

PLEASE NOTE: At 5:00 p.m. Council will meet in a Study Session in Council Chambers, City Hall at 540 West Hills Circle for discussions on the Community-Wide Branding Project and sale of CBD Products.



OWATONNA CITY COUNCIL MEETING

Tuesday, September 20, 2022 at 7:00 PM

Council Chambers, City Hall at 540 West Hills Circle

**Roll Call: Council Members Svenby, Voss, Dotson,
Burbank, Boeke, Raney & Schultz**

1. INTRODUCTORY ACTIONS: Call to Order; Roll Call and Pledge of Allegiance

- 1.1. Council Agenda
- 1.2. Fire Fighter Swearing-In Ceremony
- 1.3. Mayor Kuntz
 - 1.3.1. Proclamation - Tracy DuChene Day
 - 1.3.2. Proclamation - Owatonna Foundation Week

2. CONSENT AGENDA ITEMS

- 2.1. Minutes – Council Meeting – September 6, 2022
- 2.2. Minutes - Boards and Commissions
 - 2.2.1. Minutes - Airport Commission Meeting - August 11, 2022
- 2.3. Department Reports
 - 2.3.1. Weed and Nuisance Compliance Report
- 2.4. Miscellaneous

3. ACTION ITEMS

- 3.1. Finance Report
- 3.2. Ordinances
 - 3.2.1. Proposed Ordinance 22-11: Stormwater Ordinance Updates
 - 3.2.1.1. Summary Publication - Update Stormwater Ordinance
- 3.3. Resolutions
 - 3.3.1. Res 73-22 2023 Proposed City Budget and Levy
 - 3.3.2. Res 74-22 Housing & Redevelopment Authority (HRA) Proposed 2023 Levy and Budget
 - 3.3.3. Res 75-22 Declare Costs to be Assessed - Weed and Nuisance Compliance
 - 3.3.4. Res 76-22 Set Date for Public Hearing - Proposed Assessments - Weed and Nuisance Compliance
 - 3.3.5. Res 77-22 Set Date for Public Hearing - Proposed Assessments - OPU Delinquent Accounts

3.3.6. Res 78-22 Amend Development Agreement with Gerald and Lois Monson

3.3.7. Res 79-22 Consent to Sublease - Monson Eye Care Center, PC

3.3.8. Res 80-22 Federal Airport Expense Reimbursement - MnDOT

3.4. Miscellaneous

3.4.1. River Springs Water Park Capital Project Agreement - Horizon Pool Supply, LLC

4. STAFF REPORTS

5. PUBLIC COMMENTS: (Please limit comments - 2 minutes and items not on the agenda.)

6. COUNCIL COMMENT AND GENERAL INFORMATION

7. ADJOURN



Fire Fighter Swearing-In Ceremony



Mayor Kuntz



Mayor's Proclamation

- WHEREAS** Tracy DuChene has been selected by the Moonlighters Exchange Club of Owatonna as the 2022 Police Officer of the Year; and
- WHEREAS** Tracy grew up in Medford, MN and received his law enforcement education at the Rochester Community and Technical College; and
- WHEREAS** after graduation, Tracy served as a Correctional Officer at the Steele County Detention Center for two years and then became a part-time Patrol Officer with the City of Owatonna. In 2005, he became a full-time Patrol Officer and in 2011 was promoted to Patrol Sergeant; and
- WHEREAS** Tracy has served in specialized assignments as a Field Training Officer, SWAT Officer and is current the Field Training Officer Supervisor; and
- WHEREAS** Sergeant Duchene has received numerous service awards: a Life Saving Award in 2005, four Class D Commendations for separate events that demonstrate his outstanding performance under difficult circumstances; and
- WHEREAS** we greatly appreciate Tracy's strong work ethic and dedication to our community.

NOW THEREFORE I, Thomas A Kuntz, Mayor of the Great City of Owatonna, hereby proclaim Thursday, September 22, 2022 as:

TRACY DuCHENE DAY

and I call upon all citizens of Owatonna to help us celebrate as we recognize Tracy as the 2022 Police Officer of the Year. The Moonlighters Exchange Club will host the Owatonna Police Officer Recognition Banquet on Thursday, September 22, 2022 at the Owatonna VFW.

Dated this 20th day of September, 2022.

By: _____
Thomas A. Kuntz, Mayor



MAYOR'S PROCLAMATION

- WHEREAS** The Owatonna Foundation has established a goal of improving the quality of life for present and future generations of Owatonna residents; and
- WHEREAS** The Owatonna Foundation has contributed over \$13 million dollars to improve the welfare of our community within the areas of Arts, Community, Education, and Recreation; and
- WHEREAS** The Owatonna Foundation is committed to a strong leadership role in helping fundraising initiatives that engage our community and assist volunteers with energy, enthusiasm and success; and
- WHEREAS** The Owatonna Foundation makes our community stronger by distributing funds in the form of grants for specific “brick and mortar” community projects as well as through scholarships to help further the educational goals of individuals
- WHEREAS** The Owatonna Foundation touches the lives of every citizen in Owatonna and helps to shape the future of our community by funding projects that make a difference in our lives and the lives of future generations.

NOW THEREFORE I, Thomas A Kuntz, Mayor of the City of Owatonna, hereby proclaim Sunday, October 2 through Saturday, October 8, 2022 as

OWATONNA FOUNDATION WEEK

And ask the Citizens of Owatonna to help recognize and support the Owatonna Foundation as they raise the visibility and awareness of the Owatonna Foundation's role in improving the quality of life in Owatonna.

Dated: September 20, 2022

By: _____
Thomas A. Kuntz, Mayor

Owatonna City Council Minutes – DRAFT COPY

Council President Schultz called the regular session of the Owatonna City Council to order on Tuesday, September 6, 2022, at 7:00 p.m. in Council Chambers at City Hall. Present were Council Members Burbank, Boeke, Raney, Voss, Svenby, Dotson and Schultz; Public Works Director Skov; Community Development Manager Kruschke; Parks and Rec Director Tuma; City Attorney Walbran; City Administrator Busse, and Administrative Specialist Clawson. Mayor Kuntz was unable to attend

Agenda

Following the Pledge of Allegiance, Council President Schultz welcomed everyone to the meeting. Council Member Dotson made a motion to approve the agenda as presented, Council Member Svenby seconded the motion, all members voted aye for approval.

Proclamation - Welcome Week

Council Member Boeke read the Mayor's Proclamation for Welcoming Week the week of September 19 – 23, 2022. Community members, residents, business leaders and civic groups are encouraged to make the city a more welcoming place for new and long-term residents. The Owatonna Human Rights Commission is preparing celebration of the 2022 Welcoming Week to bring neighbors together to build relationships and work together on shared goals.

Consent Agenda

Council President Schultz explained council members review the Consent Agenda items prior to the meeting for approval in one motion. Consent Agenda items for this meeting include:

- Minutes – Council Meeting – August 16, 2022

- Minutes - OPU Meeting - July 26, 2022

- Minutes - EDA Meeting - August 17, 2022

- Minutes - Human Rights Commission Meeting - August 8, 2022

- Minutes - HRA Board Meeting - August 22, 2022

- Minutes - Planning Commission Meeting - August 23, 2022

- Weed / Nuisance Inspection Report – August 12 to September 1, 2022

- Building & Inspection Reports - August 2022

- Temporary Liquor Permit - Two Rivers Habitat for Humanity - April 1, 2023

- Event Permit - Ribbon Cutting for N Cedar Avenue Streetscape Project - October 13, 2022

- Event Permit - Relay for Life - September 24, 2022

- Event Permit - N Bluff Block Party - September 17, 2022

- Event Permit - OctoberFest at Brooktree Golf Course - October 22, 2022

- Traffic Signal Maintenance and Upgrade Change Order - River City Electric Co

- Four-Season Rental Agreement - Have a Healthy and Safe Program – September 14, 2022

Council Member Voss made a motion to approve these Consent Agenda Items, Council Member Burbank seconded the motion and all members voted aye for approval.

Finance Report

Council Member Raney recapped payments made more than \$20,000 for this period. Bills presented for payment total \$1,480,515.63. Council Member Svenby made a motion to approve payment of these bills, Council Member Dotson seconded the motion and all members voted aye for approval.

Proposed Ordinance 22-11 for Updates to Stormwater Ordinances

Public Works Director Skov presented proposed these updates to the 2015 City Code:

- 1) Chapter 90 – Animals. Chapter 90 – Animals. Section 90.11 - Removal of Animal Debris : The owner or agent of any animal in a public park or on public property shall remove animal feces left by the animal and deposit the same in a trash receptacle or otherwise remove the same from the premises.
- 2) Chapter 52 – Storm Water
 - a) Section 52.04 ERU increased 3% from the 2022 rate, effective January 1, 2023.
 - b) Section 52-28 Illicit Discharge Detection and Elimination
 - 1) Add Pet Waste
 - 2) Add Commercial, Industrial, and Industrial Salt Storage: All commercial, industrial, and institutional properties storing salt shall store the salt undercover or indoors. All salt must be stored on an impervious surface. Property owners shall implement best management practices to reduce exposure when transferring material in designated salt storage areas.
 - c) Section 52.29 Stormwater Management Plants (J) Post Construction Stormwater Management
- (3) Water Quality and Volume Control
 - i. Revise to new 1" WQV: All construction activity where the sum of the new impervious surface and the fully reconstructed impervious surface equals one or more acres shall provide post construction stormwater treatment and rate control. For non-linear projects, the water quality volume to be treated must be calculated as one (1) inch times the sum of the new and the fully reconstructed impervious surface. For linear projects, the water quality volume to be treat must be calculated as the larger of one (1) inch times the new impervious surface or one-half (0.5) inch times the sum of the new and the fully reconstructed impervious surfaces.
 - ii. Minimum impervious area draining to BMPs: The minimum impervious area draining to BMPs providing required water quality volume shall be equal to the sum of new and fully reconstructed surfaces or to the maximum extent practicable as determined by the City Engineer.
 - iii. Cumulative impervious to run with land. Projects adding new impervious surfaces and/or fully reconstructed surfaces will be considered in cumulative over the life of the property. Land disturbance activity applicable to this requirement will be determined with respect to all development or redevelopment that has occurred from the time of ordinance adoption
 - iv. Mitigation Provisions: Mitigation provisions for linear projects. If the owner believes that the entire water quality volume requirements cannot be met on the site of the original construction activity, the owner must provide adequate documentation to the city as support including attempts to acquire additional right of way or other permission to provide treatment for the full water quality volume. The owner must provide treatment for the water quality volume to the maximum extent practicable. No further off-site mitigation is required.
- d) Section 52.31 Erosion and Sediment Control (G)(2) As-Built Drawings: Single-family residential construction may be required to submit as-built drawings.

Council Member Raney made a motion for approval and Council Member Boeke seconded the motion. With a roll call vote, voting aye were Council Members Svenby, Voss, Dotson, Boeke, Raney and Schultz and Council Member Burbank voted nay, the motion carried. The second/final reading of this proposed ordinance will be heard during the next Council Meeting planned for October 4, 2022.

Resolution 70-22 Declare Costs – 2021 North Cedar Avenue Streetscape Project

Public Works Director Skov presented Resolution 70-22 to declare the costs of the 2021 North Cedar Avenue Streetscape Project. The total cost of the project is \$5,647,781.35 and Proposed Assessments total \$345,592.10. The Proposed Assessment Roll includes four properties with alley assessments, during the public hearing for this project, property owner Al Martin requested Council consider reducing or waiving these alley assessments as this project converted the alleys from vehicle to pedestrian traffic. Property owners along the alley in the 100 block did not receive alley assessments as they were included in the 2018 Downtown Alley Improvement Project. City Attorney confirmed no action necessary during tonight's meeting, Skov will review the property owner request and provide Council assessment detail, he estimated removing the alley assessments would reduce the number of assessments by approximately \$20,384. Council Member Boeke made a motion to approve Resolution 70-22, Council Member Dotson seconded the motion, all members voted aye in approval.

Resolution 71-22 Set Date for Public Hearing – Proposed Assessments 2021 North Cedar Avenue Streetscape Project

Public Works Director Skov requested approval of Resolution 71-22 setting a public hearing on Tuesday, October 4, 2022, to receive comments on the proposed assessments for the 2021 North Cedar Avenue Streetscape Project. Council Member Dotson made a motion to approve Resolution 71-22, Council Member Raney seconded the motion, all members voted aye in approval.

Resolution 72-22 Steele Waseca Electric Cooperative lot Split – SPLT-1

Community Development Manager Kruschke presented Resolution 72-22 for approval. This is a request for a lot split from Jamey Shandley, Hamilton Real Estate Group and Steele Waseca Electric Cooperative (SWEC) for the property located at 2411 West Bridge Street. The property, currently owned by SWEC, would be split for sale of the southern portion for industrial development. Owatonna Public Utilities and City Engineer requested a drainage and utility easement along the newly created lot line and both are satisfied with this easement being dedicated with the forthcoming plat. The sanitary sewer line in the SE corner was not covered by an easement so an easement needs to be provided for this sewer main that is 10' wide and centered on the main. The Planning Commission held a public hearing on this request and recommend Council approval with these four conditions:

- 1) The entire property shall be replatted, including the Steele Waseca property in order to subdivide any further lots.
- 2) A 10-foot-wide easement shall be dedicated for the sanitary sewer main line in the SE corner.

- 3) A 10-foot-wide drainage and utility easement shall be dedicated with the plat along the new property line.
- 4) The access on 24th Avenue shall line up with Alexander Drive SW.

Council Member Raney commented there is no date shown requiring when the plat must be recorded by. Kruschke explained the development plans have not finalized, this split must be done to allow recording of the sale documents. They would not be able to create another lot without platting the property which would be done with future application for Council approval. Council Member Raney made a motion to approve Resolution 72-22 authorizing this lot split as recommended by the Planning Commission, Council Member Burbank seconded the motion; all members voted aye in approval.

ICS Agreement – Facility Condition Assessment Update

Jenna Tuma, Director of Parks and Rec presented an agreement with ICS to update the City's Facility Condition Assessment Report. In 2019, ICS, an innovative facility solution company, provided a comprehensive facilities condition assessment report to the city which identified facility maintenance needs spanning 10-years and estimated costs. In the spring of 2022, a joint group of Council and staff formed a Government Buildings Task Force to explore the status and condition of the existing and future city-owned buildings. The Task Force toured 21 of the approximately 100 city-owned buildings and structures. The Task Force brought forward a plan of next steps including action items to address backlogged projects and future facility needs anticipated by the city. One of the immediate action items is to update the facility assessment report to reflect its current status. Once this report is updated, it will be a resource for other action items. It is expected to take thirty to sixty days to complete a reassessment and provide the report. A quote of \$7,000 to reassess facility maintenance needs and submit a report was received from ICS, who originally completed the facility condition assessment report. Council Member Boeke made a motion to approve this agreement, Council Member Voss seconded the motion; all members voted aye in agreement.

Staff Updates

Public Works Director Skov commented streetlights have been painted and now waiting for camera installation. The trash has been removed from the WWTP construction site and waiting for installation of the new membrane structure. The contractor began work on Lynn Avenue today with removing the layer of asphalt. Council Member Boeke asked if remediation soils were more than expected. Skov answered they expected more of a soil cap but there was a lot of trash. Fortunately, materials were delivered to the Steele County Landfill under a daily charge, so the City incurred the trucking expense, but no dump tipping fees. Council Member Burbank asked who would have access to view camera footage from the street intersections. Skov explained the cameras are motion detectors to control the lights but do not record.

Parks and Rec Director Tuma commented projects in process include the Fire Hall restoration and tuck pointing, the Central Park Fountain, and Council Chambers at City Hall. Applications are being accepted for Deer Management until September 14th; there are 34 spots in 10 parks. An on-line survey will be sent during September asking what services are needed for senior residents and then there will be listening sessions planned; she will keep Council informed when the survey is sent. Lake Kohlmier Beach and the River Spring Water Park (RSWP) have closed for the season. Numbers at RSWP were very good, they were slightly lower than last year but there was cool weather during June. Bids are due this Thursday, September 8th for the RSWP Filtration & Pump Replacement Project. Brooktree Golf Course has also been doing really well this year.

Community Development Manager Kruschke commented Public Works and Planning & Zoning permits were available on the City's website via Open Gov effective August 1st. The new process is all electronic and all parties can see progression of the permit application. Previously applications for zoning requests were required to submit five copies of plans and now no paper copies needed. After a brief display of the online process, Council Member Svenby asked if summary reports were available to the public, Kruschke explained individuals can follow progress of only their permit applications. Council President Schultz asked if staff continues to offer assistance to permit applicants; Kruschke commented staff has been entering many small project applications, the new program will speed up the approval process for applicants with frequent applications.

Public Comments:

Connie Nechanicky, 1424 NE 26th Street commented she and several others were present to ask about plans for the pool at the West Hills Gym or if there were any plans to discontinue offering water aerobics. They believe many senior residents benefit from the water aerobics offered and they hope the pool will not be closed. Her 96-year-old mother is present tonight, she has some slight difficulty walking but can participate in water aerobics quite well. Council Member Schultz commented there have been many discussions about this pool. P&R Director Tuma commented the pump was repaired several years ago and if another repair becomes necessary, the City will need to consider if it would be cost effective to fix the break. The City values it's senior population and their input, she asked them to participate in the P&R Listening Sessions planned and take the on-line survey, she asked them to leave their names and e-mail addresses to contact.

Faye Flemke, 445 Cindy Lane commented she also participates in water aerobics. She is thankful for how well the City's parks and trails are taken care; but believes there should also a place available for use during the long winter months. She commented the play equipment at Gainey Park hasn't been updated for many years. Another item that concerns her is the entrances to Burger King and the Holiday Station Store on Allan Avenue are too close to the Bridge Street intersection which could cause a serious accident; many motorists are not expecting someone to turn in at these first entrances and she believes it would be better to remove these access points.

Jane Hogan, 233 E McKinley, asked what the City would do if the current indoors pool were destroyed? P&R Director Tuma commented there haven't been any plans made, conversations are beginning to hopefully get ahead of the age of the pool. Hogan commented she had problems walking and participating in water aerobics has really helped her. She recently moved back to Owatonna her hometown and glad an indoor pool was available. If any plans are made, she hopes it will be to revamp or rebuild a pool within Owatonna so travel to another city would be needed. She recently received a book of classes offered within the community and water aerobics wasn't included. P&R Director Tuma commented the book was prepared by the school district with detail of classes offered through Community Ed, the water aerobics are offered through the city. Council Member Dotson thanked them for coming to the meeting and their comments; he assured them Council is trying to be realistic of current conditions and appreciate resident input. If the current pool needed repair, other local sites could be contracted for classes if available.

Council/Administration Comments and General Information

Council Member Voss congratulated Public Works Director Skov and Community Development Manager for the near completion of the North Cedar Streetscape Project.

Council Member Dotson asked everyone to keep Tim and Jen O'Connor and their family in their prayers. Unfortunately, their 12-year-old son Evan passed away this morning following heart surgery several weeks. Tim is a Systems Administrator in the City's IT Department.

Council Member Boeke commented he served on the Parks & Rec board when construction of the RSWP was being considered. It will take a grassroot effort to get something planned and hopes the City won't have to use private facilities for use. This has been part of Council discussions and needing resident input for direction wanted.

Council Member Raney commented his grandmother was active until she passed away at the age of 105. He reminded everyone North Cedar Avenue has opened to traffic and he encouraged everyone to stop and support our local businesses.

City Administrator Busse commented she was going to give an update for Communications Manager Sheely who was attending another meeting, but as Sheely just joined this meeting, she asked for her comments.

Communications Manager Sheely commented she was contacted by KTTC TV in Rochester about the News Release sent yesterday about plans for Welcome Week Activities. They are planning to interview several Human Rights Commissioners about this upcoming event which will be good promotion of the City of Owatonna.

Council President Schultz thanked everyone for attending the meeting. Information was leaked the pool is old and we wanted some feedback. It is good to see everyone here and hear your comments.

Adjournment: At 8:03 p.m., Council Member Svenby made a motion to adjourn, Council Member Boeke seconded the motion, and all members voted aye in approval.

Respectfully Submitted,

Jeanette Clawson, Administrative Specialist



Board - Commission Minutes

Airport Commission Meeting Minutes
August 11, 2022 – Owatonna Degner Regional Airport
“DRAFT”

1. Call to Order

Chairman Lindee called the meeting of the Airport Commission to order at 5:00 PM.

2. Roll Call

Attending

James Keltgen	Commissioner
Justin Lindee	Chairman
Angie Lipelt	Commissioner
Paula Snitker	Commissioner
Sharon West	Commissioner
Dave Beaver	Airport Manager
Troy Klecker	Community Development Director

Visitors

Nick Grahek	Bolton and Menk
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3. Approval of Agenda

Commissioner West made a motion to approve the agenda and Commissioner Lipelt seconded the motion. The motion was approved.

4. Minutes

Commissioner Keltgen made a motion to approve the minutes from the July 14, 2022 Airport Commission meeting and Commissioner West seconded the motion. The motion was approved.

5. Action Items

Chairman Reports

Chairman Lindee welcomed everyone to the meeting.

Staff Reports

Airport Manager Beaver reported on airport activities and presented the combined aviation fuel volumes dispensed. The combined fuel volumes are up year to date from the previous year. There was a brief discussion on activity and recent business aircraft arrivals. There was a brief discussion regarding maintenance items including work on the main hangar doors. Mr. Beaver also reported that there is now a new twin engine local business aircraft based at the airport.

Mr. Beaver reminded those in attendance that the Owatonna Squadron Civil Air Patrol French Toast Breakfast is scheduled for August 28, 2022. There was a brief discussion regarding the event.

T-Hangar Project Update

Nick Grahek with Bolton and Menk provided a brief update on the T-hangar building and taxiway construction project. Mr. Grahek reported that Change Order No. 3 has been executed and approved by the FAA. The hangar foundation pour is complete with much of the apron and taxiway pavement work completed. This has also allowed for the accommodation of the existing T-Hangar tenants adjacent to the site. There was a brief discussion regarding schedule and Mr. Grahek explained that the hangar building materials are scheduled for delivery the week of August 28th with final completion of the project scheduled for November 4, 2022. Mr. Grahek presented Pay Estimate #2 for review. Mr. Beaver explained that this will be reviewed by staff and the engineer prior to submittal for payment.

6. Adjournment

The Airport Commission meeting was adjourned at 5:35 PM.



Department Reports

Weed/Nuisance Complaint Inspections						OWATONNA FIRE DEPARTMENT	
September 1, 2022 to September 14, 2022							
Address	Complaint Description	Inspection Date	Violation Notice Sent	Correction Due Date	Violation Corrected Date	Comments	Staff Hours
4 Avenue Southeast	The vacant lot has not been mowed on the reinspection date of 8/25/22. See attached picture 7486 of the complaint vacant lot as of 8/25/22. Need to call the lawn service. 8/25/22 - Spoke with property owner - he has a farmer scheduled to cut the lot but the farmer won't be able to get to it for another week or so. I've changed the due date to allow for this. 9609 8/30/22 - 8/30/22 - Spoke with farmer - he will be cutting these lots next week. 9609	8/25/2022			9/6/2022	The vacant lot with long grass and weeds has been cut as of 9/6/22.	1
Austin Road	The complaint vacant with long weeds and grass has been mowed as of 8/23/22.	8/23/2022			8/23/2022	Mowed.	0.5
Evergreen Place Northeast	Vacant lots 17-579-0115 and 17-579-0117 with long weeds and grass. See attached pictures 7495, 7496 of the complaint vacant lots as of 8/29/22. No change in complaint location vacant lots status as of 9/8/22, 9/9/22, 9/12/22, 9/13/22.	8/29/2022	9/8/2022	9/22/2022			0.5
Lemond/Riverwood Road	The vacant lots with long weeds and grass have been cut as of 9/6/22.	9/6/2022			9/6/2022	Mowed.	0.5
Meadowview Lane Northeast	The two vacant lots with long weeds and grass has been mowed as of 9/1/22.	9/1/2022			9/1/2022	Mowed.	0.5
Mineral Springs Parkway Northeast	The vacant lot with long weeds and grass has been mowed as of 9/9/22.	9/9/2022			9/9/2022	Mowed.	0.5
Union Street West	The long weeds around the building and on the front blvd area has been mowed as of 9/9/22.	9/9/2022			9/9/2022	Mowed.	0.5
Wildflower Drive Northeast	The vacant lots with long weeds and grass have been mowed as of 9/9/22.	9/9/2022			9/9/2022	Mowed.	0.5
1004 Vine Street East	Long weeds/grass in all yards and around the house. See attached pictures 7516, 7517 of the complaint location as of 9/2/22. The complaint location with long weeds and grass in all yards and around the house has been mowed as of 9/6/22.	9/2/2022			9/6/2022	Mowed.	1
111 Southview Street	The complaint location with long weeds and grass in all yards has been mowed as of 9/12/22.	9/12/2022			9/12/2022	Mowed.	0.5
1138 Oak Avenue South	Long weeds/grass in all yards and around the house. See attached picture 7508 of the complaint location as of 8/31/22. The complaint location with long weeds and grass has been mowed as of 9/2/22.	8/31/2022			9/2/2022	Mowed.	0.5

Weed/Nuisance Complaint Inspections				OWATONNA FIRE DEPARTMENT			
September 1, 2022 to September 14, 2022							
Address	Complaint Description	Inspection Date	Violation Notice Sent	Correction Due Date	Violation Corrected Date	Comments	Staff Hours
1200 Frontage Road West	The complaint location with a hill side with tall thistles has been cut as of 9/1/22.	9/1/2022			9/1/2022	Mowed.	0.5
131 Fremont Street West	The complaint location with tall grass in the yards has been mowed as of 8/30/22.	8/30/2022			8/30/2022	Mowed.	0.5
132 Union Street West	The long weeds around the building and on the front blvd area have been mowed as of 9/9/22.	9/9/2022			9/9/2022	Mowed.	0.5
1411 Truman Avenue	The complaint location with a 3 seat living room couch on the front blvd area has been removed as of 8/31/22.	8/31/2022			8/31/2022	Removed.	0.5
1419 Cedar Avenue North	The balance of the complaint location long weeds has been cut in all area as needed as of 8/29/22.	8/29/2022			8/29/2022	Mowed.	0.5
1569 Eagle Ridge Street Northeast	The complaint vacant lot with long weeds and grass has been mowed as of 8/29/22.	8/29/2022			8/29/2022	Mowed.	0.5
1930 Kenyon Road Northeast	The complaint location on Wildflower Drive has removed all branches and cut lots as of 8/24/22. See picture 7482 of the only remaining large tree log as of 8/24/22.	8/24/2022			8/24/2022	Removed and mowed.	0.5
195 Landmark Drive	Complaint: Bush between car wash and townhomes that is blocking the sidewalk.	9/14/2022					0.5
206 Rose Street West	The complaint location has removed the scaffolding on the front of the building, removed the lockers laying on the sidewalk and cut the tall weeds around the building as of 9/12/22.	9/12/2022			9/12/2022	Removed and mowed.	0.5
216 Phelps Street East	Complaint: Tall weeds and grass. The complaint location does not have long weeds or grass in the yards as of 9/2/22. Going to close complaint location as of 9/2/22. Could have an incorrect called in address at this point in time.	9/2/2022			9/2/2022	No violations found at the time of the inspection.	0.5
221 Beech Avenue	Reinspection complaint location picture 7490 of misc items in front of garage as of 8/26/22. The yards are OK at this point in time for long weeds and grass due to mowing as of 8/26/22, 9/9/22. No change as of 8/29/22, 8/30/22, 8/31/22, 9/1/22, 9/2/22, 9/6/22, 9/7/22, 9/8/22, 9/9/22, 9/12/22, 9/13/22.	8/26/2022	9/12/2022	9/22/2022		Items remain in front of garage.	1
221 Beech Avenue	Reinspection complaint location picture 7490 of misc items in front of garage as of 8/26/22. The yards are OK at this point in time for long weeds and grass due to mowing as of 8/26/22, 9/9/22. No change as of 8/29/22, 8/30/22, 8/31/22, 9/1/22, 9/2/22, 9/6/22, 9/7/22, 9/8/22, 9/9/22, 9/12/22, 9/13/22.	8/26/2022	9/12/2022	9/22/2022	8/26/2022	Has been mowed.	1

Weed/Nuisance Complaint Inspections						OWATONNA FIRE DEPARTMENT	
September 1, 2022 to September 14, 2022							
Address	Complaint Description	Inspection Date	Violation Notice Sent	Correction Due Date	Violation Corrected Date	Comments	Staff Hours
222 McKinley Street West	Long weeds/grass in all yards and around the house. See attached picture 7502 of the complaint location as of 8/31/22. The complaint location with long weeds and grass in all yards and around the house has been mowed as of 9/1/22.	8/31/2022			9/1/2022	Mowed.	1
223 Plainview Street	The complaint location items have been removed as of 8/29/22.	8/29/2022			8/29/2022	Removed.	0.5
229 Beech Avenue	The complaint location with long grass and weeds has been mowed as of 8/29/22.	8/29/2022			8/29/2022	Mowed.	0.5
2333 St. Paul Road Northeast	The complaint location with a Hutch a single bed frame on the front blvd has been removed as of 8/31/22.	8/31/2022			8/31/2022	Removed.	0.5
240 Barney Street	Miscellaneous items on the front blvd. Sent notice to both property owner and current tenant. See attached pictures 7488, 7489, 7509, 7521 of the complaint location with three different complaint dates and complaint items on the front blvd area. No additional changes were noted at the complaint location status as of 9/8/22, 9/9/22, 9/12/22. The complaint items have been removed as of 9/13/22.	8/26/2022	9/8/2022	9/18/2022	9/13/2022	Removed.	1
253 Beech Avenue	Long weeds/grass in all yards and around the house. See attached pictures of the complaint location as of 9/2/22. No change in complaint location status as of 9/8/22, 9/9/22, 9/12/22, 9/13/22.	9/2/2022	9/8/2022	9/18/2022			0.5
2990 St Paul Road Northeast	The complaint vacant lot with long weeds and grass has been mowed as of 8/24/22.	8/24/2022			8/24/2022	Mowed.	0.5
3050 3 Avenue Northeast	The vacant lot has been cut as of 9/8/22.	9/8/2022			9/8/2022	Mowed.	0.5
3079 Northridge Lane Northeast	The vacant lot has been cut as of 9/8/22.	9/8/2022			9/8/2022	Mowed.	0.5
320 Stoneridge Lane Northeast	The vacant lot has been cut as of 9/8/22.	9/8/2022			9/8/2022	Mowed.	0.5
321 Park Street	The complaint location with a living room chair on the front blvd area has been removed as of 8/29/22.	8/29/2022			8/29/2022	Removed.	0.5
338 State Avenue	Long weeds/grass in all yards and around the house. See attached pictures 7512, 7513 of the complaint location as of 8/31/22. No change in complaint location status as of 9/8/22, 9/9/22, 9/12/22, 9/13/22.	8/31/2022	9/8/2022	9/18/2022			0.5

Weed/Nuisance Complaint Inspections				OWATONNA FIRE DEPARTMENT			
September 1, 2022 to September 14, 2022							
Address	Complaint Description	Inspection Date	Violation Notice Sent	Correction Due Date	Violation Corrected Date	Comments	Staff Hours
395 Hickory Lane Northeast	The vacant lot has been cut as of 9/8/22.	9/8/2022			9/8/2022	Mowed.	0.5
420 Stoneridge Lane Northeast	The vacant lot has been cut as of 9/8/22.	9/8/2022			9/8/2022	Mowed.	0.5
426 Bridge Street West	The complaint location with long grass and weeds has been mowed as of 8/29/22.	8/29/2022			8/29/2022	Mowed.	0.5
427 Oak Avenue North	The complaint location with tall weeds and grass has been mowed as of 8/31/22.	8/31/2022			8/31/2022	Mowed.	0.5
440 Allan Avenue	Two seat brown couch on the front blvd area. See attached picture 7524 of the complaint location as of 9/6/22. The complaint location with a two seat brown couch has been removed as of 9/7/22.	9/6/2022			9/7/2022	Removed.	1
445 State Avenue	The complaint location with tall weeds and grass on the apartment property has been mowed as of 9/6/22.	9/6/2022			9/6/2022	Mowed.	0.5
450 Stoneridge Lane Northeast	The vacant lot has been cut as of 9/8/22.	9/8/2022			9/8/2022	Mowed.	0.5
480 Stoneridge Lane Northeast	The vacant lot has been cut as of 9/8/22.	9/8/2022			9/8/2022	Mowed.	0.5
520 Adams Avenue	Complaint: Yard has not been mowed in over a month.	9/8/2022			9/8/2022	Yard was mowed at the time of the inspection.	0.5
531 Mineral Springs Road Northeast	Black 3 seat reclining couch on the front blvd area. See attached picture 7504 of the complaint location as of 8/30/22. The complaint item has been removed as of 9/1/22.	8/30/2022			9/1/2022	Removed.	1
533 Vine Street East	The complaint location with misc complaint items on the front blvd area has been removed as of 8/30/22.	8/30/2022			8/30/2022	Removed.	0.5
715 Escalade Lane Southeast	Complaint: Tall grass/weeds, trash/recycling containers, household trash. Tall weeds in the flower beds as of 9/13/22. See attached pictures of the complaint location as of 9/13/22.	9/13/2022					0.5
815 El Dorado Street Southeast	The complaint location with weeds has been mowed as of 8/29/22.	8/29/2022			8/29/2022	Mowed.	0.5
837 Minnesota Avenue	Long weeds/grass in all yards and around the house. See attached pictures 7510, 7511 of the complaint location as of 8/31/22. The complaint location with long weeds and grass in all yards and around the house has been mowed as of 9/1/22.	8/31/2022			9/1/2022	Mowed.	1



Miscellaneous

RECAP:

\$	54,776.52	AVFuel - Airport Jet fuel for resale
	32,937.74	Central Farm Service - Fleet fuels and lubricants
	130,228.00	League of MN Cities Ins Trust - Q4 2022 Workers' Comp insurance
	91,889.00	OpenGov - Financial software implementation Installment 2
	48,424.00	Terex Roofing - Fire Hall roof and tower project
	119,437.20	Southeast Service Coop - August 2022 Health Insurance premiums
	<u>205,859.78</u>	OTHER EXPENDITURES
\$	<u><u>683,552.24</u></u>	TOTAL EXPENDITURES PRESENTED FOR APPROVAL

NOTE: Checks over \$20,000 are detailed out individually

Check Number	Check Date	Vendor Name	Net Check Amount	Check Status	Check Type
Cash Account: 999-19100-000-000-000000					
370053	09/02/22	UNIVERSITY OF VIRGINIA	1,860.00	0	Regular
370054	09/13/22	4IMPRINT INC	800.43	0	Regular
370055	09/13/22	88 TACTICAL	795.00	0	Regular
370056	09/13/22	Allison Ritter	264.00	0	Regular
370057	09/13/22	ALEXANDER LUMBER COMPANY	384.93	0	Regular
370058	09/13/22	AMERICAN ENGINEERING TESTING	440.00	0	Regular
370059	09/13/22	ARAMARK UNIFORM SERVICES INC	187.10	0	Regular
370060	09/13/22	ARROW ACE HARDWARE	123.84	0	Regular
370061	09/13/22	ASPEN MILLS	109.56	0	Regular
370062	09/13/22	AVFUEL CORPORATION	54,776.52	0	Regular
370063	09/13/22	Barb Granowski	192.50	0	Regular
370064	09/13/22	Barb Wiese	22.00	0	Regular
370065	09/13/22	BAKER & TAYLOR BOOKS	504.39	0	Regular
370066	09/13/22	BATTERIES PLUS BULBS LLC	34.66	0	Regular
370067	09/13/22	BCT MINNEAPOLIS	103.08	0	Regular
370068	09/13/22	Beatrice Oberg	184.25	0	Regular
370069	09/13/22	Beth Younquist	107.25	0	Regular
370070	09/13/22	Beverly Lysne	165.00	0	Regular
370071	09/13/22	BLACKSTONE PUBLISHING	34.94	0	Regular
370072	09/13/22	BLOCK PLUMBING & HEATING	63.76	0	Regular
370073	09/13/22	Bonnie Johnston	93.50	0	Regular
370074	09/13/22	Brianne Hinchley	40.00	0	Regular
370075	09/13/22	Carol Kirchner	110.00	0	Regular
370076	09/13/22	Cathy Torrey	22.00	0	Regular
370077	09/13/22	CARQUEST	1,183.89	0	Regular
370078	09/13/22	CEMSTONE CONCRETE MATERIAL LLC	1,100.50	0	Regular
370079	09/13/22	CEMSTONE PRODUCTS CO	330.33	0	Regular
370080	09/13/22	CENGAGE LEARNING INC	490.28	0	Regular
370081	09/13/22	CENTER POINT PUBLISHING	325.26	0	Regular
370082	09/13/22	CENTRAL FARM SERVICE	32,937.74	0	Regular
370083	09/13/22	Charles Newgard	236.50	0	Regular
370084	09/13/22	Cheryl Couture	181.50	0	Regular
370085	09/13/22	Cheryl Hancock	140.25	0	Regular
370086	09/13/22	Christine Runner	184.25	0	Regular
370087	09/13/22	CITY OF OWATONNA	71.38	0	Regular
370088	09/13/22	Clark Gustafson	178.75	0	Regular
370089	09/13/22	CLUB CAR LLC	600.00	0	Regular
370090	09/13/22	CLUB PROPHET SYSTEMS	530.00	0	Regular
370091	09/13/22	Corinne Talley	198.00	0	Regular
370092	09/13/22	CONTINENTAL RESEARCH CORP	830.46	0	Regular
370093	09/13/22	COVERALL OF THE TWIN CITIES	2,385.00	0	Regular
370094	09/13/22	CRANE CREEK ASPHALT	15,519.20	0	Regular
370095	09/13/22	CULLIGAN OF OWATONNA	50.00	0	Regular
370096	09/13/22	D & M CONSTRUCTION LLC	222.88	0	Regular

Check Number	Check Date	Vendor Name	Net Check Amount	Check Status	Check Type
370097	09/13/22	Daniel Axmark	104.50	0	Regular
370098	09/13/22	Daniel Gorman	189.75	0	Regular
370099	09/13/22	Daniel Hoff	101.75	0	Regular
370100	09/13/22	Daryl Kanne	22.00	0	Regular
370101	09/13/22	DAGRY TOOLING INC	1,714.50	0	Regular
370102	09/13/22	DAKOTA COUNTY TECHNICAL COLLEGE	750.00	0	Regular
370103	09/13/22	DALCO	78.60	0	Regular
370104	09/13/22	Deloris Slack	216.00	0	Regular
370105	09/13/22	DEFENSE TECHNOLOGY LLC	2,190.00	0	Regular
370106	09/13/22	DH ATHLETICS LLC	259.98	0	Regular
370107	09/13/22	Diane Droog	101.75	0	Regular
370108	09/13/22	EARL F ANDERSEN & ASSOC	4,111.15	0	Regular
370109	09/13/22	Eileen Wohlenhaus	110.00	0	Regular
370110	09/13/22	Elizabeth Rossi	170.50	0	Regular
370111	09/13/22	ERIC WANDERSEE	118.25	0	Regular
370112	09/13/22	FARMERS FEED AND PET SUPPLY	76.99	0	Regular
370113	09/13/22	FIRST SUPPLY OWATONNA	789.92	0	Regular
370114	09/13/22	FOUR SEASONS ELECTRIC	705.00	0	Regular
370115	09/13/22	Frances Kubista	22.00	0	Regular
370116	09/13/22	Frances Pederson	110.00	0	Regular
370117	09/13/22	Garrick Comeaux	110.00	0	Regular
370118	09/13/22	Gary Hedstrom	187.00	0	Regular
370119	09/13/22	Gary Mohr	184.25	0	Regular
370120	09/13/22	Glenda Granowski	249.00	0	Regular
370121	09/13/22	GRAINGER	334.18	0	Regular
370122	09/13/22	Gwen Lysne	104.50	0	Regular
370123	09/13/22	HELEN M NAGEL INC	420.00	0	Regular
370124	09/13/22	Hildegard Kehler	243.00	0	Regular
370125	09/13/22	HILLYARD/HUTCHINSON	75.48	0	Regular
370126	09/13/22	HOOPLA BY MIDWEST TAPE LLC	1,177.64	0	Regular
370127	09/13/22	HORIZON COMMERCIAL POOL SUPPLY	135.33	0	Regular
370128	09/13/22	HUBER SUPPLY CO INC	1,457.37	0	Regular
370129	09/13/22	IFACS	219.78	0	Regular
370130	09/13/22	INNOVATIVE OFFICE SOLUTIONS	274.25	0	Regular
370131	09/13/22	INSTY PRINTS	229.00	0	Regular
370132	09/13/22	James Taylor	110.00	0	Regular
370133	09/13/22	Jane Parr	107.25	0	Regular
370134	09/13/22	Janet Erickson	110.00	0	Regular
370135	09/13/22	Jean Westberg	184.25	0	Regular
370136	09/13/22	John Thompson	22.00	0	Regular
370137	09/13/22	JOAN SALMONSEN	22.00	0	Regular
370138	09/13/22	Judith Erck	231.00	0	Regular
370139	09/13/22	Judith Tiede	110.00	0	Regular
370140	09/13/22	Juliana Skluzacek	170.50	0	Regular
370141	09/13/22	Karen Kanne	22.00	0	Regular

Check Number	Check Date	Vendor Name	Net Check Amount	Check Status	Check Type
370142	09/13/22	Kate Sisler	96.25	0	Regular
370143	09/13/22	Kathleen Born	187.00	0	Regular
370144	09/13/22	Kathleen Schumacher	107.25	0	Regular
370145	09/13/22	Kay Oberle	153.00	0	Regular
370146	09/13/22	Kelli Halliquist	195.25	0	Regular
370147	09/13/22	Ken Torrey	22.00	0	Regular
370148	09/13/22	Kent Rossi	107.25	0	Regular
370149	09/13/22	KECK'S REPAIR	103.88	0	Regular
370150	09/13/22	Kimberly Schaufenbuel	99.00	0	Regular
370151	09/13/22	Kirk Griebel	101.75	0	Regular
370152	09/13/22	Kirk Oswald	101.75	0	Regular
370153	09/13/22	Kylee Kruger	140.00	0	Regular
370154	09/13/22	LaDonna Flowers	110.00	0	Regular
370155	09/13/22	Laura Jensen	107.25	0	Regular
370156	09/13/22	LANGER AVIATION INC	1,485.00	0	Regular
370157	09/13/22	LeAnne Masche	231.00	0	Regular
370158	09/13/22	LEAGUE OF MN CITIES INS TRUST	130,228.00	0	Regular
370159	09/13/22	Liann Larson	99.00	0	Regular
370160	09/13/22	Lilly Christianson	121.00	0	Regular
370161	09/13/22	Linda Boorman	315.00	0	Regular
370162	09/13/22	Linda Gerardy	107.25	0	Regular
370163	09/13/22	Linda Hoffman	107.25	0	Regular
370164	09/13/22	Linn Bruns	104.50	0	Regular
370165	09/13/22	Lisa Queen	225.50	0	Regular
370166	09/13/22	M-R SIGN CO INC	178.07	0	Regular
370167	09/13/22	Marcia Dahle	33.00	0	Regular
370168	09/13/22	Marie Larson	110.00	0	Regular
370169	09/13/22	Marilee Pfarr	233.75	0	Regular
370170	09/13/22	Mark Erickson	22.00	0	Regular
370171	09/13/22	Mark Johnston	176.00	0	Regular
370172	09/13/22	Mark Lysne	99.00	0	Regular
370173	09/13/22	Marlys Olson	22.00	0	Regular
370174	09/13/22	Mary Groff	22.00	0	Regular
370175	09/13/22	Mary Wirt	22.00	0	Regular
370176	09/13/22	MACQUEEN EQUIPMENT CO	718.00	0	Regular
370177	09/13/22	MARCO TECHNOLOGIES LLC	115.85	0	Regular
370178	09/13/22	MATTHEW KERN	7,558.80	0	Regular
370179	09/13/22	Melissa Spindler	321.00	0	Regular
370180	09/13/22	Metelynn Mohr	110.00	0	Regular
370181	09/13/22	METRO SALES INC	364.38	0	Regular
370182	09/13/22	Mike Stormo	187.00	0	Regular
370183	09/13/22	MICHAEL BEACH COACHING & CONSU	1,300.00	0	Regular
370184	09/13/22	MID-AMERICAN RESEARCH CHEMICAL	612.98	0	Regular
370185	09/13/22	MN VALLEY TESTING LABS INC	533.76	0	Regular
370186	09/13/22	MOBOTREX INC	8,610.84	0	Regular

Check Number	Check Date	Vendor Name	Net Check Amount	Check Status	Check Type
370187	09/13/22	MTI DISTRIBUTING INC	852.79	0	Regular
370188	09/13/22	Nancy Fichten-Rucks	110.00	0	Regular
370189	09/13/22	Nancy Voigt	200.75	0	Regular
370190	09/13/22	Naomi Jirele	110.00	0	Regular
370191	09/13/22	Naomi Uber	594.25	0	Regular
370192	09/13/22	Natalie Plumley	192.50	0	Regular
370193	09/13/22	Nathan Maas	22.00	0	Regular
370194	09/13/22	NAPA AUTO PARTS	520.84	0	Regular
370195	09/13/22	NORTHLAND FARM SYSTEMS	144.00	0	Regular
370196	09/13/22	OPENGOV INC	91,889.00	R	ACH
370197	09/13/22	OWATONNA HEATING & COOLING INC	4,498.00	0	Regular
370198	09/13/22	OWATONNA MOTOR COMPANY	4,959.96	0	Regular
370199	09/13/22	P&R CONSTRUCTION LLC	3,560.00	0	Regular
370200	09/13/22	PAAPE COMPANIES INC	283.20	0	Regular
370201	09/13/22	Peter Kehler	222.00	0	Regular
370202	09/13/22	Philina Pierce	93.50	0	Regular
370203	09/13/22	PLUNKETT'S PEST CONTROL INC	67.00	0	Regular
370204	09/13/22	R & K ELECTRIC	159.32	0	Regular
370205	09/13/22	Randy Byam	143.00	0	Regular
370206	09/13/22	RCM SPECIALTIES	4,607.59	0	Regular
370207	09/13/22	RENT N SAVE	470.25	0	Regular
370208	09/13/22	Rich Strom	107.25	0	Regular
370209	09/13/22	Rochelle Chicos	134.75	0	Regular
370210	09/13/22	RON'S REPAIR SERVICE	761.93	0	Regular
370211	09/13/22	Sandra Hardy-Hagen	104.50	0	Regular
370212	09/13/22	Sandra McConn Hall	168.13	0	Regular
370213	09/13/22	Sandra Ost	118.25	0	Regular
370214	09/13/22	SCHILLING SUPPLY CO	505.59	0	Regular
370215	09/13/22	SCOTT MCDONALD GOLF SHOP LLC	4,634.46	0	Regular
370216	09/13/22	Sharon Clemens	181.50	0	Regular
370217	09/13/22	Sharon Gaulrapp	22.00	0	Regular
370218	09/13/22	Sharon Klein	234.00	0	Regular
370219	09/13/22	Shay Rohde	101.75	0	Regular
370220	09/13/22	Sheryl Keith	184.25	0	Regular
370221	09/13/22	Shirley Dawn Axmark	104.50	0	Regular
370222	09/13/22	SHERWIN WILLIAMS COMPANY	20.40	0	Regular
370223	09/13/22	SHI CORP	50.00	0	Regular
370224	09/13/22	SPLIT ROCK MANAGEMENT INC	2,106.30	0	Regular
370225	09/13/22	SPS COMPANIES INC	168.82	0	Regular
370226	09/13/22	Steve Kaffine	99.00	0	Regular
370227	09/13/22	ST CROIX RECREATION CO	5,821.44	0	Regular
370228	09/13/22	STAR TRIBUNE	53.85	0	Regular
370229	09/13/22	STEELE COUNTY TREASURER	11,598.50	0	Regular
370230	09/13/22	STEWART DENISE	316.82	0	Regular
370231	09/13/22	STREICHER'S INC	36.00	0	Regular

Check Number	Check Date	Vendor Name	Net Check Amount	Check Status	Check Type
370232	09/13/22	Sue Calcamuggio	195.25	0	Regular
370233	09/13/22	Susan Strom	110.00	0	Regular
370234	09/13/22	SUMMIT COMPANIES	598.00	0	Regular
370235	09/13/22	SYNCHRONY BANK - LOWE'S	1,005.68	R	ACH
370236	09/13/22	Teresa Sanders	123.75	0	Regular
370237	09/13/22	TENNIS WEST	1,495.00	0	Regular
370238	09/13/22	TEREX ROOFING & SHEETMETAL LLC	48,424.00	0	Regular
370239	09/13/22	TGK AUTOMOTIVE OF OWATONNA LLC	740.09	0	Regular
370240	09/13/22	Therese Murphy	22.00	0	Regular
370241	09/13/22	Thora Staver	22.00	0	Regular
370242	09/13/22	THOMAS R BONACCI	184.25	0	Regular
370243	09/13/22	THORNHILL LARRY	312.00	0	Regular
370244	09/13/22	Tim Schmidt	187.00	0	Regular
370245	09/13/22	TURFWERKS	239.77	0	Regular
370246	09/13/22	UNITED WAY	114.00	0	Regular
370247	09/13/22	US BANK	550.00	0	Regular
370248	09/13/22	UTILITY CONSULTANTS INC	1,634.23	0	Regular
370249	09/13/22	VENTURE HYDRAULICS INC	20.76	0	Regular
370250	09/13/22	VERIZON WIRELESS	323.00	0	Regular
370251	09/13/22	WALBRAN & FURNESS CHARTERED	9,150.25	0	Regular
370252	09/13/22	Wendell Engelstad	154.00	0	Regular
370253	09/13/22	WELKER CUSTOM HOMES INC	2,000.00	0	Regular
370254	09/13/22	WHKS	4,344.91	0	Regular
370255	09/13/22	WILLIE'S PAINTING LLC	2,400.00	0	Regular
370256	09/13/22	WSB & ASSOCIATES INC	11,284.50	0	Regular
370257	09/13/22	MATTHEW R HOKANSON	3,125.46	0	Regular
370258	08/20/22	GLOBAL PAYMENTS INTEGRATED	4,252.30	R	Wire Transfer
370259	08/20/22	MERCHANT SERVICES	2,309.01	R	Wire Transfer
370260	08/20/22	MN DEPT OF LABOR AND INDUSTRY	5,364.01	R	Wire Transfer
370261	08/20/22	MN DEPT OF REVENUE	10,562.25	R	Wire Transfer
370262	08/20/22	SOUTHEAST SERVICE COOPERATIVE	119,437.20	R	Wire Transfer
370263	08/20/22	US BANK	16,892.76	R	Wire Transfer
370264	08/20/22	WEX BANK	1,088.01	R	Wire Transfer

203	Checks total:	430,752.02
2	ACH total:	92,894.68
0	EFTPS total:	
7	Wire transfer total:	159,905.54
0	Payment Manager total:	
212	GRAND TOTALS	683,552.24



Ordinances



Public Works Department

DATE: September 20, 2022
TO: Mayor and City Council
FROM: Kyle Skov, Director
SUBJECT: Proposed Ordinance 22-11: Stormwater Ordinance Updates

Purpose:

Council approval of the second/reading of proposed updates to Chapter 52 of the City of Owatonna Code of Ordinances related to the City of Owatonna Municipal Separate Storm Sewer System (MS4) permit, updating stormwater utility rates and small modification to Chapter 90 regarding cleanup of pet waste on City owned property.

Background:

To comply with the permit requirements of the City of Owatonna MS4 permit, issued on October 7, 2021, the City has 1 year to adopt changes to ordinances related to the permit. Chapter 52 is the Stormwater Ordinance. A summary of the proposed changes is attached along with an ordinance showing the proposed changes. The current ERU is \$4.52 and the proposed ERU is \$4.66 which is a 3% increase effective January 1, 2023.

Council approved the first reading of this proposed ordinance during their last meeting on September 6, 2022 and there have been no changes since. .

Budget Impact:

The annual budget for the stormwater utility will be increased.

Staff Recommendation:

Staff recommends approval of this proposed ordinance and the Summary Publication.

Attachments:

1. Summary of Stormwater Ordinance Modifications - 2022
2. Chapter 52 - Storm Water
3. Chapter 90 - Animals

Summary of Ordinance Modifications 2020 - 2025 MS4 Permit

Updates - Pet Waste, Chloride, Construction (2023) and Post Construction WQV

Pet Waste

1. Chapter 90 – Animals

- 90.11 Removal of Animal Debris
 - i. Revise to include all public property

Suggested Language:

The owner or agent of any animal ~~in a public park~~ in or on public property shall remove animal feces left by the animal and deposit the same in a trash receptacle or otherwise remove the same from the premises.

- Chapter 90.62 Feedings of Wild Animals Prohibited

No change required. Will cover requirements for fecal coliform. Addresses issues at Morehouse Park and should be included in SWPPP documents to address this TMDL.

Chloride, Stormwater Utility Fee, Construction Site Run-off, & Post Construction Controls

2. Chapter 52 – Storm Water

- 52.04 ERU Update (3% increase from 2022)
- 52.26 Definitions clean-up
 - i. Fully Reconstructed
 - ii. Land Disturbance Activity
 - iii. Underlying Soils
- 52.28 Illicit Discharge Detection and Elimination (A) Prohibit discharge and disposal
 - i. Add pet waste
 - ii. Add Commercial, Industrial, and Institutional Salt Storage

Suggested Language:

All commercial, industrial, and institutional properties storing salt shall store the salt undercover or indoors. All salt must be stored on an impervious surface. Property owners shall implement best management practices to reduce exposure when transferring material in designated salt storage areas.

- 52.29 Stormwater Management Plans (J) Post Construction Stormwater Management (3) Water Quality and Volume Control
 - i. Revise to new 1" WQV
 - ii. Minimum impervious area draining to BMPs
 - iii. Cumulative impervious to run with land

Suggested Language:

All construction activity where the sum of the new impervious surface and the fully reconstructed impervious surface equals one or more acres shall provide post construction stormwater treatment and rate control.

For non-linear projects, the water quality volume to be treated must be calculated as one (1) inch times the sum of the new and the fully reconstructed impervious surface.

For linear projects, the water quality volume to be treated must be calculated as the larger of one (1) inch times the new impervious surface or one-half (0.5) inch times the sum of the new and the fully reconstructed impervious surfaces.

The minimum impervious area draining to BMPs providing required water quality volume shall be equal to the sum of new and fully reconstructed surfaces or to the maximum extent practicable as determined by the City Engineer.

Projects adding new impervious surfaces and/or fully reconstructed surfaces will be considered in cumulative over the life of the property. Land disturbance activity applicable to this requirement will be determined with respect to all development or redevelopment that has occurred from the time of ordinance adoption.

iv. Mitigation Provisions updates

Suggested Language:

Mitigation provisions for linear projects. If the owner believes that the entire water quality volume requirements cannot be met on the site of the original construction activity, the owner must provide adequate documentation to the city as support including attempts to acquire additional right of way or other permission to provide treatment for the full water quality volume. The owner must provide treatment for the water quality volume to the maximum extent practicable. No further off-site mitigation is required.

- 52.31 Erosion and Sediment Control (G)(2) As-Built Drawings

Suggested Language:

Single-family residential construction may be required to submit as-built drawings.

[Print](#)

Owatonna, MN Code of Ordinances

CHAPTER 52: STORM WATER

Section

Storm Water Utility

- 52.01 General operation
- 52.02 Definitions
- 52.03 Storm water utility factors
- 52.04 Non-residential example
- 52.05 Fee adjustments
- 52.06 Exemptions
- 52.07 Payment of fee
- 52.08 Appeal of fee
- 52.09 Late payment; penalty
- 52.10 Certification of past due fees on taxes
- 52.11 Effective date

Storm Water Management

- 52.25 General Provisions
- 52.26 Definitions
- 52.27 Scope and effect
- 52.28 Illicit discharge detection and elimination
- 52.29 Stormwater management plans
- 52.30 Stormwater management plan review procedure
- 52.31 Erosion and sediment control
- 52.32 Long-term maintenance for stormwater management facilities
- 52.33 Violations and enforcement

- 52.99 Penalty

Cross-reference:

Fee Schedule, see Ch. 35, App. A

Industrial Wastewater Pretreatment, see Ch. 51

Sewers; Domestic and Industrial Wastewater, see Ch. 50

Utility Installers and Contractors; Public Works, see Ch. 117

STORM WATER UTILITY

§ 52.01 GENERAL OPERATION.

The city storm water system shall be operated as a public utility (hereinafter, called the “Storm Water Utility”), pursuant to Minn. Stat. § 444.075, as it may be amended from time to time, from which revenues will be derived subject to the provisions of this subchapter and state statutes.

(1992 Code, § 280:00) (Ord. 1187, passed 7-7-1998)

§ 52.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EQUIVALENT RESIDENTIAL UNIT (ERU). ERU are based on the effect of a typical single family residential home’s impervious area footprint. The ERU is based on one-third acre.

MONTHLY STORM WATER UTILITY REVENUE. The estimated monthly expenditures for planning and inventories, capital expenditures, personnel and equipment and operation of the storm water utility, in accordance with established city policy.

STORM WATER UTILITY FEE. The annual charge developed for each parcel of land.

UTILITY FACTOR. The ratio of run-off volume, in inches, for a particular land use, to the run-off volume, in inches, for an average single-family residence, assuming a two-inch rainfall and Natural Resources Conservation Services (NRCS) “Type B” soil conditions.

(1992 Code, § 280:05) (Ord. 1187, passed 7-7-1998; Ord. 1527, passed 8-18-2015)

§ 52.03 STORM WATER UTILITY FACTORS.

(A) The storm water management fee shall be determined by first determining the percentage of total run-off in the city which is attributed to single-family residential

property. The fee per acre for single-family residential is computed by computing the product of the run-off percentage and the monthly storm water utility revenue, divided by the estimated total acres of single-family residential land use in the city. The per acre fee for all other individual parcels shall be defined as the product of the single-family residential per-acre fee, the appropriate utility factor and the total acreage of the parcel. Single-family residential parcels shall be assessed on a per household basis. All multi-family residential, townhome, and mobile home classifications with individual meters shall be billed at 80% of the current ERU. All multi-family residential, townhome, and mobile home classifications without individual meters shall be billed based on the above equation, derived from the table below.

Classification	Land Use	Intensity Factor	% Impervious Assumed
	Single family residential	1	
2	Townhomes	0.8	
3	Multi-family residential	1.5	
4	Low-density commercial	2.0	60%
5	High-density commercial	2.8	85%
6	Low-density industrial	2.1	63%
7	High-density industrial	2.4	72%
8	Mobile homes	1.5	45%
9	Churches/institutions/schools	2.4	72%

(B) The city will regularly review classifications of parcels and make adjustments to individual parcel classifications as necessary.

(1992 Code, § 280:10) (Ord. 1187, passed 7-7-1998; Ord. 1527, passed 8-18-2015; Ord. 1534, passed 12-15-2015)

§ 52.04 NON-RESIDENTIAL EXAMPLE.

(A) *Example.*

Fee = 1 Acre X monthly fee intensity factor

0.33 acre *

* Residential lot assumed acreage

(B) *Fees.* The ERU shall be established as follows:

2023 - \$4.66

2016	\$2.92
2017	\$3.40

2018	\$3.88
2019	\$4.35

(C) Rates shall be effective January 1 of the given year.

(Ord. 1527, passed 8-18-2015)

§ 52.05 FEE ADJUSTMENTS.

(A) The Council may adopt policies, by resolution, for adjustment of the storm water management fees. Information to justify a fee adjustment must be supplied by the property owner. Such adjustments of fees shall not be retroactive.

(B) Properties of five acres or greater will be eligible for fee adjustments. The owner must request in writing to the City Engineer for the fee adjustment. In no case will the property pay more than the assumed rate assigned to the rate class. The existing impervious will be compared to the assumed impervious percentage and fees will be adjusted to the appropriate percentage.

(1992 Code, § 280:15) (Ord. 1187, passed 7-7-1998; Ord. 1527, passed 8-18-2015)

§ 52.06 EXEMPTIONS.

The following land uses are exempt from the storm water management fee:

- (A) Public road right-of-way;
- (B) Lakes, streams and other bodies of water;
- (C) Wetlands of the city;
- (D) Agricultural land;
- (E) Undeveloped property;
- (F) Platted, un-developed residential lots;
- (G) Cemeteries;
- (H) Golf courses; and
- (I) Railroads.

(1992 Code, § 280:20) (Ord. 1187, passed 7-7-1998; Ord. 1527, passed 8-18-2015)

§ 52.07 PAYMENT OF FEE.

(A) Storm water utility fees shall be billed with water and sanitary sewer bills.

(B) The fee shall be due and payable with the same terms as sanitary sewer utility bills.

(C) Any prepayment or overpayment of charges shall be retained by the city and applied against subsequent fees.

(1992 Code, § 280:25) (Ord. 1187, passed 7-7-1998)

§ 52.08 APPEAL OF FEE.

If a property owner or person responsible for paying the storm water management fee believes that a particular assigned fee is incorrect, such person may request that the fee be recomputed.

(1992 Code, § 280:30) (Ord. 1187, passed 7-7-1998)

§ 52.09 LATE PAYMENT; PENALTY.

Each billing for storm water utility fees not paid when due shall incur a penalty charge of 5% of the amount past due for unpaid fees up to \$500 and 2% of such fees over \$500.

(1992 Code, § 280:35) (Ord. 1187, passed 7-7-1998)

§ 52.10 CERTIFICATION OF PAST DUE FEES ON TAXES.

(A) If three consecutive storm water utility fees have not been paid when due, then a penalty as set forth in § 52.08 of this chapter shall be added to the amount due.

(B) Any such past due fees may then be certified to the County Auditor for collection with real estate taxed on the following year pursuant to Minn. Stat. § 444.075, Subd. 3, as it may be amended from time to time.

(C) In addition, the city shall also have the right to bring a civil action or to take other legal remedies to collect unpaid fees.

(1992 Code, § 280:40) (Ord. 1187, passed 7-7-1998)

§ 52.11 EFFECTIVE DATE.

This subchapter shall be in full force and effect from January 1, 2016 and after its passage and publication.

(Ord. 1187, passed 7-7-1998; Ord. 1527, passed 8-18-2015)

STORM WATER MANAGEMENT

§ 52.25 GENERAL PROVISIONS.

(A) *Purpose.* The purpose of this subchapter is to establish standards and requirements for stormwater conveyance, treatment and discharge within the city; erosion and sediment control measures to be taken during the development of and alterations to lands within the city; and regulation of non-stormwater discharges to the city municipal separate storm sewer system (herein referred to as “MS4”). The purpose of this subchapter is to protect public health, safety and general welfare, property and the environment, and administer and implement stormwater best management practices (BMPs) as required by Federal (United States Environmental Protection Agency) and state (Minnesota Pollution Control Agency) laws and regulations.

(B) The objectives of this subchapters are:

(1) To maintain compliance with the city's stormwater pollution prevention program (SWPPP).

(2) To regulate the contribution of pollutants and prohibit illicit connections and discharges to the city's MS4.

(3) To regulate land disturbing activity, installation, operations, maintenance and replacement of the stormwater system, and protect and prevent the discharge of sediment into public and/or private lands, public infrastructure, wetlands and waters of the state.

(4) To establish legal authority to carry out all inspections, monitoring and enforcement procedures necessary to comply with this subchapter.

(5) To establish requirements for management of site specific stormwater discharge rates, volumes, and water quality.

(Ord. 1519, passed 3-3-2015)

§ 52.26 DEFINITIONS.

Unless specifically defined below, the words or phrases used in this subchapter shall have the same meaning as they have in common usage. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words “shall” and “must” are always mandatory and not merely directive.

APPLICANT. Any person or entity that applies for a building permit, subdivision approval, or a permit to allow land disturbing activities. Applicant also means that person's agents, employees, and others acting under this person's direction.

BEST MANAGEMENT PRACTICES (BMPs). Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including avoidance of impacts, prohibitions of practices, general housekeeping practices, pollution prevention and educational practices, operation and maintenance procedures, and other applicable management practices.

CONSTRUCTION ACTIVITY. A disturbance to the land resulting in a change in the

topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography.

COMMON PLAN OF DEVELOPMENT OR SALE. A contiguous area where multiple separate and distinct land disturbing activities may take place at different times, on different schedules, but under one proposed plan of development. One plan is broadly defined to include design, permit application, advertisement, or physical demarcation indicating that land disturbing activity may occur.

DEVELOPER. A person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.

DISCHARGE. Any release, conveyance, channeling runoff, or drainage of stormwater including snow melt, from a construction site.

EROSION AND SEDIMENT CONTROL. The best management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by either the state, county, city or local watershed group, whichever is more stringent.

FINAL SITE SURVEY. Site survey includes final topographic contours with sufficient survey shots to adequately show constructed drainage patterns, spot elevations of all structures, elevations of lot corners, and all specific survey points for structural stormwater BMPs and entire stormwater system.

FINAL STABILIZATION. All soil disturbing activities at the site have been completed, and all soils are stabilized by intended uniform perennial vegetative cover with a density of 70% over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions as well as the following conditions:

- (a) All drainage ditches, constructed to drain water from the site after construction is complete, have been stabilized.
- (b) All temporary erosion prevention and sediment control BMP's have been removed from the site.
- (c) All existing and/or new conveyances and permanent stormwater treatment systems, affected by construction activity, restored to original design, capacity, and function.

FULLY RECONSTRUCTED. Any areas where impervious surfaces have been removed down to the underlying soils. Activities such as structure renovation, mill and overlay projects, and other pavement rehabilitation projects that do not expose the underlying soils beneath the structure, pavement, or activity are not considered fully reconstructed. Maintenance activities such as catch basin repair/replacement, utility repair/replacement, pipe repair/replacement, lighting, and pedestrian ramp improvements are not considered fully reconstructed.

GRADING/ EROSION AND SEDIMENT CONTROL PERMIT. A permit issued by the city for the control of drainage, erosion, sedimentation, and other pollutants during land disturbing activities.

GREEN INFRASTRUCTURE. A wide array of practices at multiple scales that manage wet weather and maintains or restores natural hydrology through infiltration, evapotranspiration, or harvesting and using stormwater. On a regional scale, green infrastructure is the preservation or restoration of natural landscape features, such as forests, floodplains and wetlands, coupled with policies such as infill and redevelopment that reduce the overall imperviousness in a watershed. On a local scale, green

infrastructure consists of the site and neighborhood specific practices such as bioretention, trees, green roofs, permeable pavement, and cisterns.

HAZARDOUS MATERIAL. Any material, substance, waste or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause and/or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed, or otherwise managed.

ILLICIT CONNECTIONS. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including, but not limited to, any conveyance which allows any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection has been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE. Any discharge to a municipal separate storm sewer system that is not composed entirely of stormwater except discharges pursuant to a NPDES permit and discharges exempt as outlined in § 52.28.

IMPERVIOUS SURFACE. A constructed hard surface that either prevents or limits 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. Including but not limited to gravel, asphalt, concrete, brick, stone, and rooftops.

LAND DISTURBANCE ACTIVITY. Any activity that results in a change or alteration of the existing ground cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, redevelopment, demolition, excavating, grading, clearing, filling, stockpiling, hauling, construction, reconstruction, and borrow pits. ~~Routine vegetation management, and mill and overlay/resurfacing activities that do not alter the soil material beneath the pavement base, are not considered land disturbance.~~

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4). A conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains:

(a) Owned and operated by the city, town, county, district, association, or other public body, created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district, or drainage district or similar entity, or an Indian tribe or an authorized Indian tribe organization, or a designated and approved management agency under Section 208 of the Federal Clean Water Act, United States Code, Title 33, Section 1288, that discharges into waters of the state;

(b) Designed or used for collecting or conveying stormwater;

(c) That is not combined sewer; and

(d) That is not part of a publicly owned treatment works as defined in 40 CFR § 122.2.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

STORMWATER DISCHARGE PERMIT. A permit issued by the USEPA (or by a State under authority delegated by the USEPA) that authorizes discharges to water of the United States, as defined by the Federal Clean Water Act.

NEW DEVELOPMENT. All construction activity that is not defined as redevelopment.

NON-STORMWATER DISCHARGE. Any discharge to the stormwater system that is not composed entirely of stormwater.

OWNER(S). A person, partnership, firm, association, public or quasi-public corporation, private corporation, or a combination of, with a legal, equitable interest, or leasehold in the parcel of record.

PARCEL OF RECORD. A tract, plot, lot, and/or portion of subdivision or other parcel of land, intended as a unit for the purpose, whether immediate or future, of transfer of ownership, possession, or for building development.

PERMITTEE. A person issued a grading/ erosion and sediment control permit by the city.

PREMISES. Any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking areas.

RECEIVING WATER. Any lake, river, stream, or wetland that receives stormwater discharges from an MS4.

REDEVELOPMENT. Any construction activity where, prior to the start of construction, the areas to be disturbed have 15% or more of impervious surface(s).

SEDIMENT. 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.

STORMWATER. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation.

STORMWATER MANAGEMENT PLAN. A joint grading and stormwater pollution prevention plan that is a document containing the requirements of § 52.29, that when implemented will decrease soil erosion on a parcel of land, minimize pollution, and promote effective drainage.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP). A plan developed to identify the sources of pollution that affect the quality of stormwater discharges from a site and to describe and ensure the implementation of practices to prevent or reduce pollutants in stormwater discharge.

STRUCTURE. Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots, and paved storage areas.

STRUCTURAL STORMWATER BMP'S. Stationary and permanent BMP's designed, constructed, and operated to prevent or reduce the discharge of pollutants in stormwater.

SUBDIVISION. Any tract of land divided into building lots for private, public, commercial, industrial, etc. development. Minn. Rule 6120.2500, Subpart 17 defines subdivision as land that is divided for the purpose of sale, rent, or lease, including planned unit development.

SURFACE WATER(S). All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private, except that surface waters do not include treatment basins or ponds that were constructed from upland.

UNDERLYING SOILS. Any natural in-situ or fill soils that are not a man-made gradation.

WASTEWATER. Liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions which is discharged into or permitted to enter the city's wastewater treatment system.

WATERCOURSE. Any ditch, stream, creek, or other defined channel intended for the conveyance of water, runoff, groundwater discharge, or similar hydraulic or hydrologic purpose.

WATERS OF THE STATE. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof (Minn. Stat. § 115.01, Subd. 22).

WETLANDS. As defined by the Wetland Conservation Act, as amended from time to time, and Steele County.

(Ord. 1519, passed 3-3-2015)

§ 52.27 SCOPE AND EFFECT.

(A) *Applicability.*

(1) Every applicant for a building permit or subdivision approval must submit a stormwater management plan to the Engineering Department. No building permit, subdivision approval, or permit to allow land disturbing activities shall be issued until approval of the stormwater management plan or a waiver of the approval requirement has been obtained in strict conformance with the provisions of this subchapter.

(2) This subchapter shall apply to all water entering the city's stormwater system generated on any developed and undeveloped lands unless exempted by the city.

(B) *Erosion and sediment control exemptions.* The provisions of this subchapter do not apply to:

(1) Emergency work to protect life, limb, or property.

(2) Nursery, home gardening, and other agricultural practices that are confined to private property and do not constitute an illicit discharge or connection.

(C) *Grading/ erosion and sediment control permit exemptions.* The following activities do not require a grading/ESC permit but are subject to conditions of this subchapter:

(1) Land disturbing activities which disturb less than 5,000 square feet;

(2) Federal, state, county MS4 and other projects where the city does not have regulatory authority.

(D) *Stormwater discharge exemptions.* If not causing a public safety or nuisance, or adversely affecting water and/or environmental quality, the following shall not be considered prohibited discharges.

(1) Discharges from landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space sumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitat and wetlands, water main flushing. Discharges associated with dye testing; verbal approval prior to testing is required.

(2) Discharges or flow from firefighting activities and other discharges specified by the city as necessary to protect public health and safety.

(3) The prohibition shall not apply to any non-stormwater discharges permitted under an NPDES Permit, waiver or waste discharge order issued to the discharger and administered under the

authority of the USEPA, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the stormwater system.

(Ord. 1519, passed 3-3-2015)

§ 52.28 ILLICIT DISCHARGE DETECTION AND ELIMINATION.

(A) *Prohibited discharge and disposal.* This section shall apply to both actual and potential discharges.

(1) No person shall throw, drain or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the city's MS4, any pollutants or waters containing any pollutants, other than water wholly comprised of stormwater.

(2) No person shall throw, deposit, place, leave, keep or permit to be thrown, placed, left, maintained, or kept any refuse, rubbish, garbage, **pet waste**, or any other discarded objects, articles, or accumulations in or on any street, alley, sidewalk, storm drain, inlet, catch basin, drainage structure, so that it might be or become a pollutant, except in containers, recycling bags, or other lawfully established waste disposal facilities/containers.

(3) No person shall intentionally dispose of leaves, dirt, or other landscape debris into a street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain and any other fabricated or

natural conveyance.

(4) All stormwater system users, property owners, and occupants shall provide adequate protective procedures and measures to prevent discharges of any non-stormwater discharge to the city's MS4.

(5) All commercial, industrial, and institutional properties storing salt shall store the salt undercover or indoors. All salt must be stored on an impervious surface. Property owners shall implement best management practices to reduce exposure when transferring material in designated salt storage areas.

(B) Reporting illicit discharges.

(1) Discharge of prohibited waste shall be reported to the water quality specialist by the person(s) responsible for the discharge, or by the owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the discharge.

(2) Such notification will not relieve users of liability for expense, loss or damage to the stormwater system, or any fines imposed on the city under any state or Federal law. The responsible person shall take immediate action as is reasonably possible to minimize or abate the prohibited discharge.

(3) The responsible person shall send detailed written notification describing the illicit discharge to the water quality specialist within seven days of knowledge of the discharge. The letter shall include the following information:

- (a) Time and location of the discharge;
- (b) Description of the discharge waste, including estimate of pollutant concentrations;
- (c) Time period and volume of discharge;
- (d) Actions taken to correct or control the discharge; and
- (e) A schedule of corrective measures to prevent further discharges.

(C) Prohibited connections.

(1) The construction, use, maintenance or continued existence of illicit connections to the stormwater system is prohibited.

(2) This prohibition includes, without limitations, previous illicit connections regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) It is a violation of this ordinance to connect a line conveying non-stormwater, permanent or temporary, to the city's MS4 or allow these connections to continue.

(4) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or upon approval, to the city's wastewater treatment system.

(5) Any drain or conveyance that has not been documented in record drawings, maps, or equivalent, and which may be connected to the storm system shall be located by the owner or occupant of that property within 30 days upon receipt of written notice from the city requiring that the location be disclosed. Documentation shall be provided to the city including location of drain or conveyance, identification as storm sewer,

sanitary sewer or other, and the outfall location or point of entry into the city storm sewer, sanitary sewer, or other point of discharge.

(D) Watercourse protection.

(1) Every person owning property which a watercourse passes, shall keep and maintain that part of the watercourse within the property free of trash, debris, yard waste, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse.

(2) The owner shall maintain private structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, and physical integrity of the watercourse.

(E) Stormwater inspections. The city may conduct tests as necessary to enforce this subchapter, and authorized representatives of the city may enter any property in the manner provided by law for the purpose of inspection, observation, measurement, sampling, obtaining information or conducting surveys or investigations to enforce this subchapter. At the direction of the City Engineer, additional inspections due to noncompliance will be billed to the permittee as outlined in the most current stormwater fee schedule in Chapter 35, Appendix A.

(F) Discharge sampling. The city may require installation of monitoring equipment. All sampling and monitoring equipment shall be maintained and in proper operating condition by the discharger, at their expense. All devices used to measure stormwater flow and quality shall be calibrated, as specified by equipment manufacturer, to ensure accuracy.

(G) Requirement of best management practices. Any owner responsible for the premises that are, or may be, the source of an illicit discharge, may be required at the direction of the city to implement, at the owner's expense, additional best management practices to prevent the further and/or future discharge of pollutants to the city's MS4. In addition, any person discharging to the MS4 in violation of this subchapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge.

(H) Industrial or land disturbing activity discharges. Any person subject to an industrial or construction activity NPDES stormwater permit shall comply with all provisions of such permit. Written proof of compliance may be required prior to discharge to the city's MS4.

(Ord. 1519, passed 3-3-2015)

§ 52.29 STORMWATER MANAGEMENT PLANS.

(A) Application. A written application for stormwater management plan approval, along with the proposed stormwater management plan, shall be filed with the Engineering Department when applicable and shall include a statement indicating the purpose for which the approval is requested and adequate evidence showing that the proposed use will conform to the standards set forth in this subchapter.

(B) Stormwater Management Plan Submission. ~~Two sets of clearly legible blue or black lined copies of drawings~~ Drawings, plans, and reports together with information required in this section shall be submitted electronically to the Engineering Department when applicable and shall be accompanied by all applicable fees. Paper copies shall be

submitted if requested by the Engineering Department. ~~All sites larger than one acre must also submit an electronic copy.~~ All submissions must be received and approved prior to the commencement of any land disturbing activities.

(C) *Stormwater management plan approval.* No stormwater management plan which fails to meet the standards contained in this section shall be approved.

(D) *Conditions.* A stormwater management plan may be approved subject to compliance with conditions reasonable and necessary to ensure that the requirements contained in this subchapter and requirements designated by the City Engineering Department are met.

(E) *Compliance with city management plans.* All stormwater management plans must be prepared in accordance with the city stormwater management plan (SWMP) and the city's MS4 stormwater pollution prevention plan (SWPPP), on file in the Office of the City Engineer, as revised from time.

(F) *Compliance with watershed management plans/groundwater management plans/source water protection.* Stormwater management plans shall be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with Minn. Statutes §§ 103B.231 and 103B.255 respectively, and as approved by the Minnesota Board of Water and Soil Resources and Minnesota Department of Health in accordance with state law.

(G) *Engineering design checklist and standards.* All stormwater management plans must be prepared and conducted in accordance with the Engineering Department design checklist and standards for stormwater design, on file in the Office of the City Engineer, as revised from time to time. At a minimum the following information is required to be contained in all stormwater management plans:

- (1) Proper identification of owner(s) and contractor(s);
- (2) Description of construction activity;
- (3) Existing site conditions;
- (4) Site construction plan;
- (5) Erosion and sediment control BMP's;
- (6) Drainage and grading;
- (7) Plan of final site conditions;
- (8) Post construction stormwater management;
- (9) Plan for long-term stormwater management including annual maintenance plans and recorded agreements; and
- (10) Models, methods, and calculations for site hydrology and hydraulics including discharge rates, volume, and quality.

(H) *Stormwater pollution prevention plan.* All stormwater management plans must be accompanied by a Stormwater Pollution Prevention Plan (SWPPP) and all land disturbing activities shall be conducted in accordance with the most recent Minnesota Pollution Control Agency (MPCA) General NPDES/SDS Construction Permit MN R100001 (CGP) and are subject to § 52.31.

(I) *Easements.* If a stormwater management plan involves direction of some or all

runoff, off the site, it shall be the responsibility of the owner to obtain from adjacent property owner(s) any necessary easements or other property interests concerning flowage of water.

(J) Post construction stormwater management.

(1) *Design and calculations.* Site design and calculations shall be based on the following;

(a) All plans, whenever possible, shall be designed using the better site design techniques and other pertinent information found in the most recent Minnesota Stormwater Manual, which is available from the Minnesota Pollution Control Agency (MPCA) website at <https://stormwater.pca.state.mn.us/> ~~in the office of the Engineer.~~

(b) Discharge rates derived using the standard methods of the natural resource conservation service as defined in the current Hydrology Guide for Minnesota, HydroCAD, or other hydrologic/ hydraulic models included in the Minnesota Stormwater Manual and subject to approval of the City Engineer.

(c) All calculations shall be made using National Oceanic and Atmospheric Administration Atlas 14.

(d) All calculations and methods used to determine water quality and volume treatment and/or control shall be determined by a licensed engineer and is subject to approval by the City Engineer.

(2) *Rate control.* Any land disturbing or development activity that results in one or more acres of land disturbances must meet the following;

(a) All stormwater management facilities necessary to manage increased runoff so that the two-year, ten-year, and 100-year 24 hour storm peak discharge rates existing before the proposed development shall not be increased unless otherwise approved by the City Engineer. Applicant shall also verify accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity.

(b) The applicant shall give highest preference to reducing the need for stormwater management facilities by incorporating the use of natural topography and green infrastructure.

(3) *Water quality and volume control.* For the proposed land disturbing and development activity, all permanent structural best management practices (BMPs) shall be installed in order to achieve the applicable minimum control requirements as specified by the most current version of the NPDES/SDS municipal separate storm sewer system permit. The applicant shall use any combination of BMPs, with the highest preference given to green infrastructure techniques and practices necessary to meet the following conditions in divisions (J)(3)(a) through (c) below to the maximum extent practicable (MEP);

(a) Any project where the sum of the new impervious surfaces and the fully reconstructed surfaces equals one or more acres shall provide treatment for the calculated water quality volume.

(b) For non-linear projects, water quality volume must be calculated as one (1.0) inch times the sum of the new and the fully reconstructed surfaces.

(c) For linear projects the water quality volume must be calculated as the larger of one (1.0) inch times and the new impervious surface or one-half (0.5) inch

times the sum of the new and fully reconstructed impervious surfaces.

(d) The minimum impervious area draining to BMPs providing required water quality volume shall be equal to the sum of new and fully reconstructed surfaces or to the maximum extent practicable as determined by the City Engineer.

(e) Projects adding new impervious surfaces and/or fully reconstructed surfaces will be considered in cumulative over the life of the property. Land disturbance activity applicable to this requirement will be determined with respect to all development or redevelopment that has occurred from the time of ordinance adoption

~~(f) All new development shall have no net increase from pre-project conditions on an annual basis of;~~

~~1. Stormwater discharge volume, unless precluded by limitations in division (K) of this section;~~

~~2. Stormwater discharge of total suspended solids (TSS); and~~

~~3. Stormwater discharge of total phosphorus (TP).~~

~~(g) All redevelopment projects shall have a net reduction from pre-project conditions on an annual basis of:~~

~~1. Stormwater discharge volume, unless precluded by limitations in division (K) of this section;~~

~~2. Stormwater discharge of TSS; and~~

~~3. Stormwater discharge of TP.~~

~~(h) Where the lack of right-of-way precludes the installation of volume control practices, exceptions as described in division (L) of this section can be applied.~~

(K) *Limitations and restrictions.* The use of infiltration techniques are prohibited when the infiltration structural BMP will be constructed in the following areas;

(1) Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS industrial stormwater permit.

(2) Where vehicle fueling and maintenance occurs.

(3) With less than three feet of separation distance from the bottom of the infiltration system to the elevation of seasonally saturated soils or the top of bedrock.

(4) Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.

(a) The use of infiltration techniques will be restricted, but may be permitted if higher engineering review/testing ensures the practice will perform properly, when the infiltration structural BMP will be constructed in the following areas;

1. With predominately Hydrologic Soil Group D soils.

2. Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst

features.

3. Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. Rules 4720.5100, Subp.13.

4. Where soil infiltration rates are more than 8.3 inches per hour.

~~Stormwater discharge exceptions. A lesser volume control standard on the site of the original construction activity may be applied, at the discretion of the city, under the following circumstances;~~

~~(5) The owner of the construction activity is precluded from infiltrating stormwater through a design system limitation described in division (K) of this section; and~~

~~(6) The owner of the construction activity implements to maximum extent practicable, volume reduction techniques, other than infiltration, on the site of the original construction activity that reduces stormwater discharge volume but may not meet the requirements of post-construction stormwater management.~~

(L) Mitigation provisions for linear projects. If the owner believes that the entire water quality volume requirements cannot be met on the site of the original construction activity, the owner must provide adequate documentation to the city as support including attempts to acquire additional right of way or other permission to provide treatment for the full water quality volume. The owner must provide treatment for the water quality volume to the maximum extent practicable. No further off-site mitigation is required.

(M) Mitigation provisions for non-linear projects. If the owner believes that the ~~requirements for TP and/or TSS~~ water quality volume requirements cannot be met on the site of the original construction activity, the owner must provide adequate documentation to the city as support. Stormwater discharges that do not meet the ~~TP and/or TSS standards~~ water quality volume on the site of the original construction activity must be met through mitigation. At the city's discretion, off-site mitigation may be allowed. The owner must identify locations where mitigation projects can be completed. The proposed mitigation must meet the following;

(1) Mitigation project areas must be selected in the following order of preference, in consultation and with approval by the city;

(a) Locations yielding benefits to the same receiving water that receives runoff from the original construction activity.

(b) Locations within the same Department of Natural Resource (DNR) catchment area as the original construction activity.

(c) Locations in the next adjacent DNR catchment up-stream.

(d) Locations anywhere within the city's jurisdiction.

(2) Mitigation projects must involve the creation of new structural stormwater BMP's, the retrofit of existing structural stormwater BMP's, or the use of properly designed regional structural stormwater BMP's.

(3) Routine maintenance of existing structural stormwater BMP's is required and cannot be used to meet mitigation requirements of this section.

(4) Mitigation projects must be completed within 24 months after the start of the original construction activity.

(5) If the mitigation project is a private structural BMP and the city is not responsible for long-term maintenance of the project, the city will require written and recorded documentation of responsibility for maintenance.

(6) Payment in lieu of private mitigation projects, subject to city approval, may be accepted and used for funding a public stormwater project. The payment will be used to meet the ~~TP, TSS, and~~ water quality volume requirements outlined in divisions (J) and (M) of this section.

(Ord. 1519, passed 3-3-2015)

§ 52.30 STORMWATER MANAGEMENT PLAN REVIEW PROCEDURE.

(A) *Process.*

(1) *Subdivisions.* Stormwater management plans shall be reviewed by the Engineering Department and reviewed in accordance with the standards of § 52.29. Their findings shall be forwarded to the Planning Commission prior to its approval of the final plat of the subdivision. Staff findings shall include recommendation for approval; approval with conditions or modifications; or denial based on submission of incomplete plans, failure to meet ordinance provisions, or incompatibility with overall city drainage plans. Following Planning Commission approval, the final plat with the stormwater management plan shall be submitted with any recommendations and conditions to the City Council at its next regular meeting.

(2) *Building permits.* Stormwater management plans shall be reviewed by the Engineering Department for compliance with the standards of § 52.29. City staff shall contact the applicant or its agent on the review findings and indicate approval; approval with certain conditions or modifications; or denial based on submission of incomplete plans, failure to meet ordinance provisions, or incompatibility with overall city drainage plans. Upon approval of the stormwater management plans, the applicant or its agent shall be notified of compliance. Building permits involving such non-exempted land disturbance activities shall not be issued until such notice of compliance is given. Construction of single family or two family dwellings must comply with the approved stormwater pollution prevention plan.

(3) *Land disturbing activities not requiring a building permit.* Stormwater management plans shall be reviewed by the Engineering Department for compliance with the standards of § 52.29. City staff shall contact the applicant or its agent on the review findings and indicate approval; approval with certain conditions or modifications; or denial based on submission of incomplete plans, failure to meet ordinance provisions, or incompatibility with overall city drainage plans. Upon approval by the Engineering Department of the stormwater management plan, the applicant or its agent shall be notified of compliance. Subject to any other applicable statutes, ordinances, rules and regulations, permits or other such approvals for such non-exempted land disturbing activities shall be issued.

(B) *Appeal process.* Applicants may appeal approval and denial decisions to the City Council.

(Ord. 1519, passed 3-3-2015)

§ 52.31 EROSION AND SEDIMENT CONTROL.

(A) *Land disturbing activities.* All land use activities are subject to this subchapter unless exempt as defined in § 52.26.

(B) *Erosion and sediment control standards.* All land disturbing activities and stormwater pollution prevention plans (SWPPP) must be developed and conducted in accordance with the Minnesota Pollution Control Agency (MPCA) general NPDES/SDS

construction permit MN R100001 (CGP). At a minimum the SWPPP is required to include:

- (1) Perimeter erosion control devices, including but not limited to silt fence, sediment logs, and mulch berms;
- (2) Stockpile protection for temporary and permanent piles;
- (3) Phased grading;
- (4) Temporary and permanent stabilization;
- (5) Storm drain inlet protection devices;
- (6) Appropriately protected construction site entrance(s);
- (7) Removal of all debris, sediment, and discharges from all impervious surfaces, including adjacent public or private property;
- (8) Sediment basins and flow diversions;
- (9) Treatment of dewatering activity and basin draining prior to discharge;
- (10) All pollution prevention and management measures identified in most recent CGP including spill reporting and clean-up;
- (11) Inspections and Maintenance of all erosion and sediment control BMP's;
- (12) Requirements for final stabilization; and
- (13) Any other erosion and sediment control device as deemed necessary by the Engineering Department.

(C) *Grading/ erosion and sediment control permit.* Prior to any land disturbing activity, the owner and/or operator shall be required to obtain a grading/ ESC permit.

- (1) This permit does not replace, eliminate, or satisfy the need for any other permits required by any other public or private entity.
- (2) The following are required to obtain a grading/ erosion and sediment control permit:

- (a) All new single family residential construction; and
- (b) Land disturbing activities of greater than or equal to 5,000 square feet.

(D) *Permit fees.* All applications for a grading/erosion and sediment control permit shall be accompanied by the applicable fee. The fees shall be in the amount duly established by the Council from time to time. The permit fee schedule is listed the most current fee schedule adopted by resolution.

(E) *Duration of coverage.* Following approval of Engineering Department, a grading/ ESC permit shall remain effective until one of the following occurs;

(1) *Final stabilization.* Final stabilization is achieved, a notice of termination (NOT) has been filed with the Engineering Department, all termination of coverage requirements are met and the city has issued the NOT; or

(2) *Time requirement reached.* The grading/ ESC permit becomes void if work does not begin within 180 calendar days of permit approval or is suspended at any time for over 180 calendar days. If the permit becomes void, the permit application process will begin anew.

(3) *Extensions.* Extensions may be granted upon requests received at least 15 calendar days prior to permit becoming void.

(F) *Change of coverage.* Projects requiring a grading/ ESC permit where a change of ownership for any portion of the site occurs;

(1) The original/current applicant shall provide a copy of the NOT/transfer form and fact sheet to the new applicant.

(2) The original/current applicant shall provide the SWPPP, or equivalent plan, to the new applicant that specifically addresses the remaining construction activity. If the SWPPP or equivalent plan is not relevant, or the new applicant wants to use a new plan, this must be submitted with the NOT/transfer form to the Engineering Department.

(3) The new and current applicants shall work together to submit one completed and signed NOT/transfer form to the Engineering Department, prior to assuming operational control of the site, commencing work on their portion of the site, or legal transfer/sale.

(4) It is the responsibility of the new permittee to ensure the SWPPP meets all terms and conditions of this subchapter and their activities to not render ineffective another party's erosion and sediment control BMP's.

(G) *Termination of coverage.* A permittee wishing to terminate the grading/ ESC permit must complete the requirements of final stabilization and all requirements (1) through (5) below of the parcel of record and submit a notice of termination request to the Engineering Department.

(1) Compliance with the standards set forth in this subchapter is required until the NOT is submitted and approved by the Engineering Department.

(2) As-built drawings for all stormwater structures, topography, structure elevations, and a final site conditions must be provided to the Engineering Department prior to issuance of termination, unless otherwise determined by City Engineer. As-built shall be submitted along with the certification form from the engineer of record. ~~All single family residential construction is exempt from this requirement.~~ Single family residential construction may be required to submit as-built drawings.

(3) For projects requiring an infiltration practice, the owner must provide documentation that the infiltration facility performs as designed. Accepted documentation includes:

(a) Time and date stamped photographs showing that the infiltration facility drains dry within 48 hours after a natural precipitation event approximately equivalent to the design storm.

(b) Time and date stamped photographs showing that the infiltration facility drains dry within 48 hours after the practice is filled with water from an alternative supply.

(c) Double-ring infiltrometer tests or other field tests approved by the City Engineer.

(4) All fees have been paid to the city in full.

(5) A recorded stormwater facility maintenance easement and agreement has been submitted to the Engineering Department.

(H) *Site inspections.* The city shall at all times have the right to enter and inspect a property to determine compliance with this subchapter.

(1) *Self-inspections.* The permittee or their designee must make regular inspections of all erosion and sediment control, the entire site, and receiving water bodies at least once every seven days during active construction and within 24 hours after a rainfall greater than 0.5 inches in 24 hours. Records of these inspections shall be kept for a minimum of three years and made readily available upon request made by the city.

(2) *City inspections.* The City Engineer and/or their designee shall make inspections and either approve that portion of the completed work or notify the permittee where work is non-compliant. The grading/ erosion and sediment control permit fee shall cover the cost of routine and follow-up inspections with compliant results. Additional inspections due to noncompliance will be billed to the permittee, at the direction of the City Engineer, as outlined in the most current stormwater fee schedule in Chapter 35, Appendix A.

(Ord. 1519, passed 3-3-2015)

§ 52.32 LONG-TERM MAINTENANCE FOR STORMWATER MANAGEMENT FACILITIES.

(A) *Recorded maintenance agreement.* Owners of private structural stormwater facilities shall be required to submit and comply with the city's stormwater facility maintenance agreement, a copy of which is on file in the Office of the City Engineer.

(B) *Responsibility to maintain and inspect.* A minimum annual inspection of the private facility shall be conducted and documented by the owner and/or operator. Documentation of inspections shall be kept for a minimum of five years and made readily available upon request by the city. All private stormwater facilities shall be maintained to the original approved design and treatment effectiveness.

(C) *Treatment integrity and effectiveness.* If site configurations or structural stormwater BMP's change, causing decreased effectiveness, new or improved BMP's must be implemented to meet the requirements of this subchapter as approved on the original stormwater management plan.

(D) *City inspections.* By accepting a permit under this subchapter, the owner grants to the city a public easement for right of entry and access for inspection and/or maintenance of private stormwater systems. If upon inspection, the Engineering Department finds that any private stormwater management facilities require maintenance, repair, or replacement, but such deficiencies do not create a critical or imminent threat to adjacent properties, the environment, or other stormwater facilities, the following procedures apply;

(1) The owner(s) responsible for the continued operation of the facilities shall be given written notice of the findings, what actions are required to correct the situation, and a timetable by which such activities must be completed.

(2) Such parties shall have 15 calendar days to reply to the Engineering Department indicating their response to the notice.

(3) If upon inspection it is determined by the Engineering Department the deficiencies create a critical or imminent threat to public health, public safety, adjacent properties, the environment, or other stormwater facilities, the city will require the deficiencies to be corrected within 24 hours or such other timeline specified by the City Engineer. Such notice will be served in person, by first class mail, and posting on the site of the deficiency.

(4) If the owner(s) do not complete the necessary activities stipulated by the Engineering Department or respond to the written notice, the City Council, after notice and public hearing, may order that such activities are completed by the city or its designated contractor and that all costs associated with such activities, including all administrative costs, be certified by the City Engineer to the City Council and assessed against the property. In the event the deficiency is determined to be an immediate danger, as outlined in this division (D)(3), the city will abate the danger as outlined in § 52.33(C).

(5) The amount charged shall be a lien upon the properties benefiting from and utilizing the stormwater facilities maintained, repaired or replaced and shall be added to, and become, and form part of the taxes next to be assessed and levied upon such properties, and the Council shall, by appropriate resolution, assess the costs above mentioned against said properties, and certify the same to the County Auditor of Steele County, Minnesota. The same shall be collected and enforced in the same manner as the collection of real estate taxes.

(Ord. 1519, passed 3-3-2015)

§ 52.33 VIOLATIONS AND ENFORCEMENT.

(A) *Violation enforcement.* It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this subchapter. Any person who has violated or continues to violate the provisions of this subchapter, may be subject to the enforcement actions outlined in this subchapter or may be restrained by injunction or otherwise abated in a manner provided by law.

(B) *Notification by city.* The city shall notify the owner or permittee of the failure of compliance with this subchapter. The initial contact will be by phone. Forty-eight hours after notification by the city or 72 hours after the failure of compliance, the city, at its discretion, may begin corrective work and/or take other enforcement actions outlined in this section.

(C) *Emergency action.* In the event the violation constitutes an immediate danger to public health, safety, or welfare, the city is authorized to enter the property, without prior notice, to take any and all measures necessary to abate the violation and/or restore the property, at the owner's expense. The city will pursue measures to recover all costs associated with restoration.

(D) *Right of entry and inspection.* The owner(s) shall allow the city and its authorized representatives, upon presentation of credentials to:

(1) Enter upon a permitted site or property serviced by the city's stormwater system for the purpose of inspection;

(2) Bring equipment upon the permitted site as is necessary to conduct sampling, surveys and/or investigations;

(3) Examine and copy any books, papers, records, or memoranda during such inspection;

(4) Inspect the stormwater pollution control measures; and

(5) Sample and monitor any items or activities pertaining to stormwater pollution control measures.

(E) *Stop work order.* The City Engineer may issue an order to stop all and any work related to the construction activity, potential or actual illicit discharge, and any other activity causing nuisance conditions in the event of any of the following:

(1) Violation of any provision(s) this subchapter;

(2) Noncompliance of any term(s) of an issued grading/ ESC permit;

(3) Failure to obtain a grading/ ESC permit; and

(4) The grading/ ESC permit was issued based on incorrect/ false information.

(F) *Permit suspension or revocation.* If the permittee refuses or fails to cease work after the stop work order, the city shall suspend or revoke the grading/ESC permit.

(G) *Recovery of costs.* Any person violating any of the provisions of this subchapter shall become liable to the city for any expense, loss, or damage. If payment is not made within 30 calendar days after costs are incurred by the city, then the city may assess the remaining amount against the property.

(H) *Nuisance.* A violation of this subchapter constitutes a public nuisance under this city code.

(I) *Legal remedies nonexclusive.* Nothing in this section shall be construed to limit the city's other available legal remedies for any violation of this subchapter including criminal, civil, injunctive or other remedies.

(J) *Penalties.* Any person, firm, or corporation violating any provision of this subchapter shall be guilty of a penal offense and upon conviction thereof, subject to the penalties set forth in § 10.99 of the city code for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(K) *Falsifying information.* Any person who knowingly makes false statements, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant of this subchapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this subchapter, shall upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment not more than 90 days or both.

(Ord. 1519, passed 3-3-2015)

§ 52.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person, firm or corporation violating any provision of §§ 52.25 through 52.35 of this chapter shall be guilty of a penal offense and, upon conviction thereof, subject to the penalties set forth in § 10.99 of this code of ordinances for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(1992 Code, § 317:07) (Ord. 1426, passed 3-18-2008)

CHAPTER 90: ANIMALS

Section

General Provisions

- 90.01 Definitions
- 90.02 Number of animals permitted; prohibited
- 90.03 Vaccination required
- 90.04 Tags
- 90.05 Running at large prohibited
- 90.06 Animal pens and premises kept clean
- 90.07 Obligation to prevent nuisances
- 90.08 Impounding procedures
- 90.09 Rabies notice
- 90.10 Muzzling proclamation
- 90.11 Removal of animal debris
- 90.12 Airport Terminal Building; animals prohibited
- 90.13 Exceptions

Nuisance Animals and Fowl at Large; Impounding

- 90.25 Pound authorized
- 90.26 Animals and fowl at large
- 90.27 Impounding and fees authorized
- 90.28 Animal Control Officer; duties
- 90.29 Disposition of impounded animals
- 90.30 Sale
- 90.31 Redemption of animal from purchaser
- 90.32 Breaking open or interfering with impoundment

Deer Feeding

- 90.45 Purpose
- 90.46 Findings
- 90.47 Prohibition
- 90.48 Exceptions
- 90.49 Effective date

Feeding Certain Non-Domestic Animals Prohibited

- 90.60 Findings and purpose
- 90.61 Definitions
- 90.62 Feedings of wild animals prohibited

- 90.99 Penalty

GENERAL PROVISIONS

§ 90.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any domesticated dog or cat.

CONTROL. Any animal shall be deemed to be under control when on the premises of its owner, on a leash or accompanied by its owner, if responsive to commands; provided, however, that, any animal in a public park shall only be deemed to be under **CONTROL** when such animal is attached to a leash held by the owner or the owner's agent.

HABITUAL. Steady, much done, inveterate, usual or frequently.

HOUSEHOLD. A single-family residence or single unit of a town home, condominium, apartment or mobile home.

OWN. Own, keep, harbor or maintain an animal within the city or permit such animal to be at large within the city.

OWNER. Any person owning, keeping, harboring or maintaining an animal within the city or permitting such animal to be at large within the city. An animal shall be deemed to be harbored if it is fed or sheltered for seven days or more.

RUNNING AT LARGE. Any animal not under "control", as hereinabove defined.

(1992 Code, § 1025:00)

§ 90.02 NUMBER OF ANIMALS PERMITTED; PROHIBITED.

(A) No person may own, keep, harbor or maintain at one household more than three dogs over five months of age.

(B) No person may own, keep, harbor or maintain at one household more than five cats over five months of age.

(C) No person may own, keep, harbor or maintain at one household any combination of dogs and cats over five months of age exceeding a total of five in number, no more than three of which may be dogs.

(D) It is the express intent of the City Council that the purpose of this section is to clarify the limitation on the number of animals permitted.

(1992 Code, § 1025:03) Penalty, see § 90.99

§ 90.03 VACCINATION REQUIRED.

No owner shall keep, harbor or maintain any animal over five months of age within the corporate limits of the city unless it has been vaccinated for rabies and wears a metal tag indicating the year of vaccination.

(1992 Code, § 1025:05) Penalty, see § 90.99

§ 90.04 TAGS.

(A) The shape and color of the vaccination tag shall be as prescribed in the schedule of the National Association of State Public Health Veterinarians, Inc. Every owner shall be required to provide each animal with a collar to which the tag must be affixed and shall see that the collar and tag are constantly worn by the animal. Tags shall not be transferrable from one animal to another.

(B) No person shall counterfeit or attempt to counterfeit the vaccination tags, nor take from any animal a tag legally placed upon it by its owner, with the intent to place such tag upon another animal.

(1992 Code, § 1025:20) Penalty, see § 90.99

§ 90.05 RUNNING AT LARGE PROHIBITED.

No animal shall be permitted to run at large at any time within the corporate limits of the city. No animal of fierce, dangerous or vicious propensities, and no female animal in heat shall be allowed on the premises of one other than the owner of such animal at any time, unless on a leash. If any animal is found running at large, such animal shall be taken up and impounded and shall not be released, except upon approval of the Animal Control Officer after payment of the required fee; provided, however, that, if any dangerous, fierce or vicious animal so found running at large cannot be safely taken up and impounded, such animal may be slain by any police officer.

(1992 Code, § 1025:25) Penalty, see § 90.99

§ 90.06 ANIMAL PENS AND PREMISES KEPT CLEAN.

An animal owner shall keep any animal houses or enclosure on his or her premises clean, sanitary and free from animal odors and filth which would tend to become or constitute a nuisance to one or more property owners situated nearby.

(1992 Code, § 1025:30) Penalty, see § 90.99

§ 90.07 OBLIGATION TO PREVENT NUISANCES.

It shall be the obligation and responsibility of the owner or custodian of any animal in the city, whether permanently or temporarily therein, to prevent such animal from committing any act which constitutes a nuisance. For purposes hereof, the Council finds, declares and determines that it shall be deemed a nuisance for any animal to habitually or frequently bark, bay, howl or cry to the detriment of the peace and quietude of neighbors of its owner or custodian or the public in general, to frequent school grounds, parks or public beaches, to chase vehicles, to molest or annoy any person if such person is not on the property of the owner or custodian of such animal or to molest, defile or destroy any property, public or private. Failure

on the part of the owner or custodian to prevent his or her animals from committing an act of nuisance shall be subject to the penalty hereinafter provided.

(1992 Code, § 1025:35)

§ 90.08 IMPOUNDING PROCEDURES.

(A) *Establishment of pound and designation of Animal Control Officer.* The Council shall establish a pound and a qualified Animal Control Officer shall be hired by the Council who shall attend to the maintenance of said pound and be responsible for the enforcement of this subchapter. The Animal Control Officer shall be responsible to the Chief of Police.

(1992 Code, § 1025:40)

(B) *Interference with officers.* No unauthorized person shall break open the pound nor attempt to do so, nor take or let out nor attempt to take or let out any animals therefrom, nor take or attempt to take from any Animal Control Officer or police officer any animal taken up by said Animal Control Officer or police officer in compliance with this subchapter, nor in any manner interfere with or hinder such Animal Control Officer or police officer in the discharge of duties.

(1992 Code, § 1025:45)

(C) *Impounding.*

(1) Animals found running at large shall be impounded as soon as possible by the Animal Control Officer or by his or her assistant, if any, or by a police officer, if the Animal Control Officer or his or her assistant is not available, or by any person on whose premises the animal may be at large. If, after exercising reasonable efforts, the Animal Control Officer or his or her assistant or a police officer is unable to capture an animal which is not wearing a vaccination tag, or is unable to capture a vicious animal whether or not the vicious animal wears a tag, then any police officer shall have the right to shoot such animal within the corporate limits of the city, having due regard for the safety of persons and property which might otherwise be injured by gunfire. The Animal Control Officer, upon receiving any animal, shall make a complete registry entering the breed, color and sex of such animal, and the name and address of the owner if known.

(2) Any person, not the Animal Control Officer or a police officer of the city, impounding or seizing any animal so found running at large upon the premises of another shall, within six hours thereafter notify the Animal Control Officer of said impounding, whose duty it shall be to call for such animal and impound it in the official pound. Any person, not an officer of the city, seizing or picking up any animal running at large on his or her premises or the premises occupied by him or her shall not keep the animal any longer than six hours without notifying the Animal Control Officer or surrendering it to the owner. If the name of the owner of such animal so seized or impounded is known to the person who first takes such animal into custody, he or she shall inform the Animal Control Officer of the name of the owner and the address, if known. The authority given to any person, not the Animal Control Officer or a police officer, to impound or seize any animal so found running at large upon the premises of another, is discretionary, and in the execution thereof, said persons shall not be deemed to be the agent or employee of the city, nor shall the city be held responsible or liable for the consequences of any person so acting.

(1992 Code, § 1025:50)

(D) *Notice to owners and redemption.*

(1) After the impounding of any animal, the owner shall be notified, if the ownership is known by the Animal Control Officer. The owner of any animal so impounded may reclaim such animal upon payment of the impound fee and of all costs and charges incurred by the city for impounding and maintenance of said animal. All veterinarian expenses incurred for such animal under this subchapter shall be paid by said owner at such time, including a charge to reimburse a veterinarian for rabies inoculation if evidence of inoculation is not available.

(2) The Council shall establish a schedule of kennel license fees, impound fees and daily board charges, and from time to time review and amend said schedule. All charges and fees collected shall be remitted by whomever collected to the Clerk-Treasurer and accurate records shall be kept thereof.

(1992 Code, § 1025:55)

(E) *Disposition of unclaimed and diseased animals.* It shall be the duty of the Animal Control Officer to keep all animals so impounded for a period of not to exceed five days. Any animal which is not duly claimed within five days after impounding may be sold to anyone desiring to purchase the animal. Any animal which is not claimed by the owner or sold shall be painlessly killed by the Animal Control Officer.

(1992 Code, § 1025:60)

(F) *Proceedings for destruction of certain animals.*

(1) (a) Upon sworn complaint to a court of proper jurisdiction that any one of the following facts exist, the presiding officer of said court shall issue a summons directed to the owner of said animal, commanding him or her to appear before said court to show cause why said animal should not be seized by the Animal Control Officer or any police officer and disposed of in the manner authorized in this subchapter:

1. Any animal at any time has destroyed property or habitually trespasses in a damaging manner on the property of persons other than the owner;

2. Any animal at any time has attacked or bitten a person outside the owner's or custodian's premises;
3. Any animal is vicious or shows vicious habits or molests pedestrians or interferes with vehicles on the public streets or highways;
4. Any animal is a public nuisance as heretofore defined; or
5. Any animal is running at large in violation of this chapter.

(b) Such summons shall be returnable not less than two, nor more than six, days from the date thereof and shall be served at least two days before the time of appearance mentioned therein. Upon such hearing and finding the facts true as complained of, the court may either order the animal killed or order the owner or custodian to remove it from the city, or may order the owner or custodian to keep it confined to a designated place. If the owner or custodian violates such order, the Animal Control Officer or any police officer may impound any animal described in such order. The provisions of this section are in addition to and supplemental to other provisions of this chapter.

(c) Costs of the proceedings specified by this section shall be assessed against the owner or custodian of the animal, if the facts in the complaint are found to be true.

(2) Whenever an officer has reasonable cause to believe that a particular animal presents a clear and immediate danger to residents of the city because it is infected with rabies or because of a clearly demonstrated vicious nature, the officer, after making reasonable attempts to impound such animal, may summarily destroy said animal.

(1992 Code, § 1025:65)

Penalty, see § 90.99

§ 90.09 RABIES NOTICE.

(A) If an animal is believed to have rabies or has been bitten by an animal suspected of having rabies, the owner shall notify the Animal Control Officer of the fact that his or her animal has been exposed to rabies and, at his or her discretion, the Animal Control Officer is empowered to have such animal removed from the owner's premises to a veterinary hospital and placed under observation at an appropriate location for a period of two weeks at the expense of the owner.

(B) It shall be unlawful for any person knowing or suspecting that an animal has rabies to allow such animal to be taken off his or her premises or beyond the corporate limits of the city without the written permission of the Animal Control Officer. Every owner or other person, upon ascertaining an animal is rabid, shall immediately notify the Animal Control Officer or a police officer who shall either remove the animal to the pound or summarily destroy it.

(1992 Code, § 1025:70) Penalty, see § 90.99

§ 90.10 MUZZLING PROCLAMATION.

(A) Whenever the prevalence of rabies renders such action necessary to protect the public health and safety, the Mayor shall issue a proclamation ordering every person owning or keeping an animal to confine it securely on his or her premises so that it cannot bite.

(B) No person shall violate such proclamation and any animal running at large during the time affixed in the proclamation may be killed by the police without notice to the owner.

(1992 Code, § 1025:75) Penalty, see § 90.99

§ 90.11 REMOVAL OF ANIMAL DEBRIS.

The owner or agent of the owner of any animal ~~in a public park~~ on public property or right of way shall remove animal feces left by the animal and deposit the same in a trash receptacle or otherwise remove the same from park premises.

(1992 Code, § 1025:85) Penalty, see § 90.99

§ 90.12 AIRPORT TERMINAL BUILDING; ANIMALS PROHIBITED.

No person shall be permitted to bring any dog, cat or other animal into the public airport terminal building, whether the animal is leashed or otherwise.

(1992 Code, § 1025:90) Penalty, see § 90.99

§ 90.13 EXCEPTIONS.

The prohibition provided in §90.12 of this chapter shall not apply to the following:

(A) *Service animal.* Service animals accompanying a person with a disability; (**SERVICE ANIMAL** is defined herein as defined in the Americans with Disability Act (ADA), 28 C.F.R. § 36.104: "Service animal means any guide dog, signal dog or other animal individually trained to do work or perform tasks for the benefit of the individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair or fetching dropped items".)

(B) *Public safety animal.* Any dog or other animal trained in search and rescue missions, identifying contraband or for other law enforcement or public safety purposes in service to law enforcement or other public safety personnel; and/or

(C) *Animal in transit.* Any dog, cat or other common domestic household pet in transit provided such animal is confined in a transit kennel or on a leash, not exceeding eight feet in length, held by the owner or owner's agent. Further, such animal may only be in that part of the airport terminal known as the "24-hour vestibule" located in the south part of the terminal building inside the entrances off the auto parking lot and airplane parking apron.

(1992 Code, § 1025:95)

NUISANCE ANIMALS AND FOWL AT LARGE; IMPOUNDING

§ 90.25 POUND AUTHORIZED.

There is hereby authorized for the city a public pound, which said public pound may be located within or outside the corporate limits and shall be placed under the care and direction of an Animal Control Officer, which Animal Control Officer shall be appointed by the Council and under the direction of the Chief of Police.

(1992 Code, § 1005:00)

§ 90.26 ANIMALS AND FOWL AT LARGE.

No domestic fowl nor any horse, colt, mule or any animal of the horse kind, nor any cow, bull, ox, calf, meat cattle or any animal of the ox or bovine kind, nor any sheep or swine shall be permitted to run, go or be at large in the city.

(1992 Code, § 1005:05) Penalty, see § 90.99

§ 90.27 IMPOUNDING AND FEES AUTHORIZED.

If any such fowl, horse, colt, mule, cow, bull, ox, calf, meat cattle, sheep, swine or any animal of any kind named or referred to above, shall be found at large in the city contrary to any provisions hereof, each and every such animal may be impounded in the public pound and shall not be released therefrom until the owner or some person on his or her behalf shall pay to the Animal Control Officer reasonable fees for the impounding and care of such animal, which said fees are to be duly determined and fixed by the Council from time to time.

(1992 Code, § 1005:10)

§ 90.28 ANIMAL CONTROL OFFICER; DUTIES.

It shall be the duty of the Animal Control Officer and police officers and lawful for any person to take up any animal found at large contrary to or in violation of any provision of this subchapter, and take such animal to the public pound and the Animal Control Officer shall receive into the public pound all animals brought there in pursuance of any provision of this subchapter, and take proper care of, and provide proper food and drink for, all animals so impounded, and shall deliver to the owner, or owner's agent any animal which has been so impounded, upon receipt of fees and costs for such impounding, keeping, feeding, caring for and discharging such animal as are provided therein.

(1992 Code, § 1005:15)

§ 90.29 DISPOSITION OF IMPOUNDED ANIMALS.

(A) After any animal has been impounded under any provision of this subchapter for a period of 48 hours, without being redeemed as provided herein, it shall be lawful for such Animal Control Officer to sell such animal at public auction, to the highest bidder for cash.

(B) The Animal Control Officer shall, before any such sale is made, give not less than three days' notice of the time and place of such sale.

(C) Such notice shall contain the number, kind and a general and full description of any animal or animals to be so sold, which said notice, written or printed, shall be posted in three public places within the corporate limits of the city.

(D) For the making and posting of said notices, the said Animal Control Officer is authorized and empowered to charge and collect the amount set by the Council before such animal shall be released.

(E) If the owner or his or her agent shall, at any time prior to sale and, after any animal shall have been noticed for sale as herein authorized, pay all fees and costs for impounding, caring for and noticing such animal for sale, then such animal shall not be sold, but shall be released by the Animal Control Officer to such owner or agent.

(1992 Code, § 1005:20)

§ 90.30 SALE.

Whenever any animal or fowl shall be sold as herein provided, the Animal Control Officer shall pay the proceeds into the treasury of the city.

(1992 Code, § 1005:25)

§ 90.31 REDEMPTION OF ANIMAL FROM PURCHASER.

When any animal is sold under the provisions of this subchapter, it shall be a condition of such sale that the purchaser shall keep and retain possession of such animal for a period of 60 days, and that the owner of any such animal may redeem the same at any time before the expiration of said 60 days by paying reasonable costs and charges for keeping such animal, together with the sum paid by such purchaser for such animal, and interest thereon at the rate of 7% per annum.

(1992 Code, § 1005:30)

§ 90.32 BREAKING OPEN OR INTERFERING WITH IMPOUNDMENT.

No person shall break open or in any manner directly or indirectly advise, direct or aid in breaking open the public pound. No person shall hinder, delay, interfere with or obstruct in any manner any person engaged in driving any animal to the public pound as provided for in this subchapter.

(1992 Code, § 1005:35) Penalty, see § 90.99

DEER FEEDING

§ 90.45 PURPOSE.

This subchapter is enacted to protect, preserve and promote the health, safety and welfare of the citizens of the city through the management of recreational feeding of white-tailed deer within the city as part of a comprehensive strategy to reduce or eliminate negative impacts experienced as a result of an increasing deer population in the city.

(Ord. 1450, passed 12-1-2009)

§ 90.46 FINDINGS.

(A) Recreational feeding of deer often causes deer concentrations which develop into depredation and other public safety problems.

(B) Depredation of garden crops and landscaping plants is increasing as deer habitat decreases and deer populations increase within particular areas and neighborhoods in the city.

(C) High deer populations can result in increased car/deer crashes within the community, causing public safety concerns and negative economic impacts such as increased car insurance premium costs.

(D) High deer densities also contribute to the possible spread of chronic diseases among deer populations and chronic wasting disease.

(E) (1) The intent of the City Council is not to unreasonably infringe upon the recreational enjoyment of city residents who observe wildlife and enhance wildlife habitat on their property.

(2) However, the purpose of this artificial feeding ban is to eliminate these deer attractions which, when combined with other management strategies, should reduce, over time, the depredation impacts to adjacent residents, as well as assure the safety of the traveling public on city streets and thoroughfares.

(Ord. 1450, passed 12-1-2009)

§ 90.47 PROHIBITION.

(A) It shall be unlawful for any person or group to place or permit to be placed on the ground, or within five feet of the ground surface, either on property owned or controlled by such person or on property owned by others, any grain, fodder, fruit, vegetables, nuts, hay or other edible materials, which may reasonably be expected to intentionally result in deer feeding, unless such items are screened or protected in a manner that prevents deer from feeding on them. Also prohibited are salt licks and power or liquid deer attractants, unless legally used for deer management control purposes.

(B) Living fruit trees and other live vegetation shall not be considered as deer feeding.

(Ord. 1450, passed 12-1-2009) Penalty, see §90.99

§ 90.48 EXCEPTIONS.

(A) This prohibition shall not apply to:

(1) Veterinarians, City Animal Control Officers or county, state or federal game officials, who are in the course of their duties, have deer in custody or under their management;

(2) Persons authorized by the city to implement the deer management program approved by the City Council;

(3) Any food placed upon the property for purposes of trapping or otherwise taking deer where such trapping or taking is pursuant to a permit issued by the State Department of Natural Resources;

(4) Persons feeding birds using self-enclosed feeding devices or containers;

(5) The use of straw, hay or straw-related materials for erosion control, mulching, gardening or other landscape

purposes; and/or

(6) Persons on property with a livestock operation not intentionally feeding deer.

(B) For the purposes of this section, **LIVESTOCK OPERATION** means an operation commonly associated with the keeping of animals, including but not limited to the keeping of horses, cattle or chickens, raised for home use or profit.

(Ord. 1450, passed 12-1-2009)

§ 90.49 EFFECTIVE DATE.

This subchapter shall be in full force and effect from and after its passage and publication.

(Ord. 1450, passed 12-1-2009)

FEEDING CERTAIN NON-DOMESTIC ANIMALS PROHIBITED

§ 90.60 FINDINGS AND PURPOSE.

(A) This subchapter is enacted to establish standards for the regulation of certain non-domestic animals herein referred to as "Wild Animals" in the city to protect the health, safety and general welfare of the public.

(B) The principle objective of this subchapter is: to prevent nuisance conditions associated with the feeding of wild animals, specifically disruption of their natural feeding habits, their concentration at artificial feeding centers making them more susceptible to disease transmission, the attraction of predators, and the accumulation of feces in and around the area of artificial feeding.

(Ord. 1521, passed 4-7-2015)

§ 90.61 DEFINITIONS.

The following definition shall apply to this subchapter as written unless context indicates or requires a different meaning:

WILD ANIMAL. For purposes of this subchapter **WILD ANIMAL** means and includes raccoons, deer, turkey, ducks, and geese.

(Ord. 1521, passed 4-7-2015)

§ 90.62 FEEDINGS OF WILD ANIMALS PROHIBITED.

(A) *Prohibition.* No person shall feed or allow the feeding of wild animals as defined in §90.61 within the city. For the purpose of this section, feeding shall mean provision of non-birdseed mixtures, grain, fruit, vegetables, hay, mineral salt or other edible material. Living food sources, such as fruit trees and other live vegetation, shall not be considered as prohibited feeding.

(B) *Exceptions.* This prohibition shall not apply to veterinarians, city, county, state or Federal officials who in the course of their duties have wild animals in their custody or under their management.

(Ord. 1521, passed 4-7-2015)

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) The violation of § 90.12 of this chapter shall constitute a petty offense, as defined in §10.99 of this code of ordinances, and subject to the penalty therein provided.

(1992 Code, § 1025:100)

(C) (1) *Responsible authority.* The City Police Department and the City Engineering Department shall enforce the provisions of §§ 90.45 through 90.49 and §§ 90.60 et seq. of this chapter.

(2) *Civil remedies.* Sections 90.45 through 90.49 and §§ 90.60 et seq. of this chapter may be enforced by injunction, action for abatement or other appropriate civil remedy to eliminate a public nuisance.

(3) *Criminal penalties.* Notwithstanding anything in the city code to the contrary, a person who violates any provisions of §§ 90.45 through 90.49 and §§ 90.60 et seq. of this chapter shall be guilty of a petty misdemeanor. The first violation of §§ 90.45 through 90.49 and §§ 90.60 et seq. of this chapter shall result in a written warning. Any subsequent violation shall result in a citation for the petty misdemeanor offense. Each act of violation and each day a violation occurs or continues is a separate offense. In all cases, the city shall be entitled to collect the cost of prosecution to the extent outlined by law, the Rules of Criminal Procedure and the Rules of Court.

(Ord. 1450, passed 12-1-2009; Ord. 1521, passed 4-7-2015)

Summary Publication

City of Owatonna
ORDINANCE 1638

STORMWATER UPDATES

On September 20, 2022, the Owatonna City Council adopted Ordinance 1638 to amend the City's 2015 Code of Ordinance regarding stormwater. Changes include amendments to: amend Chapter 90, to include all public property for removal of Animal Debris and amend Chapter 52 with updates regarding Chloride, Stormwater Utility Fee, Construction Site Run-off, and Post Construction Controls. A printed copy of the full ordinance is available for inspection during regular business hours at City Hall located at 540 West Hills Circle and available on the City's website.

First Reading: September 6, 2022
Second Reading: September 20, 2022
Publication Date: September 30, 2022
Effective Date: October 1, 2022 (new ERU becomes effective January 1, 2023)

Date: September 20, 2022

By: _____
Kris M. Busse, City Administrator/City Clerk



Resolutions



Finance Department

DATE: September 20, 2022
TO: Mayor and City Council
FROM: Rhonda Moen, Director
SUBJECT: Res 73-22 2023 Proposed City Budget and Levy

Purpose:

Council to set the City levy for 2023 along with adopting the 2023 Proposed Budget

Background:

The City is required to adopt a proposed budget for the following year and certify its proposed property tax levy to the county auditor on or before September 30th.

An overview of the 2022 proposed budget was presented to council on September 6. A more detailed presentation of the budget and levy was presented to council on September 13 and 14.

This proposed budget is consistent with the City's strategic plan. The 2022 proposed levy includes an increase of 9.0%. This increase is a reflection of the current growth mode of the City. The City strives to have its levy increase follow growth. After several years of steady growth and moderate levy increases, the City continues to align its levy increases with growth. The current year estimated growth rate is 17.0%.

The total proposed City levy is \$16,669,797.

The final levy amount and budget will be presented on December 6th at 6:00 p.m.. Council can approve a final levy amount that is lower but not greater than the proposed levy amount.

Budget Impact:

This will set a proposed levy and budget for 2023.

Staff Recommendation:

Approve Resolution 73-22 for the proposed City levy and budget for 2023.

Attachments:

1. Res 73-22 Proposed City Levy and Budget

RESOLUTION NO. 73-22

A RESOLUTION MAKING PROPOSED LEVY OF TAXES AND ADOPTING
PROPOSED BUDGET FOR 2023

BE IT RESOLVED by the City Council of the City of Owatonna, County of Steele, Minnesota:

1. That there is hereby proposed to be levied upon all the taxable property in the City of Owatonna a direct ad valorem tax in the amount of \$14,637,570 for general government, \$ 196,327 PERA rate change, and \$ 1,835,900 for debt retirement, which shall be spread upon the tax rolls and collected in the year 2023.

2. That a budget of \$ 39,792,694 in expenditures for fiscal year commencing January 1, 2023, is being proposed. This budget has been reviewed and potential funding sources identified as well as priorities and programs for 2023.

3. The city council will meet on December 6, 2022 at 6:00 pm to present details on the 2023 budget and receive input from public.

4. That the City Clerk is hereby instructed to transmit a certified copy of this resolution to the County Auditor of Steele County, Minnesota.

Passed and adopted this ____ day of ____, 2022, with
the following vote: Aye ____; No ____; Absent ____.

Approved and signed this ____ day of ____, 2022.

Thomas A. Kuntz, Mayor

ATTEST:

Kris M. Busse, City Administrator/City Clerk



Finance Department

DATE: September 20, 2022
TO: Mayor and City Council
FROM: Rhonda Moen, Director
SUBJECT: Res 74-22 Housing & Redevelopment Authority (HRA) Proposed 2023 Levy and Budget

Purpose:

For City Council to approve Resoluiton 74-22 approving the Proposed 2023 HRA Levy and Budget.

Background:

The HRA is considered a special taxing district and its levy is adopted separately from the City levy. The City Council is required to adopt a proposed budget for the following year and certify its proposed property tax levy to the county auditor on or before September 30th.

An overview of the 2023 proposed budget was presented to council on September 6th. A more detailed presentation of the HRA budget and levy was presented to council on September 13.

The amount of the levy shall be an amount approved by the governing body of the city, but shall not exceed 0.0185 percent of estimated market value. Per the County Auditor & Assessor, the 2021 estimated market value was \$2,183,994,200. The allowable levy would be \$404,039 compared to the requested levy of \$195,000.

The final levy amount and budget will be presented on December 6th at 6:00 p.m.. Council can approve a final levy amount that is lower but not greater than the proposed levy amount.

Budget Impact:

This will set the proposed levy and budget for 2023 for the HRA.

Staff Recommendation:

Staff recommends approval.

Attachments:

1. Res 74-22 Proposed 2023 HRA Levy and Budget

RESOLUTION NO. 74-22

A RESOLUTION AUTHORIZING THE LEVY AND APPROVING THE
BUDGET FOR THE HOUSING AND REDEVELOPMENT AUTHORITY
OF THE CITY OF OWATONNA

BE IT RESOLVED by the City Council of the City of Owatonna, Minnesota, that the Housing and Redevelopment Authority of the City of Owatonna is hereby empowered to levy for collection in the year 2023 a tax on the properties of the City in an amount of \$ 195,000 for purposes authorized in Minnesota Statutes 469.001 to 469.047, as authorized in Minnesota Statutes 469.033, Subd. 6.

A budget of \$ 1,459,037 for fiscal year commencing January 1, 2023, is being proposed.

Passed and adopted this _____ day of _____, 2022, with
the following vote: Aye ____; No ____; Absent ____.

Approved and signed this _____ day of _____, 2022.

Thomas A. Kuntz, Mayor

ATTEST:

Kris M. Busse, City Administrator/City Clerk



Fire Department

DATE: September 20, 2022
TO: Mayor and City Council
FROM: Ed Hoffman, Fire Chief
SUBJECT: Res 75-22 Declare Costs to be Assessed - Weed and Nuisance Compliance

Purpose:

Declare the cost to be assessed and order preparation of the Proposed Assessments for unpaid weed and nuisance expenditures incurred by the City during 2022.

Background:

The Owatonna Fire Department enforces the city codes for mowing of weeds and grass, other harmful vegetation, and other services by using a mowing service to bring the noncompliant properties into compliance.

Budget Impact:

The total assessment amount of \$3,735.36 will reimburse the city for the cost of weed and nuisance enforcement. The City's share of these costs will be \$0.

Staff Recommendation:

Staff recommends approval of Resolution 75-22.

Attachments:

1. Res 75-22 Cost Assessed for Weed and Nuisance Compliance

RESOLUTION NO. 75-22

A RESOLUTION DECLARING COST TO BE ASSESSED AND
ORDERING PREPARATION OF PROPOSED ASSESSMENT

WHEREAS, the City has conducted the 2022 Mowing of Weeds, Grasses, and Other Harmful Vegetation on various lots in the City, and the cost of such service is \$3,735.36 so that the total cost of the improvement will be \$3,735.36, and of this cost the City will pay an estimated \$0 as its share of the cost,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Owatonna, Minnesota:

1. The estimated cost of such service to be specially assessed is hereby declared to be \$3,735.36.

2. The City Clerk, with the assistance of the City Fire Chief, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and he shall file a copy of such proposed assessment in his office for public inspection.

3. The Clerk shall, upon the completion of such proposed assessment, notify the Council thereof.

Passed and adopted this _____ day of _____, 2022, with
the following vote: Aye ____; No ____; Absent ____.

Approved and signed this _____ day of _____, 2022.

Thomas A. Kuntz, Mayor

ATTEST:

Kris M. Busse, City Administrator/City Clerk



Fire Department

DATE: September 20, 2022
TO: Mayor and City Council
FROM: Ed Hoffman, Fire Chief
SUBJECT: Res 76-22 Set Date for Public Hearing - Proposed Assessments - Weed and Nuisance Compliance

Purpose:

Set the date for a public hearing for council consideration of the proposed assessments for unpaid weed and nuisance expenditures incurred by the City during 2022.

Background:

The Owatonna Fire Department enforces the city codes on mowing of weeds, grass, other harmful vegetation, and other services by using a mowing service to bring non-compliant properties into compliance.

Budget Impact:

The total assessment amount of \$3,735.36 will reimburse the city for the cost of weed and nuisance enforcement. The City's share of these costs will be \$0.

Staff Recommendation:

Staff recommends approval of Resolution 76-22, setting the public hearing for October 18, 2022.

Attachments:

1. Res 76-22 Set Date for Public Hearing - Proposed Assessments - Weed and Nuisance Compliance

RESOLUTION NO. 76-22

A RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT

WHEREAS, by Resolution No. 75-22, passed by the Council on September 20, 2022, the City Clerk was directed to prepare a proposed assessment of the cost of the 2022 Mowing of Weeds, Grasses, and Other Harmful Vegetation on various lots in the City; and

WHEREAS, the Clerk has notified the Council that such proposed assessment has been completed and filed in his office for public inspection,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Owatonna, Minnesota:

1. A hearing shall be held at a regular City Council meeting to be held on the 18th day of October 2022, in the Council Chambers of the City Administration Building at 7:00 p.m. to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.

2. The City Clerk is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and he shall state in the notice the total cost of the improvement. He shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearings.

3. No appeal as to the amount of an assessment to a specific parcel of land may be made unless the owner has either filed a signed written objection to that assessment with the City Clerk prior to the hearing or has presented the written objection to the presiding officer at the hearing.

Passed and adopted this ____ day of _____, 2022, with the following vote:

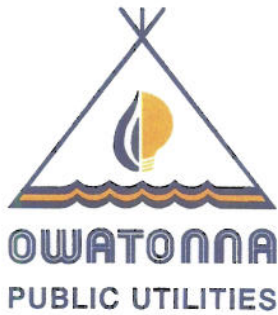
Aye ____; No ____; Absent ____.

Approved and signed this ____ day of _____, 2022.

Thomas A. Kuntz, Mayor

ATTEST:

Kris M. Busse, City Administrator/City Clerk



September 8, 2022

City of Owatonna
Attn: Kris Busse
540 West Hills Circle
Owatonna, MN 55060

RE: Public Hearing request – OPU Delinquent Accounts – Ordinance 35.05

Dear Kris-

Owatonna Public Utilities would like to request City of Owatonna to assess property owners on 3 tax parcel numbers. Total delinquent debt is \$9,956.85.

Please reach out with any questions.

Best Regards,

Toni Van Esch
Customer Service Supervisor
OWATONNA PUBLIC UTILITIES
507-446-5411

RESOLUTION NO. 77-22

A RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT

WHEREAS, by Section 35.05(C) of the 2015 Code of Ordinances for the City of Owatonna, the Public Utility Department shall certify to the City Clerk/Treasurer a list of unpaid accounts showing the names and addresses of all unpaid utility accounts; and

WHEREAS, Public Utility Department has notified the City Clerk/Treasurer that such proposed assessment has been completed; and

WHEREAS, the City Clerk/Treasurer has notified the Council that such proposed assessment has been completed; and filed in her office for public inspection the list of unpaid accounts showing the names and addresses of all unpaid utility accounts.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Owatonna, Minnesota:

1. A hearing shall be held at a regular City Council meeting to be held on the 18th day of October 2022, in the Council Chambers of City Hall at 7:00 p.m. to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.

2. The City Clerk is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper prior to the hearing as required by Minnesota Statutes, Section 429, and she shall state in the notice the total cost of the improvement. She shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll prior to the hearings.

3. No appeal as to the amount of an assessment to a specific parcel of land may be made unless the owner has either filed a signed written objection to that assessment with the City Clerk prior to the hearing or has presented the written objection to the presiding officer at the hearing.

Passed and adopted this ___ day of ___, 2022 with the following vote:

Aye ___; No ___; Absent ___.

Approved and signed this _____ day of _____, 2022.

Thomas A. Kuntz, Mayor

ATTEST:

Kris Busse, City Administrator/City Clerk



Community Development Department

DATE: September 20, 2022
TO: Mayor and City Council
FROM: Troy Klecker, Director
SUBJECT: Res 78-22 Amend Development Agreement with Gerald and Lois Monson

Purpose:

Council approval to amend the development Agreement with Gerald and Lois Monson

Background:

The City currently has a development agreement with Gerald and Lois Monson to construct a new eye clinic at the corner of West Pearl Street and North Oak Avenue. The City and the Monsons swapped properties so the Monsons could build a new building and the City could demolish their existing building on West Vine Street to build a new parking lot. The agreement states that the project must be completed by December 31, 2022. There were delays to the project including reworking access to the site and parking due to staff concerns. The project was planned to start in April but a building permit was not issued until July. Because of the delays in starting the project, the Monsons are requesting the development agreement be changed to state that the project is completed by May 31, 2023.

Budget Impact:

There is no budget impact to extend the completion date for this project.

Staff Recommendation:

Staff recommends approval of Resolution.78-22.

Attachments:

1. Res 78-22 Amend Dev Agreement - Gerald and Lois Monson

RESOLUTION NO. _____

RESOLUTION AMENDING THE DEVELOPMENT AGREEMENT BY
AND BETWEEN CITY OF OWATONNA, MINNESOTA (“CITY”) AND
GERALD L. MONSON JR. AND LOIS A. MONSON (“DEVELOPER”) to
EXTEND THE DATE OF COMPLETION TO MAY 31, 2023

WHEREAS, City and Developer entered into a Development Agreement dated April 18, 2022 for the Pearl Street Project providing for the construction of a 7200 sq. foot office and retail commercial facility at 147 Pears Street West; and;

WHEREAS, in Article II, Section 2.2 of the Agreement the Developer warranted that the project would be substantially completed, barring unavoidable delays, by December 31, 2022; and

WHEREAS, Developer requests that the agreement be amended to provide for a date of completion of May 31, 2023; and

WHEREAS, the commencement date of the project, originally March 15, 2022, was delayed due to required changes to the parking lot requiring additional architectural work and the building permit was issued on July 20, 2022; and

WHEREAS, because of the delay there were difficulties engaging subcontractors to meet the completion date of December 31, 2022.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Owatonna, Minnesota as follows:

1. The Development Agreement shall be amended to provide that the completion date be May 31, 2023.

Passed and adopted this _____ day of September, 2022, with the following vote:
Aye _____; No _____; Absent _____.

Approved and signed this _____ day of September, 2022.

Thomas A. Kuntz ,Mayor

ATTEST:

Kris M. Busse, City Administrator/City Clerk



Community Development Department

DATE: September 20, 2022
TO: Mayor and City Council
FROM: Troy Klecker, Director
SUBJECT: Res 79-22 Consent to Sublease - Monson Eye Care Center, PC

Purpose:

Council approval of sublease of Lease between the City and Monson Eye Care Center, PC

Background:

Gerald and Lois Monson are building a new building for Monson Eye Care Center. The start of the project was delayed and completion is planned before May 31, 2023. The City currently owns the building the Eye Clinic is in now. Under a lease Agreement, the Eye Clinic is allowed to operate at that facility until the new building is completed. The lease agreement states the property can not be subleased unless approved by the City. There will be some changes to the ownership of the business that enacts that subleasing clause in the agreement. The Monsons are requesting the City to approve the subleasing of the property to TZVECL Management of SC, LLC. All terms of the agreement will remain the same and the leasing of the property will end May 31, 2023.

Budget Impact:

There is no budget impact with this approval.

Staff Recommendation:

Staff recommends approval of this resolution.

Attachments:

1. Res 79-22 Consent to Sublease - Monson Eye Care Clinic

RESOLUTION NO. _____

RESOLUTION CONSENTING TO SUBLEASE OF LEASE
BETWEEN CITY OF OWATONNA, (THE “CITY”), AND
MONSON EYE CARE CENTER, PC (THE “LESSEE”)

WHEREAS, City and Lessee entered into a Lease Agreement on April 19, 2022 to the premises located at 127 West Vine Street, Owatonna, Minnesota, (the “Premises”), currently the offices of Monson Eye Care Center, LLC with the intent that the Lessee would continue to occupy the Premises until the Pearl Street Project, where the Eye Care Center will be relocated, is completed on or before May 31, 2023; and

WHEREAS, the Lease provides that the Lessee may not sublet the Premises without the prior written approval from the City; and

WHEREAS, City is advised that Lessee desires to sublease the Premises to TZVECL MANAGEMENT OF SC, LLC, Sublessee, under the terms set forth in the Sublease; and

WHEREAS, Lessee represents to Lessor that the Sublessee has the qualifications and financial ability necessary and adequate to fulfill the obligations undertaken in both the Lease and Sublease; and

WHEREAS, Lessee shall remain bound to Lessor for all of the terms, conditions, and obligations of the Lease dated April 19, 2022,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Owatonna, Minnesota as follows:

1. City consents to the Sublease of the Premises by Lessee to Sublessee for the purposes of an optometry office and related services all as described in the Sublease.

2. Lessee shall remain bound to Lessor for all of the obligations assumed by Lessee in the Lease dated April 19, 2022. Lessee hereby assumes the further obligation to Lessor to be liable to Lessor for the performance on the part of Sublessee of all of the terms and conditions in the Lease on the part of Lessee to be kept and performed. Sublessee shall be obligated to perform all terms and conditions of the Lease except payment of rental. The payment of rent provided for in the Lease shall continue to be made by the Lessee to Lessor.

3. Sublessee shall be liable for any damage to property on the demised premises including the building thereon, its fixtures, and personal property of City or Lessee and

will perform and be bound by all of the provisions of the Lease, except the provision to pay rent to Lessor, as if Sublessee were the Lessee named in the Lease.

Passed and adopted this _____ day of September, 2022, with the following vote:
Aye _____; No _____; Absent _____.

Approved and signed this _____ day of September, 2022

Thomas A. Kuntz ,Mayor

ATTEST:

Kris M. Busse, City Administrator/City Clerk



TO: Honorable Mayor and City Council Members, City Administrator
FROM: Dave Beaver, Airport Manager
DATE: September 13, 2022
RE: Minnesota Department of Transportation (MnDOT) agreement for federal airport expense reimbursement.

Purpose:

Council to approve Resolution 80-22 authorizing MnDOT agreement to facilitate federal ARPA grant funding reimbursement.

Background:

The Federal Aviation Administration (FAA) distributes funding under the American Rescue Plan Act 2021. The federal ARPA Grant Agreement was approved in January. In order to receive the reimbursements from FAA/MnDOT, this MnDOT agreement needs to be approved to allow the Office of Aeronautics to make payments under the FAA grant per the Channeling Act.

The purpose of these funds is to provide economic relief to airports in response to the COVID-19 pandemic. The FAA will distribute these grants under the new Airport Rescue Grant Program (ARGP).

The grant provides funding for eligible costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport.

Budget Impact:

The amendment allows MnDOT to facilitate the ARPA grant funding that reimburses 100% of allowable costs incurred by the airport up to the grant amount of \$32,000.

Recommendation:

Staff recommends approval of Resolution 80-22.

RESOLUTION NO. 80-22

RESOLUTION FOR AUTHORIZATION TO EXECUTE MINNESOTA DEPARTMENT
OF TRANSPORTATION AGENCY AGREEMENT FOR FEDERAL AIRPORT
EXPENSE REIMURSEMENT

IT IS RESOLVED by the City of Owatonna, Minnesota, as follows:

1. That the state of Minnesota Agreement No. 1049617, "Grant Agreement for Federal Airport Expense Reimbursement," for State Project No. A2901-C3 at the Owatonna Degner Regional Airport is accepted.

2. That Kris M. Busse, City Administrator is hereby authorized to execute this agreement on behalf of the City of Owatonna.

Passed and adopted this ____ day of __, 2022, with the following vote:

Aye ____; No ____; Absent ____.

Approved and signed this ____ day of ____, 2022.

Thomas A. Kuntz, Mayor

ATTEST:

Kris M. Busse, City Administrator/City Clerk

STATE OF MINNESOTA
AGENCY AGREEMENT for
FEDERAL AIRPORT EXPENSES REIMBURSEMENT

This agreement is entered into by and between the City of Owatonna ("Local Government") and the State of Minnesota, acting through its Commissioner of Transportation ("MnDOT").

RECITALS

1. Local Government has received an Airport Rescue Grant ("ARG") under the American Rescue Plan Act of 2021 (H.R. 1319, Public Law 117-2) ("ARPA") directly from the Federal Aviation Administration ("FAA") to reimburse eligible airport expenses at Local Government's airport.
2. This agreement is not a subgrant of the ARG funds. The FAA will be conducting oversight and monitoring the ARG funding (see ARPA FAQs for more information, at: https://www.faa.gov/airports/airport_rescue_grants/media/20211124_ARPA_FAQs.pdf).
3. Pursuant to Minnesota Statutes Sections 360.016 and 360.039, subd. 2, the Local Government desires MnDOT to act as the Local Government's agent in accepting the federal funds on the Local Government's behalf and disbursing the federal funds to the Local Government for expenses at the airport.

AGREEMENT TERMS

1. Term of Agreement

- 1.1. Effective Date: This agreement will be effective on the date the MnDOT obtains all required signatures under Minn. Stat. §16C.05, Subd. 2.
- 1.2. Expiration Date: This agreement will expire on September 30, 2024.

2. Local Government's Duties

- 2.1. The Local Government designates MnDOT to act as its agent in accepting the federal funds on its behalf and disbursing the federal funds to the Local Government for airport expenses deemed allowable by the FAA under the ARPA Act.
- 2.2. The Local Government will prepare reports, keep records, and perform work so as to meet federal requirements and to enable MnDOT to disburse the federal aid sought by the Local Government.
- 2.3. The Local Government will comply with all applicable Federal, State, and local laws, ordinances, and regulations. The Local Government will comply with all requirements and assurances in the ARG Grant, which is incorporated into this contract by reference.

3. MnDOT's Duties

- 3.1. MnDOT accepts designation as agent of the Local Government for the receipt of the federal funds and disbursement of the federal funds to the Local Government and will act in accordance herewith.
- 3.2. MnDOT will make the necessary requests to the FAA for authorization to disburse federal funds for airport expenses and for reimbursement of eligible costs under the ARPA Act.
- 3.3. MnDOT may withhold federal funds where the FAA determines that airport expenditures were not made in compliance with federal requirements.
- 3.4. MnDOT, the FAA, or duly authorized representatives of the state and federal government will have the right to audit the work performed under this agreement. The Local Government will make available all books, records, and documents pertaining to the work hereunder, for a minimum of six years following the closing of the contract.

4. Payment

- 4.1. **Eligibility.** Eligible expenses under the act include costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments for the Owatonna Degner Regional . Eligible expenses will be determined by the Federal Aviation Administration. Eligible expenses will be determined in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenues, 64 Federal Register 7696 (64 FR 7696), as amended by 79 Federal Register 66282 (79 FR 66282), which is incorporated into this agreement by reference, and the ARPA Act.
 - 4.2. **Reimbursement.** Local Government has been awarded \$32,000 in Federal ARPA Act funding to reimburse federally-eligible expenses at airport(s) it operates. Local Government will be reimbursed for 100% of federally-eligible expenses not reimbursed by any other source. The Local Government will pay any part of the cost or expense that is not paid by federal, state, or other funds. MnDOT will receive the federal funds to be paid by the FAA for eligible expenses and will reimburse the Local Government from said federal funds for each payment request, subject to the limits of those funds.
 - 4.3. **Payment Requests.** The Local Government will prepare payment requests in accordance with the terms of the federal award.
 - 4.3.1. In the event MnDOT does not obtain funding from the Minnesota Legislature or other funding source, or funding cannot be continued at a sufficient level to allow for the processing of the federal aid reimbursement requests, the Local Government may work directly with FAA to receive the federal funds under the ARPA Act grant pursuant to any terms and conditions imposed by FAA.
 - 4.4. **Federal Funds.** Payments under this Agreement will be made from federal funds. The Local Government is responsible for compliance with all federal requirements imposed on these funds and accepts full financial responsibility for the Local Government's failure to comply with federal requirements. The Local Government agrees to pay any and all lawful claims arising out of or incidental to the performance of the work covered by this Agreement in the event the federal government does not pay the same.
 - 4.5. **Closeout.** The Local Government must liquidate all obligations incurred under this Agreement and submit all financial, performance, and other reports as required by the terms of the Federal award. The FAA will determine whether a closeout audit is required prior to final payment approval. If a closeout audit is required, final payment will be held until the audit has been completed.
5. **Conditions of Payment.** Local Government's use of federal funds disbursed under this agreement must be in accordance with all applicable federal, state, and local laws, ordinances, rules, and regulations. The Local Government will not receive reimbursement under this Agreement for expenses that are not eligible as described in Section 4.1 above.

6. Authorized Representatives

- 6.1. MnDOT's Authorized Representative is:

Name: Jessica McBroom, or her successor or designee.

Title: Grants Specialist

Email: jessica.mcbroom@state.mn.us
- 6.2. The Local Government's Authorized Representative is:

Name: Dave Beaver

Title: Airport Manager

Email: dave.beaver@ci.owatonna.mn.us

If the Local Government's Authorized Representative changes at any time during this agreement, the Local Government will immediately notify MnDOT.

7. Assignment Amendments, Waiver, and Agreement Complete

- 7.1. **Assignment.** The Local Government may neither assign nor transfer any rights or obligations under this agreement without the prior written consent of MnDOT and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this agreement, or their successors in office.
- 7.2. **Amendments.** Any amendments to this agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original agreement, or their successors in office.
- 7.3. **Waiver.** If MnDOT fails to enforce any provision of this agreement, that failure does not waive the provision or MnDOT's right to subsequently enforce it.
- 7.4. **Agreement Complete.** This agreement contains all negotiations and agreements between MnDOT and the Local Government. No other understanding regarding this agreement, whether written or oral, may be used to bind either party.
- 7.5. **Severability.** If any provision of this Agreement or the application thereof is found invalid or unenforceable to any extent, the remainder of the Agreement, including all material provisions and the application of such provisions, will not be affected and will be enforceable to the greatest extent permitted by the law.
- 7.6. **Electronic Records and Signatures.** The parties agree to contract by electronic means. This includes using electronic signatures and converting original documents to electronic records.

8. Liability and Claims

- 8.1. **Tort Liability.** Each party is responsible for its own acts and omissions and the results thereof to the extent authorized by law and will not be responsible for the acts and omissions of any others and the results thereof. The Minnesota Tort Claims Act, Minnesota Statutes Section 3.736, governs MnDOT liability. Minnesota Statutes Section 466.04 governs Local Government Liability.
- 8.2. **Claims.** The Local Government acknowledges that MnDOT is acting only as the Local Government's agent for acceptance and disbursement of federal funds, and not as a principal or co-principal with respect to this agreement. The Local Government will indemnify, defend (to the extent permitted by the Minnesota Attorney General), and hold MnDOT harmless from any and all lawful claims or costs arising out of or incidental to Local Government's acts or omissions under this agreement and any *ultra vires* acts, including reasonable attorney fees incurred by MnDOT.

9. Audits

- 9.1. Under Minn. Stat. § 16C.05, Subd.5, the Local Government's books, records, documents, and accounting procedures and practices of the Local Government, or other party relevant to this agreement or transaction, are subject to examination by MnDOT and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this agreement, receipt and approval of all final reports, or the required period of time to satisfy all state and program retention requirements, whichever is later. The Local Government will take timely and appropriate action on all deficiencies identified by an audit.
- 9.2. All requests for reimbursement are subject to audit by FAA or MnDOT.

- 10. **Government Data Practices.** The Local Government and MnDOT must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by MnDOT under this agreement, and as it

applies to all data created, collected, received, stored, used, maintained, or disseminated by the Local Government under this agreement.

11. **Workers Compensation.** The Local Government certifies that it is in compliance with [Minn. Stat. §176.181](#), Subd. 2, pertaining to workers' compensation insurance coverage. The Local Government's employees and agents will not be considered MnDOT employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way MnDOT's obligation or responsibility.
12. **Governing Law, Jurisdiction, and Venue.** Minnesota law, without regard to its choice-of-law provisions, governs this agreement. Venue for all legal proceedings out of this agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.
13. **Termination for Cause.** MnDOT may terminate this agreement if Local Government fails to observe or perform any of the terms, conditions, or covenants required to be observed or performed by it pursuant to this agreement and such failure continues for a period of 30 calendar days after MnDOT has given written notice to Local Government of such default or, in the event that such default shall be incapable of cure with reasonable diligence during said 30 day period, shall have failed to commence to cure said default within 30 days of the date of said notice and to diligently pursue the same to completion.
14. **Data Disclosure.** Under Minn. Stat. § 270C.65, Subd. 3, and other applicable law, the Local Government consents to disclosure of its federal employer tax identification number, and/or Minnesota tax identification number, already provided to MnDOT, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Local Government to file state tax returns and pay delinquent state tax liabilities, if any.
15. **Fund Use Prohibited.** The Local Government will not utilize any funds received pursuant to this Agreement to compensate, either directly or indirectly, any contractor, corporation, partnership, or business, however organized, which is disqualified or debarred from entering into or receiving a federal or state contract. This restriction applies regardless of whether the disqualified or debarred party acts in the capacity of a general contractor, a subcontractor, or as an equipment or material supplier. This restriction does not prevent the Local Government from utilizing these funds to pay any party who might be disqualified or debarred after the Local Government's contract award on this agreement.
16. **Discrimination Prohibited by Minnesota Statutes §181.59.** The Local Government will comply with the provisions of Minnesota Statutes §181.59, if applicable, which requires that every contract for or on behalf of the State of Minnesota, or any county, city, town, township, school, school district or any other district in the state, for materials, supplies or construction will contain provisions by which Contractor agrees: 1) That, in the hiring of common or skilled labor for the performance of any work under any contract, or any subcontract, no Contractor, material supplier or vendor, will, by reason of race, creed or color, discriminate against the person or persons who are citizens of the United States or resident aliens who are qualified and available to perform the work to which the employment relates; 2) That no Contractor, material supplier, or vendor, will, in any manner, discriminate against, or intimidate, or prevent the employment of any person or persons identified in clause 1 of this section, or on being hired, prevent or conspire to prevent, the person or persons from the performance of work under any contract on account of race, creed or color; 3) That a violation of this section is a misdemeanor; and 4) That this contract may be canceled or terminated by the state of Minnesota, or any county, city, town, township, school, school district or any other person authorized to contracts for employment, and all money due, or to become due under the contract, may be forfeited for a second or any subsequent violation of the terms or conditions of this Agreement.
17. **Limitation.** Under this contract, MnDOT is only responsible for disbursing funds. Nothing in this contract will be construed to make MnDOT a principal, co-principal, partner, or joint venturer with respect to this agreement.

MnDOT may provide technical advice and assistance as requested by the Local Government, however, the Local Government will remain responsible for all aspects of administering this agreement.

[THE REMAINDER OF THIS PAGE HAS INTENTIONALLY BEEN LEFT BLANK.]

LOCAL GOVERNMENT

Local Government certifies that the appropriate person(s) have executed the contract on behalf of the Local Government as required by applicable articles, bylaws, resolutions or ordinances

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

STATE ENCUMBRANCE VERIFICATION

The individual certifies funds have been encumbered as required by Minn. Stat. 16A.15 and 16C.05

By: _____

Date: _____

SWIFT Contract # _____

SWIFT Purchase Order # _____

DEPARTMENT OF TRANSPORTATION

By: _____

Title: _____

Date: _____

MnDOT CONTRACT MANAGEMENT

By: _____

Date: _____

MnDOT GRANT UNIT

By: _____

Date: _____



Miscellaneous



Parks, Trails, Recreation & Facilities Department

DATE: September 20, 2022
TO: Mayor and City Council
FROM: Jenna Tuma, Director
Aaron Fitzloff
Facility Manager
Eric Anderson, Recreation Manager
SUBJECT: River Springs Water Park Capital Project Agreement - Horizon Pool Supply, LLC

Purpose:

Accept the bid and approve an agreement with Horizon Pool Supply to complete the RSWP mechanical CIP project.

Background:

River Springs Water Park opened in the spring of 2009 as a new water park. Tens of thousands of people have enjoyed this popular facility over the last decade! Due to the age of the mechanical systems, a significant Capital Improvement Project was approved by Council in the 2022 budget, with the remaining funding in the 2023 proposed budget.

In February of 2022, the City entered into an agreement with Aquatic Design Solutions, LLC to study the best replacement solution, create construction documents, and to provide bid management and construction administration services.

In August, the project was posted to the City's procurement system and four bids were received. This project is slated to begin this fall and carry over into 2023 with a completion deadline of May 1, 2023.

The balance of the approved CIP funds will be used to replace two water heaters, pool boilers or pump VFD's. This part of the project will be completed by internal staff and through the City's contracted electrician.

Horizon Pool Supply	\$436,000
Global Specialty	\$498,000
Aqua Logic	\$506,000
Badger Swim Pool	\$514,000

Budget Impact:

2022 CIP-GB-22-015, \$350,000 and \$170,00 proposed budget for 2023 for a total project cost

of \$520,000.

Staff Recommendation:

Staff recommends accepting the bid and approving the agreement with Horizon Pool Supply LLC to complete the mechanical upgrade.

Attachments:

1. Horizon Pool Supply Proposal



PROPOSAL DOCUMENT REPORT

RFQ No. 2022-RFQ-011

RIVER SPRINGS WATERPARK FILTRATION AND PUMP REPLACEMENT PROJECT

RESPONSE DEADLINE: September 8, 2022 at 10:00 am

Report Generated: Wednesday, September 14, 2022

Horizon Pool Supply Proposal

CONTACT INFORMATION

Company:
Horizon Pool Supply

Email:
bladuke@horizonpoolsupply.com

Contact:
Bob LaDuke

Address:
4444 Round Lake Road West
Arden Hills, MN 55112

Phone:
(651) 917-3075

Website:
N/A

Submission Date:
Sep 8, 2022 7:38 AM

PROPOSAL DOCUMENT REPORT

RFQ No. 2022-RFQ-011

RIVER SPRINGS WATERPARK FILTRATION AND PUMP REPLACEMENT PROJECT

ADDENDA CONFIRMATION

Addendum #1

Confirmed Sep 7, 2022 12:16 PM by Bob LaDuke

Addendum #2

Confirmed Sep 7, 2022 3:29 PM by Bob LaDuke

QUESTIONNAIRE

1. Authorized Person(s)*

Please provide the following information for each person(s) authorized to submit a response on behalf of your organization:

Name

Title

Phone Number

Email Address

Bob LaDuke

Project Sales

763-354-4865

bob@horizonpoosupply.com

Jordan Pinney

Project Manager

651-917-3075

jordan.pinney@horizonpoolsupply.com

PROPOSAL DOCUMENT REPORT

Request For Quotation - RIVER SPRINGS WATERPARK FILTRATION AND PUMP REPLACEMENT PROJECT

Page 2

2. Type of Business*

Limited Liability Partnership

3. Other - Type of Entity

Please provide the entity type.

Enter response

N/A

4. Provide Company W9*

W9_Form_-_Horizon_Chemical_LLC-_SIGNED.pdf

5. Provide Certificate of Liability Insurance*

Horizon_Chemical_COI_River_Springs_Waterpark_8-30-22.pdf

6. Bid Form*

Please Upload your COMPLETE bid response here, which shall include any and all required forms and evidence that Company meets all requirements outlined in the solicitation.

Owatonna_Bid_Back_9-7-22.pdf

7. Attachments

Please upload any required or additional forms and attachments here.

No response submitted

DOCUMENT 00 41 00

BID FORM

OWNER: City of Owatonna, Minnesota

PROJECT: River Springs Water Park
Filtration and Pump Replacement Project

THIS BID IS SUBMITTED TO: City of Owatonna, Minnesota

In submitting this Bid, Bidder represents, as set forth in the Agreement, that:

- A. Bidder has examined and carefully studied the Bidding Documents, the other related data identified in the Bidding Documents, and the following Addenda, receipt of all which is hereby acknowledged:

<u>Addendum No.</u>	<u>Addendum Date</u>
<u>1</u>	<u>9/6/2022</u>
<u>2</u>	<u>9/7/2022</u>

- B. Bidder has obtained and carefully studied (or assumes responsibility for having done so) all additional or supplementary examinations, investigations, explorations, tests, studies and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder, including applying the specific means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents to be employed by Bidder, and safety precautions and programs incident thereto.
- C. Bidder does not consider that any further examinations, investigations, exploration, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price(s) bid and within the times and in accordance with the other terms and conditions of the Bidding Documents.
- D. Bidder is aware of the general nature of work to be performed by OWNER and others at the Site that relates to the Work as indicated in the Bidding Documents.
- E. Bidder has given ENGINEER written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and the written resolution thereof by ENGINEER is acceptable to Bidder.
- F. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance of the Work for which this Bid is submitted.

- G. Bidder further represents that this Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid; Bidder has not solicited or induced any individual or entity to refrain from bidding; and Bidder has not sought by collusion to obtain for itself any advantage over any other Bidder or over OWNER.

Bidder shall complete the Work in accordance with the Contract Documents for the following prices:

A. CONTRACT BID:

Lump Sum Contract Price Four Hundred Thirty Six Thousand,
(use words)
Two Hundred Dollars (\$ 436,200.00)
(use figures)

Bidder agrees that the Work will be substantially completed and ready for final payment in accordance with the Supplementary Conditions on or before the date indicated in the Agreement.

The terms used in this Bid with initial capital letters have the meanings indicated in the Instruction to Bidders, the General Conditions, and Supplementary Conditions.

The successful bidder will be required to sign a contract for the contract awarded.

Name of Contractor Horizon Pool Supply

Signature [Signature]

Name (print) Robert La Duke

Address 4444 Round Lake Road West
Arden Hills, MN 55112

Phone Number 763-354-4865

Email address bob@horizonpoolsupply.com

Date 9/7/2022

Amount of bid bond 1050 / 43,620.00

SUBMITTED on Sept 7, 20 22.

END OF DOCUMENT

AIA[®] Document A310[™] - 2010

Bid Bond

CONTRACTOR:

(Name, legal status and address)

Horizon Chemical Co Inc, Dba Horizon Commercial Pool Supply

4444 Round Lake Rd W

Arden Hills, MN 55112

OWNER:

(Name, legal status and address)

City of Owatonna

540 West Hills Circle

Owatonna, MN 55060

BOND AMOUNT: Ten Percent of the Amount Bid (10%)

PROJECT:

(Name, location or address, and Project number, if any)

River Springs Waterpark Filtration and Pump Replacement Project

SURETY:

(Name, legal status and principal place of business)

Old Republic Surety Company

445 S Moorland Rd, Ste 200

Brookfield, WI 53005

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

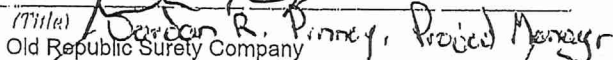
When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 8th day of September, 2022


(Witness)


(Witness)

Horizon Chemical Co Inc, Dba Horizon Commercial Pool Supply
(Contractor as Principal) (Seal)


(Title) Gordon R. Pinney, Project Manager

Old Republic Surety Company
(Surety) (Seal)


(Title) Kathryn A. Weldner, Attorney-in-Fact

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.

Init.

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