if the vacation proceedings are initiated by the city, the registrant must pay the relocation costs unless otherwise agreed to by the city and the registrant; or 3) if the vacation proceedings are initiated by a person or persons other than the registrant or permit holder, such other person or persons must pay the relocation costs. (Ord. 1174, 4-28-2008)

7-3-23: INDEMNIFICATION AND LIABILITY:

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

7-3-24: ABANDONED FACILITIES:

A. Discontinued Operations: A registrant who has decided to discontinue all or a portion of its operations in the city must provide information satisfactory to the city that the registrant's obligations for its facilities in the right of way under this chapter have been lawfully assumed by another registrant.

B. Removal: Any registrant who has abandoned facilities in any right of way shall remove them from that right of way pursuant to Minnesota rules 7819.3300, unless the requirement is waived by the director. A facility is not abandoned unless declared so by the operator. (Ord. 1174, 4-28-2008)

7-3-25: APPEALS:

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

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

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

7-3-27: SEVERABILITY:

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

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

Passed this ____ day of _____, 2022.

CITY OF INVER GROVE HEIGHTS

By: _____
Thomas Bartholomew, Mayor

ATTEST:

By: _____
Rebecca Kiernan, City Clerk