

**COOPERATIVE AGREEMENT BETWEEN
THE CITY OF GRANT AND WASHINGTON COUNTY
FOR CONSTRUCTION COST OF
COUNTY STATE AID HIGHWAY (CSAH) 12 AND CSAH 17**

WASHINGTON COUNTY	
CONTRACT NO.	9403
DEPT.	PUBLIC WORKS
DIVISION	TRANSPORTATION
TERM	SIGNATURE TO END OF PROJECT

THIS AGREEMENT, by and between the City of Grant, a municipal corporation, hereinafter referred to as the "City", and Washington County, a political subdivision of the State of Minnesota, hereinafter referred to as the "County."

WITNESSETH:

WHEREAS, the City and the County desire to improve the safety and operation of the intersection of Washington County State Aid Highway (CSAH) 12 and CSAH 17 (Lake Elmo Avenue); and

WHEREAS, items included in the construction contract require City cost participation for roadway improvements on Lake Elmo Avenue which is owned and operated by the City; and

WHEREAS, the County will be responsible for costs associated with roadway improvements on CSAH 12 and CSAH 17 and 100 percent of the new signal system; and

WHEREAS, the City desires to use local funds for these improvements; and

WHEREAS, the County desires to use State Aid to fund this transportation improvement; and

WHEREAS, a cooperative effort between the City and County is the appropriate method to facilitate the construction of these transportation improvements; and

WHEREAS, this Agreement is made pursuant to statutory authority contained in Minnesota Statute 162.17 sub.1 and Minnesota Statute 471.59

NOW THEREFORE, IT IS HEREBY MUTUALLY AGREED AS FOLLOWS:

I. PURPOSE

The purpose of this agreement is set forth in the above whereas clauses which are all incorporated by reference as if fully set forth herein and shall consist of this agreement, Exhibit A (Location Map), and Exhibit B (Engineer's Estimate and Cost Splits).

II. PLANS AND SPECIFICATION PREPARATION

1. The County shall be responsible for the preparation of the necessary plans and specifications, including compliance with all applicable standards and policies and obtaining all approvals required in arriving at the bid specification for this project.
2. The following County project numbers have been assigned to this project: SAP 082-612-018 and SAP 082-617-010.

III. RIGHT OF WAY AND EASEMENTS

1. The County shall acquire all permanent rights-of-way, permanent easements, and temporary slope easements and shall be responsible for all land related costs. All permanent rights-of-

way, permanent easements, and temporary easements will be acquired in the name of the County.

2. Any rights-of-way, permanent easements, and temporary slope easements that cannot be obtained through negotiation will be acquired by the County through eminent domain proceedings.

IV. ADVERTISEMENT AND AWARD OF CONTRACT

After plans and specifications have been approved by the County, all permits and approvals obtained, and acquisition of necessary rights-of-way and easement, the County shall advertise for construction bids and at the sole discretion of the County award the contract to the lowest responsible bidder.

V. CONSTRUCTION ADMINISTRATION, OBSERVATION, AND TESTING

The County shall be responsible for the construction administration, inspection, and for the observation and testing for all construction items.

VI. COST PARTICIPATION ITEMS AND ESTIMATED COSTS

1. The County has prepared a projection for the project’s construction cost, an Engineer’s Estimate and Cost Splits is hereto attached as Exhibit B.
2. **Construction.** The total project cost for construction is estimated to be \$282,689 as indicated in Exhibit B. The City will pay to the County its share of the total cost as shown in Exhibit B and summarized in Table 1 of this agreement, estimated at 6.6% percent of the total construction cost. After the County has awarded the construction contract, Exhibit B will be updated to reflect the actual contractor’s unit prices.
3. **Construction Engineering.** Construction engineering includes construction observation and testing, construction surveying and project administration for all construction items. The cost is estimated to be 8 percent of the total actual construction contract, which is an estimated \$22,615. The City will pay 6.6 percent of 8 percent of the actual construction contract based on the contractor’s unit prices and the quantities constructed. The City’s estimated cost is summarized Table 1 of this agreement.

Table 1 CITY OF GRANT Cost Summary Based on EXHIBIT B	
ITEM	COST
LAKE ELMO AVENUE CONSTRUCTION	\$18,671
CONSTRUCTION ENGINEERING	\$1,493
TOTAL ESTIMATED COST	\$20,164

4. Actual construction and construction engineering costs shall be determined at the conclusion of the project and will be based on the contractor's unit prices and the quantities constructed.

VII. PAYMENT

1. After the County has awarded the construction contract, Exhibit B will be updated to reflect the actual contractor’s unit prices and will submit a copy of the revised summary to the City. Upon receipt of the revised summary, the City shall pay to the Treasurer of Washington County an

amount equal to 10 percent of the City's estimated construction cost.

2. During construction the County shall submit to the City an estimated cost of the partial work performed by the Contractor and costs for construction engineering. Upon receipt of this estimated cost, the City shall pay to the County its share of the cost of the partial work performed as determined in Section VI of this agreement.
3. Upon substantial completion of the work the County shall prepare a final cost participation summary which will be based upon the contract unit prices and the actual units of work performed and shall submit a copy of this summary to the City. The County shall add to the City's final construction costs construction contract amendments, any necessary adjustments for liquidated damages, and deduct City funds previously advanced for the project by the City. If the amount of the total of the payments made by the City pursuant to Section VII.2 is less than the actual cost to the City of its portion of the Project, the City agrees to pay the difference between the estimated amount paid by the City and the actual cost of the City's portion of the project.
4. In the event that the City paid more in advance than the actual cost of the City's portion of the project, the County shall refund without interest the amount to the City.
5. The City shall pay 100 percent of an invoice amount within 30 days of receipt.

VIII. CONTRACT CHANGES

1. Any modifications or additions to the final approved plans and/or specifications of the City's portion of the project shall be made part of the construction contract through a written amendment to the construction contract, but only after concurrence by the City Engineer, and the cost for such changes shall be appropriated as set forth in Section VI of this Agreement.
2. Any utility or facility which is subsequently modified or added to the final approved plans and/or specifications shall become part of the construction contract and shall be paid for in accordance with the County Cost Participation Policy as summarized in Section VI of this Agreement.

IX. LIQUIDATED DAMAGES

Any liquidated damages assessed the contractor in connection with the work performed on the project shall be shared by the City and the County in the following proportion: The respective total share of construction work to the total construction cost without any deduction for liquidated damages.

X. CONDITIONS

The City shall not assess or otherwise recover any portion of its cost for this project through levy on County-owned property.

XI. CIVIL RIGHTS AND NON-DISCRIMINATION

The provisions of Minn. Stat. 181.59 and of any applicable ordinance relating to civil rights and discrimination shall be considered part of this Agreement as if fully set further herein, and shall be part of any Agreement entered into by the parties with any contractor subcontractor, or material suppliers.

XII. WORKERS COMPENSATION

It is hereby understood and agreed that any and all employees of the City and all other

persons employed by the City in the performance of construction and/or construction engineering work or services required or provided for under this agreement shall not be considered employees of the County and that any and all claims that may or might arise under the Worker's Compensation Act of the State of Minnesota on behalf of said employees while so engaged and any and all claims made by any third parties as a consequence of any act or omission on the part of said City employees while so engaged on any of the construction and/or construction engineering work or services to be rendered herein shall in no way be the obligation or responsibility of the County.

XIII. INDEMNIFICATION

1. The City agrees that it will defend, indemnify and hold harmless the County against any and all liability, loss, damages, costs and expenses which the County may hereafter sustain, incur or be required to pay by reason of any negligent act by the City, its agents, officers or employees during the performance of this agreement.
2. The County agrees that it will defend, indemnify and hold harmless the City against any and all liability, loss, damages, costs and expenses which the City may hereafter sustain, incur or be required to pay by reason of any negligent act by the County, its agents, officers or employees during the performance of this agreement.
3. To the fullest extent permitted by law, actions by the parties to this Agreement are intended to be and shall be construed as a "cooperative activity" and it is the intent of the parties that they shall be deemed a "single governmental unit" for the purposes of liability, as set forth in Minnesota Statutes, Section 471.59, subd. 1a(b). The parties to this Agreement are not liable for the acts or omissions of another party to this Agreement except to the extent they have agreed in writing to be responsible for the acts or omissions of the other parties as provided for in Section 471.59, subd. 1a.
4. Each party's liability shall be governed by the provisions of Minnesota Statutes, Chapter 466 and other applicable law. The parties agree that liability under this Agreement is controlled by Minnesota Statute 471.59, subdivision 1a and that the total liability for the parties shall not exceed the limits on governmental liability for a single unit of government as specified in 466.04, subdivision 1(a).

XIV. DATA PRIVACY

All data collected, created, received, maintained, or disseminated, or used for any purposes in the course of this Agreement is governed by the Minnesota Government Data Practices Act, Minnesota Statutes 1984, Section 13.01, et seq. or any other applicable state statutes and state rules adopted to implement the Act, as well as state statutes and federal regulations on data privacy.

IN TESTIMONY WHEREOF the parties have duly executed this agreement by their duly authorized officers.

COUNTY OF WASHINGTON

CITY OF GRANT

By _____
Chair Date
County Board of Commissioners

By _____
Mayor Date

By _____
Molly O'Rourke Date
County Administrator

By _____
City Administrator Date

Approved as to form:

Approved as to form:

By _____
Asst. County Attorney Date

By _____
City Attorney Date

RESOLUTION NO. 2015-02

**CITY OF GRANT WASHINGTON
COUNTY, MINNESOTA**

**A RESOLUTION APPROVING COUNTY PROJECT WITHIN MUNICIPAL CORPORATE
LIMITS**

WHEREAS, a County Recommended Layout, date February 13, 2015, for State Aid Project No. 082-612-018 and State Aid Project No. 082-617-010, showing proposed signal and pavement improvements along County State Aid Highway No. 17 and at the intersection of County State Aid Highway 12, located within the limits of the City of Grant as a State Aid has been prepared and presented to the City.

NOW, THEREFORE, BE IT RESOLVED: That said County Recommended Layout be in all things approved.

NOW, THEREFORE, BE IT FURTHER RESOLVED: That the City of Grant supports the County continuing with the development of final plans necessary for the construction of the project.

Passed by the City Council for the City of Grant this 3rd day of March, 2015.

Tom Carr, Mayor

ATTEST:

Kim Points
City Administrator / Clerk

Memorandum

To: *Honorable Mayor and City Council, City of Grant
Kim Points, Administrator, City of Grant*

From: *Phil Olson, PE, City Engineer
WSB & Associates, Inc.*

Date: *February 20, 2015*

Re: *MS4 Ordinance Update*

Background

The Minnesota Pollution Control Agency (MPCA) requires that the City of Grant obtain a Municipal Separate Storm Sewer System (MS4) Permit on a 5-year cycle. The City's MS4 Permit was reissued by the MPCA on April 3, 2014. With the reauthorization of the permit, the City is required to come into compliance with the most current permit requirements and update their Stormwater Pollution Prevention Plan (SWPPP). This updated SWPPP contains six program components:

- Public education and outreach;
- Public participation;
- Illicit discharge detection and elimination;
- Construction site stormwater runoff control;
- Post-construction stormwater management; and
- Good housekeeping and pollution prevention practices for municipal operations.

Ordinance Analysis

Staff has reviewed the City's ordinances and identified where the current ordinances have deficiencies according to the new requirements of the MS4 Permit. Additionally, staff compared the City's ordinances to the Environmental Protection Agency's model ordinances, and ordinances that have been adopted by other cities that are representative of the type of language and content needed to satisfy the new permit requirements. The revisions to the ordinance are designed to bring the City's ordinances into compliance with the new regulatory mechanism requirements of the MS4 General Permit.

An additional memo has been prepared by the City Planner. The memo provides specific information regarding the new ordinance changes.

Partnership Update

WSB staff has initiated contact with Angie Hong, the education coordinator of the East Metro Water Resource Education Program (EMWREP) to form a potential partnership. The EMWREP is a partnership formed in 2006 to serve 18 local units of government in the east metro area. The purpose of the shared education program is to provide education about the impacts of non-point source pollution on local lakes, rivers, streams, wetlands and groundwater resources and to

engage people and communities in projects that will help to protect and improve water quality in the region. By joining the EMWREP, the City will be able to meet the education and outreach, and public participation requirements of the MS4 permit for \$560 per year.

An agreement for the city to join the EMWREP will be added to the consent agenda in April.

Action: Discussion. Direct staff to prepare a final ordinance for Council approval on the April consent agenda.

MEMORANDUM

To: Mayor and Grant City Council	Date: February 21, 2015
CC: Kim Points, City Clerk	RE: MS4 Ordinance Update
Phil Olson, City Engineer	
Nick Vivian, City Attorney	
From: Jennifer Haskamp, City Planner	

As stated within the City Engineer's staff report, staff has been working to update the City's Ordinances for compliance with the Minnesota Pollution Control Agency's stormwater program for municipal separate storm sewer systems (MS4). The proposed amendments and additions include modifications to Chapter 30 Subdivisions and Chapter 32 Zoning of the City Code. Since some of the proposed changes affect the land use chapters of the City Code, a duly noticed public hearing was published for the March 3, 2015 regular City Council meeting.

As such, the following summary of the proposed ordinance amendments and additions, is provided for your review and consideration:

- **Chapter 30 Subdivisions:** The attached draft Ordinance 2015-38 includes amendments to the following sections: 30-1 Definitions; 30-3 Enforcement; 30-58 Data required (for Preliminary Plat); and 30-173 Land Requirements. Additions to Chapter 30 include the following: Sections 30-16 Incorporation by Reference; 30-172 Erosion and Sediment Control Plans; and 30-173 Stormwater Management Plans.

The proposed changes relate primarily to addressing stormwater management and erosion control when any land altering activities are proposed. This change will require applicants to prepare the appropriate plans related to these components for review by the City Engineer during a project application process. The plans must be submitted and approved prior to any activity on the site. The enforcement section of this ordinance was also amended to help assure compliance with these requirements and clarify the process if any activity that requires a plan and review is conducted without appropriate approvals.

- **Chapter 32 Zoning:** The attached draft Ordinance 2015-39 includes amendments to the following sections: 32-32 Violations; 32-35 Certificate of Compliance; 32-143 Application (for Conditional Use Permit); 32-181 Building permit and compliance with building code requirements; 32-185 Grading permit required, exceptions; and 32-341 Drainage. Additions to Chapter 32 include: 32-7 Incorporation by Reference.

The proposed amendments relate to those sections of the zoning ordinance which have the potential to permit and approve activities and projects that may disturb the land. For example, if an Applicant proposes to construct a new supper club and therefore needs a Conditional Use Permit, there would likely be significant construction and land altering activities that would occur. In these cases, the Applicant will be required to submit the appropriate stormwater management plans and erosion control plans to ensure

compliance with the City's Ordinances. With respect to the enforcement of such requirements, the code is also updated and refers back to the process contained within Chapter 30 to ensure uniform enforcement of any potential issues.

- **Illicit Discharge Ordinance 2015-40.** In 2011, the City of Grant City Council adopted ordinance number 2011-25 Illicit Discharge and Connection Stormwater Ordinance. To comply with the new MS4 standards additions to the ordinance are required. As such, staff is recommending that the Council simply repeal all of Ordinance 2011-25, and adopted ordinance number 2015-40 in replacement. Since this Ordinance is not contained within Chapter 30 or 32 a public hearing regarding these changes is not required.

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CITY OF GRANT

WASHINGTON COUNTY, MINNESOTA

ORDINANCE 2015-38

**An Ordinance Amending the Grant Code of Ordinances
Amending Sections 30-1 Definitions, 30-103 Land Requirements; and Adding Sections 30-16
Incorporation by Reference, 30-172 Erosion and Sediment Control Plans, 30-173 Stormwater
Plans, and 30-174 Illicit Discharge**

The City Council of the City of Grant, Washington County, Minnesota, does hereby ordain as follows:

SECTION 1. AMENDMENT OF CHAPTER 30, SUBDIVISIONS, OF THE CITY'S CODE OF ORDINANCES.

That City Code Chapter 30, Article I, Section 32-1, "Definitions" is hereby AMENDED to ADD the following identified as underlined, to be incorporated alphabetically:

Best Management Practices (BMPs) means the most effective and practicable means of erosion prevention and sediment control, and water quality management practices that are the most effective and practicable means of to control, prevent, and minimize degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, pollution prevention through good housekeeping, and other management practices published by state or designated area-wide planning agencies.

Dewatering means the removal of water for construction activity. It can be a discharge of appropriated surface or ground water to dry and/or solidify a construction site. It may require Minnesota department of natural resources permits to be appropriated and if contaminated may require other MPCA permits to be discharged.

Erosion means any process that wears away the surface of the land by the action of water.

Erosion control means the methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

Final stabilization means:

- A. All soil disturbing activities at the site have been completed and a uniform (e.g., evenly distributed,

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without large bare areas) perennial vegetative cover with a density of seventy percent (70%) of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed;

- B. For individual lots in residential construction by either: 1) the homebuilder completing final stabilization as specified above, or 2) the homebuilder establishing temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization. (Homeowners typically have an incentive to put in the landscaping functionally equivalent to final stabilization as quick as possible to keep mud out of their homes and off sidewalks and driveways.); or
- C. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land) final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface waters and drainage systems, and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria in subsection A or B of this definition.

Impervious surface means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

Land disturbing or development activities means any change of the land surface including removing vegetative cover, excavating, filling, grading, and the construction of any structure.

National Pollutant Discharge Elimination System (NPDES) means the program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the clean water act (sections 301, 318, 402, and 405) and United States Code of Federal Regulations title 33, sections 1317, 1328, 1342, and 1345.

Perimeter control means a barrier that prevents sediment from leaving a site by filtering sediment laden runoff or diverting it to a sediment trap or basin

Sediment means the product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, wind, or ice, and has come to rest on the earth's surface either above or below water level.

Sediment control means the measures and methods employed to prevent sediment from leaving the site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

Stormwater is defined under Minnesota rules 7077.0105, subp. 41(b), and includes precipitation runoff, stormwater runoff, snow melt runoff, and any other surface runoff and drainage.

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SECTION 2. ADDITIONS TO CHAPTER 30, SUBDIVISIONS, OF THE CITY'S CODE OF ORDINANCES.

That City Code Chapter 30, Article I, *Section 30-3 Enforcement* is hereby AMENDED to include the following additions identified as underlined and deletions identified as ~~strikethrough~~:

Sec. 30-3. Enforcement.

(a) *Building permits.* No building permit shall be issued for any construction, enlargement, alteration, repair, demolition or moving of any building or structure on any lot or parcel until all the requirements of this regulation have been fully met.

(b) Notice of Violation. When the City determines that an activity is not being carried out in accordance with the requirements of this ordinance, it shall issue a written notice of violation to the owner of the property the notice of violation shall contain:

- (1) The name and address of the owner of applicant;
- (2) The address when available or description of the land upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the development activity into compliance with this ordinance and a time schedule for the completion of such remedial action;
- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
- (6) A statement that the determination of violation may be appealed to the city by filing a written notice of appeal within 15 days of receipt of the notice of violation.

(c) Stop Work Order. Persons receiving a Stop Work Order will be required to halt all construction activities immediately. This Stop Work Order will be in effect until the city confirms that the land disturbing activity is in compliance and the violation has been satisfactorily addressed. Failure to address a Stop Work Order in a timely manner may result in consequences as described the following section.

(d) ~~(e)~~ *Violation and penalties.* Any firm, person or corporation who violates any of the provisions of these regulations, or who sells, leases or offers for sale or lease any lot, block or tract of land herewith regulated before all the requirements of these regulations have been complied with shall be guilty of a misdemeanor and upon conviction thereof shall be subject to fine and/or imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.
(Ord. No. 1996-01, § 10, 10-22-1996)

SECTION 3. ADDITIONS TO CHAPTER 30, SUBDIVISIONS, OF THE CITY'S CODE OF ORDINANCES.

That City Code Chapter 30, Article I, *Section 30-16 Incorporation by Reference* is hereby ADDED and the following identified as underlined:

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Sec. 30-16. Incorporation by reference.

- (a) The following are incorporated into this chapter by reference:
 - (1) The Grant comprehensive plan.
 - (2) The National Pollutant Discharge Elimination System Permit, MN R100001 (NPDES general construction permit) issued by the Minnesota Pollution Control Agency, August 1, 2013, as amended.
 - (3) The Grant Engineering and Design Guidelines document.
 - (4) The Rules of the Valley Branch Watershed District, as amended, pursuant to the authorization and policies contained in Minnesota Statutes Chapters 103B, 103 D, and 103G, and Minnesota Rules 8410 and 8420.
 - (5) The Rules of the Rice Creek Watershed District, as amended, pursuant to the authorization and policies contained in Minnesota Statutes Chapters 103B, 103 D, and 103G, and Minnesota Rules 8410 and 8420.

SECTION 4. ADDITIONS TO CHAPTER 30, SUBDIVISIONS, OF THE CITY'S CODE OF ORDINANCES.

That City Code Chapter 30, Article II, *Section 30-58(c) Subdivision design features* is hereby AMENDED with the following additions identified as underlined:

Sec. 30-58. Data Required

- (a) No Change
- (b) No Change
- (c) *Subdivision design features.*
 - (1) Layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street shall conform to the provisions of chapter 24, article III.
 - (2) Locations and widths of proposed alleys, pedestrian ways and utility easements.
 - (3) Lot and block numbers and preliminary dimensions of lots and blocks and the area of each lot.
 - (4) Proposed front, side, and rear building setback lines.
 - (5) Gradients of proposed streets. Plans and profiles showing locations and typical cross sections of street pavement including ditches, curbs, gutters, sidewalks, drainage easements, service rights-of-way, manholes and catchbasins.
 - (6) Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such areas in acres.

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- (7) Grading and drainage plan for entire subdivision. If any fill or excavation is proposed in a wetland or lake, approval must be obtained from the state department of natural resources and Army Corps of Engineers or watershed or water management organization, county soil and water conservation district, or other permitting authority that has jurisdiction.
- (8) Erosion and sediment control plan.
- (9) Stormwater management plan.

SECTION 5. ADDITIONS TO CHAPTER 30, SUBDIVISIONS, OF THE CITY'S CODE OF ORDINANCES.

That City Code Chapter 30, Article III, *Section 30-103 Land Requirements* is hereby AMENDED with the following additions identified as underlined and deletions identified as ~~struckthrough~~:

Sec. 30-103. Land requirements.

- (a) Permits required.
 - (1) Grading permit. Land disturbing activities that disturb more than 50 cubic yards to 5,000 cubic yards will require a grading permit from the city.
 - (2) Conditional use permit. Land disturbing activities that disturb 5,000 cubic yards or greater will require a conditional use permit from the city.
- (b) *Suitability of terrain.* Land shall be suited to the purpose for which it is to be subdivided. No plan shall be approved if the site is not suitable for purposes of the kind proposed by reason of potential flooding, topography, or adverse earth or rock formations. The design of all subdivisions shall coordinate and be respective of the zoning map and ordinances, the city comprehensive plan, official map, street plan, and any other planning guides adopted by the city.
- ~~(c) *Erosion and sedimentation control plans.* Erosion and sedimentation control plans in accordance with the technical standard and specifications of the soil conservation service, as provided by the county soil and water conservation district office, and required on slopes with grades of 18 percent or steeper. National Pollutant Discharge Elimination System (NPDES) erosion control measures shall be enforced on all graded areas with grades less than 18 percent slope.~~
- (c) *Presence of hazards.* Land subject to hazards to life, health or property shall not be subdivided for residential purposes until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan.
- (d) *Coordination of development.* Proposed subdivisions shall be coordinated with existing nearby municipalities or neighborhoods so that the community as a whole may develop harmoniously.

SECTION 6. ADDITIONS TO CHAPTER 30, SUBDIVISIONS, OF THE CITY'S CODE OF ORDINANCES.

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That City Code Chapter 30, Article IV, *Engineer Standards* is hereby AMENDED to add Sections 30-172 Erosion and Sediment Control Plans and 30-173 Stormwater Management Plans identified as underlined below:

Sec. 30-172 Erosion and sediment control plans.

(a) *Applicability.* Construction activity that results in land disturbance of equal to or greater than one acre or a common plan of development or sale that disturbs one acre will be required to submit an erosion and sediment control plan to the city prior to construction. All construction sites regardless of size will be required to provide and maintain minimum erosion control measures during construction.

(b) *General criteria.* Projects requiring an erosion and sediment control plan shall include the following criteria:

- (1) Erosion Control
- (2) Sediment Control
- (3) Temporary Sediment Basins
- (4) Dewatering and Basin Draining
- (5) Inspection and Maintenance
- (6) Pollution Management Measures/Construction Site Waste Control
- (7) Final Stabilization
- (8) Training

(c) *Specifications.* All erosion and sediment control plans shall meet the specifications set forth in the city's Engineering Design Guidelines, the NPDES Construction Stormwater Permit and applicable Watershed District Rules.

Sec. 30-173. Stormwater management plans.

(a) *Applicability.* All projects either creating or disturbing one acre or greater of new impervious will require the submittal of a stormwater management plan to the city prior to construction.

(b) *General criteria.* At a minimum, the stormwater management plan shall meet the criteria as described in the city's Engineering Design Guidelines, the NPDES Construction Stormwater Permit, and applicable Watershed District Rules.

(c) *Specifications.* Unless determined by the City to be exempt or granted a waiver, all site designs shall establish storm water management facilities to control the peak flow rates and pollutants of stormwater discharge associated with specified design storms and runoff volumes, as detailed in the city's Engineering Design Guidelines, the NPDES Construction Stormwater Permit, and applicable Watershed District Rules.

(d) *Maintenance Agreement.* All permanent stormwater management facilities must provide a maintenance agreement with the City that documents all responsibilities for operation and maintenance of long-term stormwater management facilities. Such responsibility shall be documented in a maintenance plan and executed through a maintenance agreement. All maintenance agreements must be approved by the City and recorded at Washington County recorder's office prior to final plan approval. At a minimum, the maintenance agreement shall describe the inspection and maintenance obligations:

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- (1) The responsible party who is permanently responsible for inspection and maintenance of the structural and nonstructural measures.
- (2) Pass responsibilities for such maintenance to successors in title
- (3) Allow the City and its representatives the right of entry for the purposes of inspecting all permanent stormwater management systems.
- (4) Allow the City the right to repair and maintain the facility, if necessary maintenance is not performed after proper and reasonable notice to the responsible party of the permanent stormwater management system.
- (5) Include a maintenance plan that contains, but is not limited to the following:
 - a. Identification of all structural permanent stormwater management systems
 - b. A schedule for regular inspections, monitoring, and maintenance for each practice. Monitoring shall verify whether the practice is functioning as designed and may include, but is not limited to quality, temperature, and quantity of runoff.
 - c. Identification of the responsible party for conducting the inspection, monitoring and maintenance for each practice.
 - d. Include a schedule and format for reporting compliance with the maintenance agreement to the City.
 - e. Right of Entry. The issuance of a permit constitutes a right-of-entry for the community or its contractor to enter upon the construction site. The applicant shall allow the community and their authorized representatives, upon presentation of credentials, to:
 - i. Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations or surveys.
 - ii. Bring such equipment upon the permitted development as is necessary to conduct such surveys and investigations.
 - iii. Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of the permit.
 - iv. Inspect the stormwater pollution control measures.
 - v. Sample and monitor any items or activities pertaining to stormwater pollution control measures.
 - vi. Correct deficiencies in stormwater and erosion and sediment control measures.

SECTION 7. SEVERABILITY.

In the event that court of competent jurisdiction adjudges any part of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included within that judgment.

SECTION 8. EFFECTIVE DATE.

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This ordinance takes effect upon its adoption and publication according to law.

WHEREUPON, a vote, being taken upon a motion by Council member _____ and seconded by Council member _____, the following upon roll call:

Voting AYE:

Voting NAY:

Whereupon said Ordinance was declared passed adopted this ___ day of _____, 2015.

Thomas Carr, Mayor

Attest: Kim Points, City Clerk

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CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA
ORDINANCE 2015-39

An Ordinance Amending the Grant Code of Ordinances
Adding Section 32-7 Incorporation by Reference, and Amending Sections 32-32 Violations; 32-35
Certificate of Compliance; 32-143 Application; 32-181 Building permit and compliance with
building code requirements; 32-185 Grading permit required, exceptions; and 32-341 Drainage

The City Council of the City of Grant, Washington County, Minnesota, does hereby ordain as follows:

SECTION 1. ADDITIONS TO CHAPTER 32, ZONING, OF THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 32, Article I, Section 32-7, “Incorporation by Reference” is hereby ADDED identified with the following underline:

Sec. 32-7. Incorporation by reference.

- (a) The following are incorporated into this chapter by reference:
 - (1) The Grant comprehensive plan.
 - (2) The National Pollutant Discharge Elimination System, MN R100001 (NPDES general construction permit) issued by the Minnesota Pollution Control Agency, August 1, 2013, as amended.
 - (3) The Grant Engineering and Design Guidelines manual.
 - (4) The Rules of the Valley Branch Watershed District, pursuant to the authorization and policies contained in Minnesota Statutes Chapters 103B, 103 D, and 103G, and Minnesota Rules 8410 and 8420.
 - (5) The Rules of the Rice Creek Watershed District, pursuant to the authorization and policies contained in Minnesota Statutes Chapters 103B, 103 D, and 103G, and Minnesota Rules 8410 and 8420.

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SECTION 2. AMENDMENTS TO CHAPTER 32, ZONING, OF THE CITY'S CODE OF ORDINANCES.

That City Code Chapter 32, Division 1 Article II, *Section 32-32 Violations* is hereby AMENDED to include the following additions identified as underlined and deletions identified as ~~strikethrough~~:

Sec. 32-32. Violations.

In the event of a violation or the threatened violation of any provision of this chapter, or any provision or condition of a permit issued pursuant to this chapter, the city in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation or threatened violation.

(Ord. No. 50, § 801.04, 12-7-1982)

(a) Violations to this chapter which involve any land alteration that would cause a building permit, grading permit, or any other land altering permit to be required are also subject to the provisions contained within Article I Chapter 30 Subdivisions.

That City Code Chapter 32, Article II Division 1, *Section 32-35 Certificate of Compliance* is hereby AMENDED to include the following additions identified as underlined and deletions identified as ~~strikethrough~~:

Sec. 32-35 Certificate of compliance.

(a) No change

(b) No change

(c) No change

(d) No change

(e) Information to be submitted. The application shall be accompanied by development plans of the proposed use showing such information as may be reasonably required by the zoning administrator, including but not limited to those listed below. These plans shall contain adequate information upon which the zoning administrator can determine that the proposed development will meet all development standards if the project proceeds in accordance with such plans, including:

(1) Site plan drawn to scale showing parcel and building dimensions.

(2) Location of all buildings and their square footage.

(3) Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.

(4) Landscaping and screening plans.

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- (5) Finished grading and drainage plans sufficient to drain and dispose of all surface water accumulated in the area.
- (6) Sanitary and storm sewer plans with estimated use.
- (7) Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating soil conservation practices to be used to overcome said limitation shall be made prior to the certificate application.
- (8) Location of well on applicant's property and adjacent properties.
- (9) Erosion and sedimentation control plans in compliance with Section 30-172.
- (10) Stormwater management plans in compliance with Section 30-173.
- (11) Permanent stormwater treatment inspection and maintenance plan, and maintenance agreement as defined in Chapter 30, sections 30-103, 30-172 and 30-173.
- (12) Any additional data reasonably requested by the zoning administrator.

SECTION 3. AMENDMENTS TO CHAPTER 32, ZONING, OF THE CITY'S CODE OF ORDINANCES.

That City Code Chapter 32, Article II Division 5 Conditional Use Permits *Section 32-143 Application* is hereby AMENDED to include the following additions identified as underlined and deletions identified as ~~strikethrough~~:

Sec. 32-143. Application.

(a) *Fees and plans.* Application for a conditional use permit shall be filed with the city. In addition to required fees, the application shall be accompanied by development plans for the proposed use showing such information as may be reasonably required by the city, including but not limited to those items listed below. Such plans shall contain sufficient information for the city to determine whether the proposed development will meet all applicable development standards.

- (1) Site plan drawn to scale showing parcel and building dimensions.
- (2) Location of all buildings and their size, including square footage.
- (3) Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.
- (4) Landscaping and screening plans including species and size of trees and shrubs proposed.
- (5) Approved grading and drainage plan from all applicable and appropriate regulatory agencies, such as, but not limited to, the appropriate watershed organization or district, the state department of natural resources, and the Army Corp of Engineers.

(6) Land disturbing activities that disturb 5,000 cubic yards or greater will require a conditional use permit. Application for a grading permit and a conditional use permit shall require the submittal of an erosion and sediment control plan, and stormwater management plan. Erosion and sediment control and stormwater management standards shall comply with the City's Engineering Design Guidelines, and those standards identified in Section 30-172 and 30-173 contained with this Subdivision

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code.

(7) Permanent stormwater treatment inspection and maintenance plan and agreement as outlined in Chapter 30 Section 30-173.

(8) Type of business activity and proposed number of employees and patrons.

(9) Proposed floor plan and elevations of any building with use indicated.

(10) Sanitary sewer (or septic) and water (or well) plans with estimated flow rates.

(11) Soil type and soil limitations for the intended use. If soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practices to be used to overcome said limitation shall be made a part of the application.

(12) A location map showing the general location of the proposed use within the city.

(13) A map showing all principal and land uses within 1,250 feet of the parcel for which the application is being made.

(14) Proof of ownership of the property for which the conditional use permit is requested, consisting of the deed or contract for deed showing the current owner, together with any unrecorded documents whereby the applicant acquired legal or equitable ownership of the property.

(15) Proof that all property taxes have been paid and no liens or attachments are unsatisfied.

(b) *Denial for incompleteness.* An incomplete application is not a valid application and can be rejected by the city or denied on the basis of being incomplete.

(Ord. No. 1997-77, § 1(505.06), 8-5-1997)

SECTION 4. AMENDMENTS TO CHAPTER 32, ZONING, OF THE CITY'S CODE OF ORDINANCES.

That City Code Chapter 32, Article II Division 6 Other Permits and Certificate of Occupancy *Section 32-181 Building permit and compliance with building code required* is hereby AMENDED to include the following additions identified as underlined and deletions identified as ~~strike through~~:

Sec. 32-181. Building permit and compliance with building code required.

(a) *Required.* No structure shall hereafter be erected or structurally altered until a building permit shall have been issued, indicating that the existing or proposed structure and the use of the land comply with this chapter and all building codes.

(b) *Proposal to comply with code.* Building permits shall not be issued unless the proposed improvement meets all of the requirements of the building code.

(c) *Site preparation in advance of permit prohibited.* No site preparation work, including rough grading, driveway construction, footing excavation, tree removal or other physical changes to the site shall occur prior to the issuance of a building permit and other zoning use permits.

(d) *Application.* Applications for permits as required by this section shall be made to the city

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clerk or building official on forms to be furnished by him. The city clerk or building official shall maintain a record of all applications for and all permits issued under this division.

(e) *Site plan.* Application for a building permit shall be accompanied by a site plan drawn to scale showing the dimensions of the lot to be built upon, the size and location of the building, utilities including on-site septic systems, accessory buildings to be erected, the vegetation and major topographic changes, and drawings of the improvement in sufficient detail to permit checking against the building code, and such other information as the city council or building official may reasonably require to determine compliance with this chapter and the building code. In some cases, the city council may require a certificate of survey before a building permit will be issued.

(f) *Erosion and sediment control plan.* Every applicant must adhere to erosion control measure standards and specifications in strict conformance with the provisions of this chapter and the City's Engineering and Design Guidelines document. Erosion and sediment control plans shall also be consistent with the National Pollutant Discharge Elimination System General Permit, as amended, and the filing or approval requirements of relevant Watershed Districts, Watershed Management Organizations, Soil and Water Conservation Districts, or other regulatory bodies. No land shall be disturbed until the plan is approved by the city engineer and conforms to the standards set forth herein.

(g) *Stormwater management plan.* Every applicant must adhere to stormwater management standards and specifications in strict conformance with the provisions of this chapter and the City's Engineering and Design Guidelines document. Stormwater management plans shall also be consistent with the national Pollutant Discharge Elimination System General Permit, as amended, and the filing or approval requirements of relevant Watershed Districts, Watershed Management Organizations, Soil and Water Conservation Districts, or other regulatory bodies. No land shall be disturbed until the plan is approved by the city engineer and conforms to the standards set forth herein.

(h) *Issuance.* No building permit shall be issued for any improvement which would result in a use, building or structure in violation of this chapter, or the subdivision, shoreland management, floodplain, on-site sewer disposal, mining or other city regulations.

(i) *Start of work after issuance.* The work for which a building permit is issued shall commence within 60 days after the date thereof unless an application for an extension of 90 days has been submitted to the building official and approved by him. The work shall be completed within one year of the date of issuance.

(j) *Expiration.* Permits issued by the zoning administrator or building official under the provisions of this section and the building code shall expire and be null and void if the work authorized by a permit is abandoned or suspended for a period of 120 days, or in the event that work is not commenced or completed within the time limitations of section 32-181(g).

(k) *Suspension or revocation.* The building official may, in writing, suspend or revoke a permit issued under the provisions of this chapter and the building code whenever such permit is issued in error or on the basis of incorrect information supplied, or in violation of any city ordinance, regulation or code. Such violation may also be subject to the procedure identified in Section 30-3 Subdivision.

(Ord. No. 50, § 509.01, 12-7-1982)

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That City Code Chapter 32, Division 6 Other Permits and Certificate of Occupancy *Section 32-185 Grading permit required; exceptions* is hereby AMENDED to include the following additions identified as underlined and deletions identified as ~~striketrough~~:

Sec. 32-185. Grading permit required; exceptions.

No person shall do any grading without first having obtained a grading permit from the building official except for the following:

- (1) Grading in an isolated, self-contained area if there is no danger apparent to private or public property.
- (2) An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five feet after the completion of such structure.
- (3) Cemetery graves.
- (4) Refuse disposal sites controlled by other regulations.
- (5) Excavations for wells or tunnels or utilities.
- (6) Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
- (7) Exploratory excavations under the direction of soil engineers or engineering geologists.
- (8) An excavation which is less than two feet in depth or which does not create a cut slope greater than five feet in height and steeper than one and one-half horizontal to one vertical.
- (9) A fill less than one foot in depth, and placed on natural terrain with a slope flatter than five horizontal to one vertical, or less than three feet in depth, not intended to support structures, which does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course.
- (10) All land disturbing activities which disturb more than 50 cubic yards but do not exceed 5,000 cubic yards shall require a grading permit.
- (11) Any land disturbing activity which exceeds 5,000 cubic yards shall require a Conditional Use Permit.

(Ord. No. 50, § 509.05, 12-7-1982)

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SECTION 5. AMENDMENTS TO CHAPTER 32, ZONING, OF THE CITY'S CODE OF ORDINANCES.

That City Code Chapter 32, Article IV Division 1 *Section 32-341 Drainage* is hereby AMENDED to include the following additions identified as underlined and deletions identified as ~~strikethrough~~:

Sec. 32-341. Drainage.

(a) No land shall be developed or altered and no use shall be permitted that results in surface water run-off causing unreasonable flooding, erosion or deposit of minerals on adjacent properties or waterbodies. Such run-off shall be properly channeled into a natural water course or drainageway and/or ponding area.

(b) The zoning administrator, upon inspection of any site which has created drainage problems or could create drainage problems with proposed new development, may require the owner of said site or contractor to complete a grading plan and apply for a grading permit.

(c) The owner or contractor of any natural drainage improvement or alteration may be required by the zoning administrator to obtain recommendations from the state department of natural resources, the soil conservation agent, the affected watershed district and/or the city engineer, as well as obtaining a local grading permit.

(d) On any slope in excess of 13 percent where, in the opinion of the zoning administrator, the natural drainage pattern may be disturbed or altered, the zoning administrator may require the applicant to submit both a grading plan and a soil conservation plan prior to applying for a building permit.

(e) Land disturbing activities that alter drainage of any site shall implement erosion and sedimentation control and stormwater management standards that comply with the City's Engineering Design Guidelines, as well as chapter 30, Sections 30-103, 30-172 and 30-173.

(Ord. No. 50, § 740, 12-7-1982)

SECTION 6. SEVERABILITY.

In the event that court of competent jurisdiction adjudges any part of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included within that judgment.

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SECTION 7. EFFECTIVE DATE.

This ordinance takes effect upon its adoption and publication according to law.

WHEREUPON, a vote, being taken upon a motion by Council member _____ and seconded by Council member _____, the following upon roll call:

Voting AYE:

Voting NAY:

Whereupon said Ordinance was declared passed adopted this ___ day of _____, 2015.

Thomas Carr, Mayor

Attest: Kim Points, City Clerk