

**City of Grant
City Council Agenda
April 7, 2015**

The regular monthly meeting of the Grant City Council will be called to order at 7:00 o'clock p.m. on Tuesday, April 7, 2015, in the Grant Town Hall, 8380 Kimbro Ave. for the purpose of conducting the business hereafter listed, and all accepted additions thereto.

1. CALL TO ORDER

PUBLIC INPUT

Citizen Comments – Individuals may address the City Council about any item not included on the regular agenda. The Mayor will recognize speakers to come to the podium. Speakers will state their name and address and limit their remarks to three (3) minutes. Generally, the City Council will not take any official action on items discussed at this time, but may typically refer the matter to staff for a future report or direct that the matter be scheduled on an upcoming agenda.

- (1) _____
- (2) _____
- (3) _____
- (4) _____

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF REGULAR AGENDA

4. APPROVAL OF CONSENT AGENDA

- A. Bill List, \$42,830.38
- B. Brochman Blacktopping, Pothole Repair, \$10,163.00
- C. Engineering Guidelines Per MS4 Requirements
- D. East Metro Water Resource Education Program: Partnership Agreement
- E. 2015 Dust Control Cost Quote
- F. 2015 Field Proposal

5. CONCEPT PLAN REVIEW, MICK LYNSKEY

6. **STAFF AGENDA ITEMS**
 - A. City Engineer, Phil Olson
 - i. Consideration of Ordinance No. 2015-38 and Ordinance No. 2015-39, MS4 Requirements
 - ii. Consideration of Resolution No. 2015-09, Summary Publication of Ordinance No. 2015-38 & 39
 - iii. Consideration of Ordinance No. 2015-40, Repealing Ordinance No. 2011-25 and Providing New Illicit Discharge Ordinance
 - v. Consideration of Resolution No. 2015-10, Summary Publication of Ordinance No. 2015-40
 - iv. Consideration of 2015 Special Roads Projects
 - v. 2015 Roadway Patching
 - B. City Planner, Jennifer Haskamp
 - i. Consideration of Ordinance No. 2015- 41, Recreation, Commercial Uses
 - C. City Attorney, Nick Vivian
 - i. First Year Review of Conditional Use Permit, 7373 120th Street
 - ii. Consideration of Liquor License Application, 7373 120th Street
 - iii. Censure Review of Council Member
7. **NEW BUSINESS**
 - A. March 3, 2015 City Council Meeting Minutes (Sederstrom and Carr abstain)
 - B. Browns Creek Request for Volunteers, Sharon Schwarze
 - C. Discussion of Planning Commission
8. **UNFINISHED BUSINESS**
9. **DISCUSSION ITEMS**
 - A. City Council Reports (any updates from Council)
 - B. Staff Updates
10. **COMMUNITY CALENDAR APRIL 8 THROUGH APRIL 30, 2015:**

Mahtomedi Public Schools Board Meeting, Thursday, April 9th and 23rd, 2015, Mahtomedi District Education Center, 7:00 p.m.

Stillwater Public Schools Board Meeting, Thursday, April 9th 2015, Stillwater City Hall, 7:00 p.m.

Charter Commission Meeting, Thursday, April 16th, Mahtomedi City Hall, 7:00 p.m.

City Clean Up Day, Saturday, April 25th, Town Hall, 9:00 a.m. to Noon

Washington County Commissioners Meeting, Tuesdays, Government Center, 9:00 a.m.
11. **ADJOURNMENT**

Date range: 03/02/2015 to 03/31/2015

<u>Vendor</u>	<u>Date</u>	<u>Check #</u>	<u>Total</u>	<u>Description</u>	<u>Void</u>	<u>Account #</u>	<u>Detail</u>
U.S. Postal Service	03/19/2015	12723	\$112.00	PO Box 577	No	100-41311-210	\$112.00
League of MN Cities Insurance Trust	03/19/2015	12724	\$51.00	#29282 WComp-Final Audit	No	100-41302-360	\$51.00
Payroll Period Ending 03/31/2015	03/31/2015	12725	\$3,341.41		No	100-41101-100	\$3,341.41
Brochman Blacktopping Co.	03/31/2015	12726	\$10,163.00	Roads/Pothole Repair	No	100-43109-300	\$10,163.00
Croix Valley Inspector	03/31/2015	12727	\$2,673.76	Building Inspector	No	100-42004-300	\$2,673.76
Washington County Public Works	03/31/2015	12728	\$579.14	2014 Street Lights/ManningLakeElmo	No	100-43117-330	\$579.14
Washington County Transportation	03/31/2015	12729	\$3,194.26	Snow and Ice Control	No	100-43113-210	\$3,194.26
CountryMan Electric	03/31/2015	12730	\$932.68	Town Hall Lights	No	100-43002-220	\$932.68
CenturyLink	03/31/2015	12731	\$164.29	City Phone	No	100-41309-321	\$164.29
Waste Management	03/31/2015	12732	\$4,140.36	Recycling	No	100-43011-384	\$4,140.36
Washington County Assessment/Tax	03/31/2015	12733	\$425.17	Truth in Taxation Notice	No	100-41308-300	\$425.17
Pioneer Press	03/31/2015	12734	\$118.50	Publication	No	100-41308-351	\$118.50
Smith Appraisal Service	03/31/2015	12735	\$1,901.37	Monthly Assessment Services	No	100-41208-300	\$1,901.37
Ken Roman	03/31/2015	12736	\$63.00	Video Tech Services	No	100-41318-300	\$63.00
AirFresh Industries	03/31/2015	12737	\$250.00	PortaPot #19103/1930	No	100-43007-210	\$250.00
WSB & Associates	03/31/2015	12738	\$4,127.50	Engineering	No	100-41203-300	\$2,786.00
Eckberg Lammers	03/31/2015	12739	\$6,946.20	Legal Services	No	100-43130-300	\$1,341.50
Airc's Heating LLC	03/31/2015	12740	\$80.00	Permit Void #2014-213	No	100-41204-300	\$4,862.32
Xcel Energy	03/31/2015	12745	\$325.22	Utilities	No	100-41205-300	\$245.00
						100-41206-300	\$1,588.88
						894-49310-300	\$250.00
Sprint	03/31/2015	12746	\$28.14	City Cell Phone	No	100-42004-810	\$80.00
Kline Bros Excavating	03/31/2015	12747	\$5,625.00	Road Maintenance	No	100-43004-381	\$268.12
						100-43010-381	\$11.59
						100-43117-381	\$45.51
						100-43116-321	\$28.14

City of Grant

Disbursements List

03/31/2015

<u>Vendor</u>	<u>Date</u>	<u>Check #</u>	<u>Total</u>	<u>Description</u>	<u>Void</u>	<u>Account #</u>	<u>Detail</u>
KEJ Enterprises	03/31/2015	12748	\$4,580.00	Snow Removal/Signs	No	100-43101-300	\$5,625.00
Petty Cash	03/31/2015	12749	\$200.00	Election Expense	No	100-43110-300 100-43113-300	\$900.00 \$3,680.00
SHC, LLC	03/31/2015	12750	\$1,214.00	Planning	No	100-41310-210 100-41313-210	\$100.00 \$100.00
PERA	03/31/2015	12751	\$643.61	PERA	No	100-41209-300 100-43130-300 894-49310-300 895-49310-300	\$830.00 \$144.00 \$96.00 \$144.00
IRS	03/31/2015	EFT61	\$1,113.77	Payroll Taxes	No	100-41102-120 100-41113-100	\$344.79 \$298.82
						100-41103-100 100-41107-100 100-41110-100 100-41112-100	\$351.69 \$410.39 \$285.03 \$66.66

Total For Selected Checks

\$52,993.38

\$52,993.38

Brochman Blacktopping Co.
 12770 Mckusick Rd.
 Stillwater, Mn. 55082

Invoice

Date 3/19/2015
 Invoice # 3415

Bill To

City Of Grant
 111 Wildwood Rd.
 Po. Box. 577
 Willernie, MN 55090

Terms Due on receipt Due Date 3/19/2015

Item	Description	Qty	Price	Amount
asphalt mix	Tons	8	81.00	648.00
Truck	With driver (Hours)	17	88.00	1,496.00
Roller	With Operator (Hours)	7	73.00	511.00
Skid loader	With Operator (Hours)	2	78.00	156.00
Man hours	Labor	24	55.00	1,320.00
	Labor & materials for pothole patching at Mckusick Rd. (Grant) 03/10/2015 (\$4,131.00)			
asphalt mix	Tons	8	81.00	648.00
Truck	With driver (Hours)	19	88.00	1,672.00
Roller	With Operator (Hours)	7	73.00	511.00
Skid loader	With Operator (Hours)	2	78.00	156.00
Man hours	Labor	22	55.00	1,210.00
	Labor & materials for pothole patching at Mckusick Rd. & Joilet (Grant) 03/11/2015 (\$4,197.00)			
asphalt mix	Tons	3	81.00	243.00
Truck	With driver (Hours)	8	88.00	704.00
Roller	With Operator (Hours)	4	73.00	292.00
Skid loader	With Operator (Hours)	2	78.00	156.00
Man hours	Labor	8	55.00	440.00
	Labor & materials for pothole patching at Irish Ave. NO. & Leeward Ave. No. 03/12/2015 (1,835.00)			

Total Amount Due: \$10,163.00

Subtotal	\$10,163.00
Sales Tax (0.0%)	\$0.00
Total	\$10,163.00
Payments/Credits	\$0.00
Balance Due	\$10,163.00

brochmanpaving@msn.com

651-439-5379
 651-439-5379



Memorandum

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

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

Date: *March 29, 2015*

Re: *Engineering Guidelines*

Staff has prepared Engineering Guidelines to assist property owners and developers with their grading permit submittals, wetland submittals, and development submittals. These guidelines summarize the city's existing requirements and should help reduce the amount of revisions needed to submitted plans. Testing requirements along with specific material and product requirements are also included to ensure that public infrastructure projects are constructed with quality materials and products.

The Engineering Guidelines also helps the city meet the new requirements of the Municipal Separate Storm Sewer System (MS4) Permit.

Action: Motion to adopt Engineering Guidelines.

City of Grant
Engineering Guidelines

April 2015

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BACKGROUND

This information has been prepared to assist developers, builders, and engineers in the development of final plans and specifications in the City of Grant. Engineering guidelines are required to be incorporated into the design, plan and specification preparation, construction, and/or connection to public infrastructure facilities within the City of Grant. It is not intended to be, nor should it be used as a specification for any improvement, but rather a guideline to be used in the preparation of such documents. In the case of discrepancies, City Code controls.

Design and construction work shall conform to the most recent editions of the following:

- Mn/DOT Standard Specifications for Construction
- NPDES Construction Stormwater Permit
- NPDES Municipal Separate Storm Sewer System (MS4) Permit
- Minnesota Stormwater Manual
- City Engineers Association of Minnesota Standard Utilities Specifications
- Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways
- Mn/DOT Road Design Manual
- Protecting Water Quality in Urban Areas (Best Management Practices for Minnesota)
- Recommended Standards for Water Works (Ten States' Standards)
- Recommended Standards for Wastewater Facilities (Ten States' Standards)

All designs must incorporate the requirements identified in the City's Comprehensive Plans in effect at the time of the infrastructure design and installation.

Prior to beginning construction, all regulatory agency permits and approvals shall be obtained including the following, but not limited to:

- City of Grant
- Washington County
- Valley Branch Watershed District
- Rice Creek Watershed District
- Browns Creek Watershed District
- Carnelian-Marine-St. Croix Watershed District
- Minnesota Pollution Control Agency
- Minnesota Department of Transportation
- Minnesota Department of Health
- Metropolitan Council (Environmental Services)
- Minnesota Department of Natural Resources
- Army Corp of Engineers

DESIGN STANDARDS

I. GRADING, DRAINAGE AND EROSION CONTROL

The grading plans and erosion control systems shall conform to the most recent editions of Protecting Water Quality in Urban Areas (Best Management Practices for Minnesota), City of Grant Surface Water Management Plan and the City's comprehensive plans. These comprehensive plans contain information that the design professional must incorporate in the design of a public infrastructure within the City.

The following are specific requirements related to the development of grading/erosion control plans for the proposed subdivision and adjacent land within 200' unless noted otherwise:

1. General:

- a. Grading/erosion control plans designed and signed by a civil engineer or a land surveyor registered in the State of Minnesota.
- b. Show all drainage and utility easements.
- c. Show all lowest floor and lowest opening elevations.
- d. Show existing and proposed building and driveway footprints. For driveway footprints display proposed driveway grade and maximum proposed driveway grade.
- e. Show lot corner elevations, bench marks utilized, and horizontal and vertical datum.
- f. Show or define access routes for maintenance purposes to all inlets, outlets, and manholes.
- g. Show existing underground and overhead utilities.
- h. Show location and indication of demolition or relocation of existing structures.
- i. Show existing and abandoned drain fields, alternate drain fields and wells.
- j. Show proposed drain fields, alternate drain fields and wells.
- k. Show removal of all trees and brush below the controlled water level that will be impacted from existing and newly created ponding areas. The developer is responsible for the removal of all significant vegetation (trees, stumps, brush, debris, etc.) from any and all areas which would be inundated by the designated controlled water elevation (Normal Water Level, NWL), and the removal of dead vegetation to the High Water Level (HWL) of the pond.

2. Ponds and Wetlands:

- a. Show the NWL, HWL and storage volume for ponds.
- b. Show existing and design drainage boundaries. Show acreage of each drainage area/watershed.
- c. Show wetland boundaries as professionally delineated according to the 1987 Corp of Engineers "Wetland Delineation Manual." Per the Wetland Conservation Act (WCA), a wetland delineation report shall be submitted to the City as the Local Government Unit (LGU) for review and concurrence. For delineation reports submitted outside of the growing season (approximately October 15), review of the delineation is at the LGU's discretion.
- d. Submit a Wetland Services Request Form to the City of Grant along with a copy of the wetland delineation report and Joint Application for Work within Waters in Minnesota.
- e. A protective buffer strip of natural vegetation shall surround all wetlands. The buffer strip width is defined in Chapter 12, Section 12-261 of the City of Grant Ordinance.
- f. Wetland impacts must be permitted by the Local Government Unit before construction commences in accordance with the Wetland Conservation Act.
- g. If applicable, show Department of Natural Resources (DNR) Ordinary High Water Level (OHWL) elevation and DNR pond number and National Wetland Inventory classification.
- h. Additional information can be found in the Water Quality subsection of the Storm Sewer section of this document.

3. Emergency Overflow Routes:

- a. All Emergency Overflow Routes and cross-lot drainage need to be encompassed by a drainage/utility easement.
- b. Overland emergency overflow routes shall be provided for all basins in addition to the normal pipe outlet.
- c. Show emergency overflow routes from all low points and show high point elevation along emergency overflow routes and the directional flow arrows. Show emergency overflow route typical section with bottom width and side slopes.
- d. If a pipe is installed to provide for an emergency overflow, label it as the emergency overflow.
- e. Additional information can be found in Water Quantity and Water Quality subsections of the Storm Sewer section of this document.

4. Retaining walls:

- a. Are not allowed in easements or rights-of-way.
- b. Shall be shown on grading plans where applicable to display final grading accurately.
- c. Show top and bottom of wall elevations at beginning and end of wall, at point of maximum height, and at points along the length of wall to adequately describe the retaining wall.
- d. Retaining walls exceeding 4' in height shall require a plan prepared by a licensed engineer submitted for review and approval by the Building Official prior to permit issuance.

5. Erosion control:

- a. At a minimum, observe standards established in the following reports: "Protecting Water Quality in Urban Areas" (Best Management Practices for Minnesota) and the "Surface Water Management Plan" for the City of Grant or as modified herein.
- b. A separate erosion control plan is required that will accompany the grading plan. The plan shall be compliant with all City and National Pollutant Discharge Elimination System (NPDES) permit standards. The erosion control plan will also show all proposed erosion control Best Management Practices (BMPs) including silt fences, inlet protection, construction entrances, temporary sediment basins and any other methods as required.
- c. In all new developments, sod or other appropriate sedimentation measures are required adjacent to the roadway.

6. Stormwater management:

- a. All projects either creating or disturbing more than one acre of land or generating new impervious surfaces greater than 10,000 square feet will require the submittal of a stormwater management plan to the city prior to construction detailing how runoff and associated water quality impacts resulting from the development will be controlled or managed, unless granted by waiver.
- b. The plan shall be consistent with all City and NPDES permit standards.
- c. This plan must indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of practices.
- d. The stormwater management plan must be signed by a licensed professional engineer in the State of Minnesota, who will verify that the design of all stormwater management practices.

7. Grading:

- a. Show limits of clearing and grading.

- b. Existing contours shall be at 1' or 2' intervals to a mean sea level datum (dashed lines). The contours shall extend beyond the proposed plat boundaries 200' or more to completely show the limits of a drainage basin(s) not fully contained within the property.
- c. Proposed contours shall be at 1' or 2' intervals to a mean sea level datum (solid lines).
- d. Maximum slopes of 4:1 (Horizontal:Vertical) and minimum slopes of 2% are allowed. Maximum slopes of 3:1 (Horizontal:Vertical) are allowed below the 10:1 maintenance bench for ponds.
- e. Show or define access routes for maintenance purposes to all manholes, inlets, and/or outlets at ponding areas that are outside of public right of way. Access routes shall have an 8% maximum grade, 2% cross slope, a minimum width of 10' and a turnaround where applicable. Access easements shall be dedicated at the time of final platting if necessary.

8. Submittals:

- a. Provide detailed hydrologic/hydraulic calculations verifying location and capacity adequacy of all overland drainage routes that assure all freeboard requirements are met.
- b. Upon the completion of the construction of a designated ponding area the developer and/or engineer is required to submit an As-Built Grading Plan of the ponding area. The record drawing must certify the pond construction and that the pond meets all design parameters as set forth in the proposed site plan.
- c. Upon completion of grading, the developer is required to provide the City with an Individual Lot Final Grade record as-built drawing certifying grades, structure pad and lowest floor elevation of structures existing or proposed. See the Plan Standards section of this document for further submittal and formatting requirements.

II. STORMWATER MANAGEMENT

Proposed stormwater management plans must incorporate volume control, water quality control, and rate control as the basis for stormwater management in the proposed development plan. The City of Grant, as a permitted MS4, requires for new development projects to have a no net increase from pre-project conditions of total volume, Total Suspended Solids (TSS), and Total Phosphorus (TP); in addition, for redevelopment projects within the city, it is required to have a net reduction from pre-project conditions of total volume, TSS and TP.

Drainage facilities shall conform to the most recent editions of City Engineers Association of Minnesota Standard Utilities Specifications, Protecting Water Quality in Urban Areas (Best Management Practices for Minnesota), the Minnesota Stormwater Manual, City of Grant Surface Water Management Plan and the City's most recent comprehensive plan. These plans contain information that the design professional must incorporate in the design of a public infrastructure within the City.

The following are specific requirements related to the construction of storm sewer facilities:

1. General Storm Sewer Design:

- a. All lateral storm sewer facilities on streets shall be designed to accommodate a 10-year rainfall event and all trunk storm sewer facilities shall be designed to handle a 100-year rainfall event as determined by the City Engineer. Low points on streets shall be designed with an acceptable emergency overflow with proper transfer capacity.
- b. Minimum lateral pipe size shall be 15" diameter, unless approved by the City Engineer.
- c. Castings for storm sewer structures shall be as follows:
 - i. Catch basin: Neenah R-3067V or City Engineer approved equal
 - ii. Green area catch basin manhole: Neenah R-4342 or City Engineer approved equal
 - iii. Manholes: R-1642 or City Engineer approved equal
- d. Inlets are generally required every 300' on streets or a combination of streets and swales (250' on collector and arterial streets). The inlets shall be located to prevent runoff from flowing through intersections. Inlets should be located such that 3 cfs is the maximum flow at the inlet for the 10-year design storm event and does not exceed the applicable spread design for the road.
- e. Catch basins in the street should be in line with adjoining property lines. Catch basins in the street cannot be placed in front of driveways unless approved by the City Engineer.
- f. Catch basins shall be located on the tangent section of the curb at a point 2.5' from the intersection radius endpoint. Mid-radius catch basins are not allowed. Catch basins shall be designed to collect drainage on the upstream side of the intersection.
- g. Catch basins in unpaved areas are not allowed unless approved by the City Engineer.
- h. Any connections to existing manholes or catch basins shall be core drilled or the opening cut out with a concrete saw. No jack hammering or breaking the structure with a sledge hammer or mallet is permitted. Also, all connections to an existing system will require a manhole for access.
- i. Drain tile connections to catch basins or manholes must be approved by the City Engineer.
- j. Junction manholes should be designed to limit the hydraulic head increase by matching flow lines and by providing good angles of connection, typically greater than 90°.
- k. The maximum spacing between manholes is 500' for sewer lines 18" to 30" in diameter. Maximum spacing on large diameter sewer lines shall be approved by the City Engineer.

- l. To the greatest extent possible, manholes shall be placed in paved surfaces or other readily accessible areas.
- m. Storm sewer inlets, outlets and manholes in unpaved areas shall be marked with a structure marker sign.
- n. Pond inlet flared end sections shall be installed with $\frac{1}{2}$ the pipe diameter below the NWL elevation unless directed otherwise by the City Engineer.
- o. Use a minimum Class III riprap gradation. When installed at a pipe outlet on a slope, the length of riprap installation shall be the full length of the slope to the bottom of the pond.
- p. Steel sheet pile and concrete grouted riprap shall be installed at all pipe outlets 36" in diameter or larger.
- q. Alternative methods of slope erosion protection, such as articulated open-cell blocks, may be required to control erosion of granular soils in areas of high velocity flows. This requirement shall be site specific and at the discretion of the City Engineer.
- r. Aprons or flared end sections shall be placed at all locations where the storm sewer outlets into a ponding area. All aprons or flared end sections shall be tied to the last three (3) pipe joints. The City standard for aprons or flared end sections is the latest revision of *Mn/DOT Standard Plate* for Concrete Apron for Reinforced Concrete Pipe. The use of safety aprons and safety grates shall be used based on roadway clear zone requirements.
- s. Show or define access routes for maintenance purposes to all manholes, inlets, and/or outlets at ponding areas that are outside of public right-of-way and that meet the specific requirements related to the development of grading plans found elsewhere in this document. Access easements shall be dedicated at the time of final platting if necessary.
- t. All newly constructed and reconstructed buildings will route drain leaders to pervious areas wherein the runoff can be allowed to infiltrate. The flow rate of water exiting the leaders shall be controlled so no erosion occurs in the pervious areas.

2. Water Quantity

Proposed developments and public linear projects shall capture and retain on site, the required runoff volume from the post-project impervious areas as described by the applicable watershed district for areas that disturb one acre or more of land and create or reconstruct 10,000 square feet of impervious surface. For projects less than one acre and less than 10,000 square feet of impervious surfaces, the city encourages applicants to incorporate volume control or water quality provisions to the extent feasible.

For linear projects with lack of right-of-way, easements or other permissions from property owners to install treatments systems that are capable of treating the total water quality volume on site, the project must maximize treatment through other methods or combination of methods before runoff is released to nearby surface waters. Alternative treatment options include: grassed

swales, filtration systems, smaller ponds, or grit chambers. In all circumstances, a reasonable attempt must be made to obtain right-of-way during the project planning and all attempts of infeasibility must be recorded.

- a. In the event that the City will not be providing a regional system, storage of the runoff from the 100 year, 24 hour storm event is required on-site.
- b. The City prefers to provide rate control through the use of regional storm water retention systems versus site-by-site retention systems if regional systems are available.
- c. Drainage calculations must be submitted with a Stormwater Management Plan to demonstrate adequate rate control, storage, and infiltration are provided as per the requirements of the applicable Watershed District, and such that the project will not result in an increase in 2-year, 10-year, 100-year 24 hour duration rainfall runoff rates or volume.
- d. Storm events or runoff events shall be defined as outlined below by the National Oceanic and Atmospheric Administration's Atlas 14 values, as amended, for the 2-year, 10-year, and 100-year return period, 24-hour duration rainfall events and the 10-day snowmelt event (Curve Number 100), in order to identify the critical duration flood event as shown in the table below:

Event	Rainfall/Snowmelt Depth (inches)
2-year, 24 hour	2.79
10-year, 24 hour	4.16
100-year, 24 hour	7.18
100-year, 10 day snowmelt	9.86

- e. Infiltration rates of soils for design purposes are as follows:
 - Hydrologic soil group A : 0.80 in/hour
 - Hydrologic soil group B : 0.30 in/hour
 - Hydrologic soil group C : 0.20 in/hour
 - Hydrologic soil group D : 0.06 in/hour

Different infiltration rates will be considered (up to a maximum of 1.63 in/hour) by the City Engineer on a site-by-site basis based on percolation tests or other pertinent information conducted by a professional soil scientist or Professional Engineer.

Infiltration is infeasible where:

- Industrial facilities are not authorized to infiltrate industrial stormwater under and NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
- Vehicle fueling and maintenance occur.
- Less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of the bedrock.

- High levels of contaminant in soil or groundwater will be mobilized by the infiltrating stormwater.

The City may restrict the use of infiltration features to meet post-construction requirements for stormwater management, without higher engineering review, if the infiltration techniques will be constructed in the following areas where:

- Soils are predominately Hydrologic Soil Group D (clay) soils.
- Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features.
- Drinking Water Supply Management Areas are present, as defined by Minn. R. 4720.51000, subp.13, unless precluded by a local unit of government with an MS4 permit.
- Soil infiltration rates are more than 8.3 inches per hour unless soils are amended to flow the infiltration rate below 8.3 inches per hour.

Where the site factors listed above limit the construction of infiltration systems, the project proposer shall provide appropriate documentation to the City regarding the limitations. If the City determines that infiltration is restricted or prohibited onsite, the applicant shall consider alternative volume reduction BMPs and the water quality volume must be treated by a wet sedimentation basin, filtration system, regional ponding or similar method prior to the release of stormwater to surface water.

- f. The City prohibits activities within the 100 year floodplain unless compensatory floodplain mitigation is provided at a 1:1 ratio by volume and it is demonstrated that the 100 year flood plain will not be impacted. In addition, no filling within the designated floodway of a drainage channel shall be allowed. Suitable calculations must be submitted and approved demonstrating that filling in the flood fringe will not impact the 100 year flood profile.
- g. The City shall restrict or prohibit uses within the floodplain that are dangerous to health, safety, or property in times of flood or which cause increase in flood elevations or velocities.

- h. The City requires that for any new residential, commercial, industrial and other habitable or non-habitable structures, and all stormwater BMPs, must be constructed so that the lowest floor and lowest entry elevations apply with the following:

	Low Floor Freeboard	Low Entry Freeboard
REGIONAL FLOOD		
100-year Critical Elevation	2.0 ft	N/A
EOF Elevation	1.0 ft	N/A
STORMWATER PONDS, WETLANDS & DETENTION BASINS		
100-year Critical Elevation	0.0 ft	2.0 ft
EOF Elevation	N/A	1.0 ft
INFILTRATION & BIOFILTRATION BASINS		
Basin Bottom Elevation	0.0 ft	N/A
100-year Critical Elevation	N/A	2.0 ft
EOF Elevation	N/A	1.0 ft
RAIN GARDENS & OFF-LINE INFILTRATION BASINS		
EOF Elevation	N/A	0.5ft
GROUNDWATER		
Currently Observed Elevations	4.0 ft	N/A

- i. New storm sewer system laterals shall be designed to accommodate discharge rates from a 10-year storm event.

3. Water Quality

Volume control measures are required on projects to meet the water quality criteria of the City of Grant's City Code Chapter 30, Section 30-103 and to meet the requirements of the City of Grant's MS4 Permit obligations. Volume control shall be required for proposed new impervious areas greater than one acre or redevelopment of impervious surfaces greater than 10,000 square feet. If an applicant can demonstrate that the volume control standard has been met, then the water quality sizing criteria shall be considered satisfied.

- a. In the design and construction of new, or modifications to the existing storm water conveyance systems, pretreatment of storm water runoff to Nationwide Urban Runoff Program (NURP) recommendations must be provided prior to direct discharge to a wetland, public water or public water wetland. The NURP design guidelines for the City are as follows:
- i. A permanent pool ("dead storage") volume below the principal spillway (normal outlet), which shall be greater than or equal to the runoff from a 2.5 inch storm over the entire contributing drainage area assuming full development.
 - ii. A permanent pool average depth (basin volume/basin area), which shall be >4 feet, with a maximum depth of <10 feet.

- iii. An emergency overflow (emergency outlet) adequate to control the one percent frequency/critical duration rainfall event.
 - iv. Basin side slopes above the normal water level should be no steeper than 4:1, and preferably flatter. A basin shelf with a minimum width of 10 feet and one foot deep below the normal water level is recommended to enhance wildlife habitat, reduce potential safety hazards, and improve access for long-term maintenance.
 - v. To prevent short-circuiting, the distance between major inlets and the normal outlet shall be maximized.
 - vi. A flood pool (“live storage”) volume above the principal spillway shall be adequate so that the peak discharge rates from 2-year, 10-year, and 100-year critical duration storms are no greater than pre-development basin watershed conditions. Additional discharge restrictions may be required as outlined in the applicable watershed district rules.
 - vii. Retardance of peak discharges for the more frequent storms can be achieved through a principal spillway design, which may include a perforated vertical riser, small orifice retention outlet, or compound weir. Additional discharge restrictions may be required as outlined in the applicable watershed district rules.
 - viii. A protective buffer strip of vegetation surrounding the permanent pool at a minimum width of 15 feet.
- b. The water quality control standard shall be considered satisfied if the volume control standard has been satisfied. In the event that it is infeasible to meet the volume control standard due to contaminated soils, site constraints, etc. for new development, the proposed BMP will need to maintain existing TSS and TP loading. The goal for redevelopment is to reduce the TSS and TP loadings from existing (based on the MS4 Permit requirements)

Under certain circumstances, some construction projects cannot meet the TSS and/or TP reduction requirements for new or redevelopment projects on the site of the original construction. All methods must be exhausted prior to considering alternative locations where TSS and TP treatment standards can be achieved. If the City has determined that all methods have been exhausted, the permittee will be required to identify alternative locations where TSS and TP treatment standards can be achieved. Mitigation projects will be chosen in the following order of preference:

1. Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
2. Locations within the same Department of Natural Resource (DNR) catchment area as the original construction activity
3. Locations in the next adjacent DNR catchment area up-stream

4. Locations anywhere within the City of Grant.

In addition, mitigation projects shall also meet the following criteria:

1. Mitigation projects shall involve the establishment new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP.
 2. Previously required routine maintenance of structural stormwater BMPs cannot be considered mitigation.
 3. Mitigation projects must be finished within 24 months after the original construction activity begins.
 4. A maintenance agreement specifying the responsible party for long-term maintenance shall be identified.
- c. Sediment and nutrient pretreatment shall be provided to the extent necessary as outlined in the City's Wetland Management Plan and applicable watershed district rules.
 - d. Development plans must be in conformance with the shoreland management ordinance.
 - e. The City will require skimmers in the construction of new pond outlets, and add skimmers to the existing system whenever feasible and practical.

4. Infiltration/Filtration Practices

- a. Sizing of filtration/infiltration practices shall be in conformance with the volume control requirements of this manual and the Minnesota Stormwater Manual.
- b. When designing an infiltration practice for volume control and water quality management, on-site testing and detailed analysis are strongly encouraged in order to determine the infiltration rates of the proposed infiltration facility. Documented site-specific infiltration or hydraulic conductivity measurements (double-ring infiltrometer) completed by a licensed soil scientist or engineer is required. In the absence of a detailed analysis, the saturated infiltration rates listed in the Infiltration Rates for Infiltration BMPs table found on the Minnesota Stormwater Manual shall be used. A piezometer shall be installed in order to ascertain the level of the local groundwater table and demonstrate at least three feet of separation between the bottom of the proposed facility and the groundwater. The soil boring is required to go to a depth of at least five feet below the proposed bottom of the BMP. The soils shall be classified using the Unified Soil Classification system. The least permeable soil horizon will dictate the infiltration rate. Infiltration practices shall be designed to infiltrate the required runoff volume within 48 hours.
- c. Pretreatment, in the form of ponds, forebays, filter strips, or other approved methods, shall be provided for all infiltration areas. Pretreatment upstream of volume management practices is a key element in the long-term viability of infiltration areas. The level of pretreatment varies largely depending on the BMP and drainage area of the watershed,

City and local Watershed District requirements, and Minnesota Stormwater Manual recommendations shall be utilized for determining the appropriate level of pretreatment on a case-by-case basis.

- d. The infiltration practice shall not be used within fifty feet of a municipal, community or private well, unless specifically allowed by an approved wellhead protection plan.
- e. The infiltration practice shall be installed a minimum of 10 feet away from all buildings.
- f. The infiltration practice shall not be used for runoff from fueling and vehicle maintenance areas and industrial areas with exposed materials posing contamination risk, unless the infiltration practice is designed to allow for spill containment.
- g. Vegetation of infiltration/filtration practices shall be as shown in the City of Grant's Standard Details. A plan for management for vegetation shall be included in the Stormwater Management Plan.
- h. If soils are unsuitable for infiltration, then filtration may be used with drain tile, provided in accordance with the City of Grant's Standard Details.
- i. Subgrade soils for infiltration/filtration practices shall be as presented in the City of Grant's Standard Details. Assume a 40% void ratio for clean washed rock and 20% for construction sand for the purposes of volume calculations.
- j. Rock storage beds shall be constructed using crushed angular granite that has been thoroughly washed to remove all fine particles that could result in clogging of the system.
- k. For infiltration benches adjacent to ponds, benches shall have slopes no steeper than 5:1 over the proposed infiltration zone. A slope of 10:1 is preferred. The Minnesota Stormwater Manual cites concerns with locating infiltration features immediately adjacent to ponds. To address this, benches shall be located to maintain hydraulic separation from the saturated zone of the pond in order to minimize the loss of infiltration potential over time.

5. Wetlands

- a. Prior to issuance of any city grading or building permits, all development and redevelopment activities must comply with the Wetland Conservation Act. A copy of the Wetland Conservation Act Rules can be obtained at City Hall.
- b. For new development, buffers around wetlands as outlined in the City Code of Ordinances will be required. These buffers include:

Natural environmental lake:	50 Feet
Type 3, 4, 5 wetlands:	50 Feet
Stormwater pond:	10 Feet
Building setback from outer edge of buffer:	10 Feet in non-agricultural areas only

Developers shall be responsible for the installation of monuments marking the outer edge of the buffer.

6. Erosion Control

- a. The City will require erosion and sediment control on all construction sites to be in conformance with City ordinance and the Minnesota Pollution Control Agency's Best Management Practices.

7. Easements

- a. If a developer's proposal involves directing some or all runoff off -site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.
- b. Easements are required for all landlocked ponding areas to the greater of the basins 100 year – 10 day run-off HWL elevation or back to back 100 year – 24 hour HWL elevation. Easements are required for all outletted basins, swales, ditches, and overflow routes to the basin's 100 year storm HWL elevation. Easements are required over the ultimate overflow route from land locked basins and future trunk storm sewer convergence routes.
- c. If the storm sewer is to be less than 10' deep within private property, the easement shall be a minimum of 20' wide. If the storm sewer is 10' deep or greater, then the easement shall be twice as wide as the depth.

8. Long-Term Inspection and Maintenance of Stormwater Facilities

- a. No private stormwater facilities may be approved unless a maintenance plan is provided that defines how access will be provided, who will conduct the maintenance, the type of maintenance and the maintenance intervals. At a minimum, all private stormwater facilities shall be inspected annually and maintained in proper condition consistent with the performance goals for which they were originally designed and as executed in the stormwater facilities maintenance agreement.
- b. Access to all stormwater facilities must be inspected annually and maintained as necessary. The applicant shall obtain all necessary easement or other property interests to allow access to the facilities for inspection or maintenance for both the responsible party and the City of Grant.
- c. All settled materials including settled solids, shall be removed from ponds, sumps, grit chambers, and other devices, and disposed of properly.

9. Submittals

- a. Calculations and drainage area maps showing 10 year and 100 year flood boundaries shall be submitted with the plans and specifications verifying the adequacy of the number of catch basins, pipe capacities and pond sizes.
- b. A storm water pollution control plan is required for any project that requires a building permit, subdivision approval, or grading permit per the City's Surface Water Management ordinance.

- c. A maintenance plan and maintenance agreement for private stormwater facilities.
- d. Upon completion of the storm sewer utility work, the developer is required to provide the City with a Utility Record Drawing. See the Plan Standards section of this document for further submittal and formatting requirements.

10. Specifications:

- a. See the current City of Grant General Specifications and Standard Detail Plates for further construction requirements and for additional information.

III. ROADWAY CONSTRUCTION

Streets shall conform to the most recent editions of "Mn/DOT Standard Specification for Construction," "Mn/DOT Road Design Manual," "Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways", City Code, and Comprehensive Plan. These plans contain information that the design professional must incorporate in the design of a public infrastructure within the City.

The following are specific requirements related to the design of street construction:

1. General

- a. On a street with concrete curb & gutter, street width shall be measured from the face of curb to the face of curb.
- b. Maximum length of a cul-de-sac street shall be 1320'.
- c. Streets shall be laid out so as to intersect as nearly as possible at right angles.
- d. No street grade shall be less than 0.5% and not exceed 8.0%. At intersections, the street grade shall not exceed 2.0% for the first 100' approaching said intersection. The 100' is measured from the curb line of the intersected street.
- e. In cul-de-sacs, the gutter grade shall not be less than 0.5%. A minimum 0.5' crown or minimum 2% cross slope grade, whichever is greater, is required for a cul-de-sac cross section.
- f. Concrete valley gutters will be constructed where cross-section slopes are less than 1% and/or as directed by the City Engineer.
- g. Soil boring information shall be submitted to the City.
- h. The material used for the aggregate base shall meet the specifications of Mn/DOT 2211.
- i. Cul-de-sacs are required on all "dead-end" public streets. Temporary "dead-end" situations associated with phased development do not require concrete curb and gutter

along the radius of the cul-de-sac. Temporary "dead-end" situations associated with providing access for future extension to and through adjacent undeveloped property requires concrete curb and gutter installation.

- j. New residential subdivisions will require modified 'S' design or B6-18 curb and gutter in accordance with Mn/DOT standard plates. B6-18 curb and gutter is required on all collector streets and at all intersection radii.
 - k. A 25' minimum intersection radius shall be used on residential streets. A 50' minimum intersection radius shall be used on non-residential streets.
 - l. The following Mn/DOT specifications shall apply to asphalt pavement:
 - i. 2360 Plant Mixed Asphalt Pavement, B or C asphalt grade
 - ii. 2399 Pavement Surface Smoothness
 - iii. 3139 Graded Aggregate for Bituminous Mixtures
 - m. The design and construction of sidewalks and trail ways shall be in accordance with current ADA Standards and the current edition of the "Mn/DOT Bikeway Facility Design Manual."
 - n. Traffic signs and devices shall be installed per Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways.
2. **Submittals**
- a. Upon completion of the street construction, the developer is required to provide the City with a Record Utility Drawing. See the Plan Standards section of this document for further submittal and formatting requirements.
3. **Specifications**
- a. See the current City of Grant General Specifications and Standard Detail Plates for further street construction requirements and for additional information.

CONSTRUCTION GUIDELINES

The following is a summary of requirements/procedures for developments projects in the City of Grant:

1. Shop drawings

Contractor shall submit shop drawings for review in electronic format.

2. Field communication

- a. Submit weekly construction reports to City Engineer. Include list/summary of resident contacts in these reports.
- b. Contract changes with contractor and developer need to be documented as solely between the two parties.
- c. Weekly progress meeting minutes shall be submitted to the City Engineer at the end of each week.
- d. Document all private utility hits/damage and immediately notify City Office
- e. Field emergency:
 - i. All City of Grant representatives will have all small utility emergency contact information available. Notify the following as necessary:
 - (1) 911
 - (2) City Hall – (651) 426-3383
 - (3) City Engineer – (612) 202-9116
- f. Road closure procedure:
 - i. Create a traffic control signage plan or detour plan if applicable.
 - ii. Submit a written request for the road closure along with the signage/detour plan to the City Office.
 - iii. Subject to City Engineer review and approval, follow approval requirements.

3. Testing procedures

All testing shall be completed by a City approved testing agency. Notify City Engineer within 48 hours of any scheduled testing.

- a. Backfill materials in utility trenches are subject to density and testing requirements per City Specification.
- b. Storm sewer
 - i. Visual inspection
 - ii. Lamping
- c. Street construction
 - i. Topsoil per “Mn/DOT Standard Specifications for Construction”

- ii. Gradations for select granular borrow and aggregate base
- iii. Density test for subgrade and aggregate base
- iv. Roll test for subgrade and/or aggregate base
- v. Bituminous per current “Mn/DOT Standard Specifications for Construction”
- vi. Air, slump and compressive strength for concrete
- vii. Cores on wear course, base course if questionable

4. Inspections

a. Final

- i. Performed after completion of all street construction, including final grading and restoration of boulevards, ponding areas and drainage swales by designated City staff.
- ii. Punch list of any required corrective work is given to designated City staff.
- iii. After completion of all punch list items is certified by contractor, corrective work is re-inspected by designated City staff.

5. Grading Certification

A certified grading plan is required to be submitted following mass grading of the site. The grading plan is required to be signed by a Professional Engineer or Licensed Surveyor.

6. Record Drawings

Record drawings shall be submitted to the City in pdf format following construction. The record drawings are required to contain the following information.

- i. As-built locations and elevations (x,y,z) of each utility, field revisions
- ii. Pavement cross section including street width (face to face) on street and storm sewer sheets.
- iii. A minimum of two bench marks on each sheet.
- iv. Contractor name
- v. The text “Record Drawing” followed by the year of construction

In addition to the record drawings, the actual data of the approved construction plan and record drawings are required to be submitted to the City in AutoCAD or ArcMap compatible format.

CONSTRUCTION SITE STORMWATER RUNOFF CONTROL GUIDANCE

The City of Grant has identified policies that define the City's requirements for construction site stormwater runoff control. All applicants for permits to allow land disturbing activities must meet the criteria addressed below:

1. Erosion Control

1. The Permittee must plan for and implement appropriate construction phasing vegetative buffer strips, horizontal slope grading, and other construction practices to minimize erosion. All areas not to be disturbed shall be marked (e.g. with flags, stakes, signs, silt fence etc.) on the project site before any work begins.
2. All exposed soil areas must be stabilized as soon as possible to limit soil erosion but in no case later than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased and no later than seven (7) days after construction activity in that portion of the site has temporarily or permanently ceased when discharge points on the project is within one mile of a special or impaired water and flows to that special or impaired water.
3. Additional BMPs together with enhanced runoff controls are required for discharges to special waters and impaired waters. The BMPs identified for each special or impaired water are required for those areas of the project draining to a discharge point on the project that is within one mile of a special or impaired water and flows to that water.
4. The permittee must stabilize the normal wetted perimeter of any temporary or permanent drainage ditch or swale that drains water from any portion of the construction site, or diverts water around the site, within 200 lineal feet from the property edge, or from the point of discharge into any surface water. Stabilization of the last 200 lineal feet must be completed within 24 hours after connecting to a surface water or property edge.
5. Pipe outlet must have temporary or permanent energy dissipation before connecting to surface water.
6. When possible, all slopes must be graded in such a fashion so that tracking marks made from heavy equipment are perpendicular to the slope.
7. All areas disturbed during construction must be restored as detailed in these requirements. The type of permanent restoration shall be clearly shown on the plans including but not limited to sod, seed, impervious cover and structures. A minimum of 6 inches of topsoil must be installed prior to permanent restoration. Areas in which the top soil has been placed and finish graded or areas that have been disturbed and other grading or site building construction operations are not actively underway must be temporary or permanently restored as set forth in the following requirements:
 - a. Areas with slopes that area less than 3:1 must be seeded and mulched within 14 days of the area not being actively worked.
 - b. Areas with slopes that area greater or equal to 3:1 must be seeded and erosion control

blanket placed within 14 days of the area not being actively worked.

- c. All seeded area must be either mulched and disc anchored, hydro- mulched, or covered by erosion control blanket to reduced erosion and protects the seed. Temporary or permanent mulch must be disc anchored and applied at a uniform rate of 2 tons per acre and have 90% coverage.
- d. If the disturbed area will be re-disturbed within a six month period, temporary vegetative cover shall be required consisting of an approved seed mixture and application rate.
- e. If the disturbed area will not be re-disturbed within a six month period, permanent vegetative cover shall be required consisting of an approved seed mixture and application rate.
- f. All areas that will not have maintenance done such as mowing as part of the final design shall be permanently restored using an approved seed mixture and application rate.
- g. Restoration of disturbed wetland areas shall be accomplished using an approved seed mixture and application rate.
- h. All erosion control measures must be maintained for the duration of the project until final stabilization has been achieved in accordance with Section 1.7. If construction operations or natural events damage or interfere with any erosion control measures, they shall be restored to serve their intended function.
- i. Additional erosion control measures shall be added as necessary to effectively protect the natural resources of the City. The temporary and permanent erosion control plans shall be revised as needed based on current site conditions and to comply with all applicable requirements.

2. Sediment Control

- 1. Sediment control practices must be established on all down gradient perimeters before any upgradient land disturbing activities begin. These practices must remain in place until final stabilization has been achieved.
- 2. If down gradient treatment system is overloaded additional up gradient sediment control practices must be installed to eliminate overloading. The SWPPP must be amended to identify the additional practices.
- 3. All storm drain inlets must be protected by approved BMPs during construction until all potential sources for discharge have been stabilized. These devices must be maintained until final stabilization is achieved. Inlet protection may be removed if a specific safety concern (street flooding/freezing) has been identified.
- 4. Temporary stockpiles must have silt fence or other effective sediment controls on the down gradient side of the stockpile and shall not be placed at least twenty five (10) feet

from any road, wetland, protected water, drainage channel, or storm water inlets. Stockpile left for more than fourteen (14) days must be stabilized with mulch, vegetation, tarps or other approved means.

5. Vehicle tracking of sediment from project shall be minimized by approved BMPs. These shall be installed and maintained at the City approved entrances. Individual lots shall each be required to install and maintained entrances throughout the construction building until a paved driveway is installed.
6. Sediment that has washed or tracked from site by motor vehicles or equipment shall be cleaned from paved surfaces throughout the duration of construction.
7. Silt fence or other approved sediment control devices must be installed in all areas as shown on the SWPPP.
8. Silt fence or other approved sediment control devices shall be required along the entire curb line, except for approved opening where construction entrance will be installed or drainage flows away from curb. This device must be maintained until final stabilization is achieved. Ditch checks shall be required in ditch bottoms. Spacing for the check must be as follows: $[\text{Height in feet (of the sediment device used)}] \times 100 / \text{Slope Gradient}$
9. Dust control measures, such as application of water must be performed periodically due to weather, construction activity, and/or as directed by the City.
10. Flows from diversion channels or pipes (temporary or permanent) must be routed to sedimentation basins or appropriate energy dissipaters to prevent the transport of sediment to outflow or lateral conveyors, and to prevent erosion and sediment buildup when runoff flows into the conveyors.
11. A concrete washout shall be installed on projects that require the use of concrete. All liquid and solid wastes generated by concrete washout operations must be contained in a leak-proof containment facility or impermeable liner. A sign must be installed adjacent to each washout facility to inform operators to utilize the proper facilities.
12. All sediment control measures shall be used and maintained for the duration of the project until final. If construction operations or natural events damage or interfere with any erosion control measures, they must be restored to serve their intended function.
13. Additional sediment control measures shall be added as necessary to effectively protect the natural resources of the City. The temporary and permanent erosion control plans shall be revised as needed based on current site conditions and to comply with all applicable requirements.
14. Restrict clearing and grading within 50 feet of an existing wetland boundary to provide for a protective buffer strip of natural vegetation.

3. Waterway and Watercourse Protection

1. A temporary stream crossing must be installed and approved by the local government unit, and regulating agency if a wet watercourse will be crossed regularly during construction.
2. The watercourse channel shall be stabilized before, during, and within 24 hours after any in-channel work.
3. No in-water work shall be allowed in Public Waters during the MNDNR's work exclusion dates.
4. Prior to placement of any equipment into any waters, all equipment must be free of aquatic plants and non-native animals.
5. All on-site stormwater conveyance channels shall be designed according to the criteria outlined in this document. Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels is required.

4. Temporary Sediment Basins

1. A temporary sediment basin (or permanent) shall be provided when 10 or more acres of disturbed soil drain to a common location prior to the runoff leaving the site or entering surface waters. The Permittee is also encouraged, but not required to install temporary sediment basins in areas with steep slope or highly erodible soils even if the area is less than 10 acres and it drains to one common area. The basins shall be designed and constructed according to the following requirements.
 - j. The basins must provide storage below the outlet pipe for a calculated volume of runoff from a 2 year, 24 hour storm from each acre drained to the basin, except that in no case shall the basin provide less than 1800 cubic feet of storage below the outlet pipe from each acre drained to the basin.
 - k. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage below the outlet pipe per acre drained to the basin shall be provided where attainable until final stabilization of the site.
 - l. Temporary basin outlets will be designed to prevent short-circuiting and the discharge of floating debris. The basin must be designed with the ability to allow complete basin drawdown (e.g., perforated riser pipe wrapped with filter fabric and covered with crushed gravel, pumps or other means) for maintenance activities, and provide a stabilized emergency overflow to prevent failure of pond integrity. Energy dissipation must be provided for the basin outlet.
 - m. Temporary (or permanent) basins must be constructed and made operational concurrent with the start of soil disturbance that is up gradient of the area and contributes runoff to the pond.

- n. Where the temporary sediment basin is not attainable due to site limitations, equivalent sediment controls such as smaller sediment basins, and/or sediment traps, silt fences, vegetative buffer strips or any appropriate combination of measures are required for all down slope boundaries of the construction area and for those side slope boundaries deemed appropriate as dictated by individual site conditions. In determining whether installing a sediment basin is attainable, the Permittee must consider public safety and may consider factors such as site soils, slope, and available area on site. This determination must be documented in the SWPPP.
- o. The Permittee shall maintain the sedimentation basins and will remain functional until an acceptable vegetative cover is restored to the site, resulting in a pre-development level rate of erosion. The city will not issue building permits for lots containing sediment basins until they have been removed or relocated based on the projects restoration progress.
- p. Basins designed to be used for permanent stormwater management shall be brought back to their original design contours prior to acceptance by the City.

5. Dewatering and Basin Draining

- 1. If water cannot be discharged into a sedimentation basin before entering a surface water it must be treated with the appropriate BMPs, such that the discharge does not adversely affect the receiving water or downstream landowners. The Permittee must make sure discharge points are appropriately protected from erosion and scour. The discharge must be dispersed over riprap, sand bags, plastic sheeting or other acceptable energy dissipation measures. Adequate sediment control measures are required for discharging water that contains suspended soils.
- 2. All water from dewatering or basin draining must discharge in a manner that does not cause nuisance conditions, erosion in receiving channels, on down slope properties, or inundation in wetlands causing significant adverse impact to wetlands.

6. Inspections and Maintenance

- 1. The Permittee shall be responsible for inspecting and maintenance of the BMPs.
- 2. The Permittee must routinely inspect the construction project once every 7 days during active construction and within 24 hours of a rainfall event of 0.5 inches or greater in 24 hours.
- 3. All inspections and maintenance conducted during construction must be recorded in writing and must be retained with the SWPPP. Records of each inspection and maintenance activity shall include:
 - a. Date and time of inspection.
 - b. Name of person(s) conducting the inspections.
 - c. Findings of inspections, including recommendations for corrective actions.

- d. Corrective actions taken (including dates, times, and the party completing the maintenance activities).
 - e. Date and amount of all rainfall events 0.5 inches or greater in 24 hours.
 - f. Documentation of changes made to SWPPP.
4. Parts of the construction site that have achieved final stabilization, but work continues on other parts of the site, inspections of the stabilized areas can be reduced to once a month. If work has been suspended due to frozen ground conditions, the required inspections and maintenance must take place as soon as runoff occurs or prior to resuming construction, whichever happens first.
 5. All erosion and sediment BMPs shall be inspected to ensure integrity and effectiveness. All nonfunctional BMPs shall be repaired, replaced or supplemented with a functional BMP. The Permittee shall investigate and comply with the following inspection and maintenance requirements.
 6. All silt fences must be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches 1/3 of the height of the fence. These repairs shall be made within 24 hours of discovery, or as soon as field conditions allow access.
 7. Temporary and permanent sedimentation basins must be drained and the sediment removed when the depth of sediment collected in the basin reaches 1/2 the storage volume. Drainage and removal must be completed within 72 hours of discovery, or as soon as field conditions allow access.
 8. Surface waters, including drainage ditches and conveyance systems, must be inspected for evidence of sediment being deposited by erosion. The Permittee shall remove all deltas and sediment deposited in surface waters, including drainage ways, catch basins, and other drainage systems, and restabilize the areas where sediment removal results in exposed soil. The removal and stabilization shall take place within 7 days of discovery unless precluded by legal, regulatory, or physical access constraints. The Permittee shall use all reasonable efforts to obtain access. If precluded, removal and stabilization shall take place within 7 calendar days of obtaining access. The Permittee is responsible for contacting all local, regional, state and federal authorities and receiving any applicable permits, prior to conducting any work.
 9. Construction site vehicle exit locations shall be inspected for evidence of off-site sediment tracking onto paved surfaces. Tracked sediment shall be removed from all off-site paved surfaces, within 24 hours of discovery, or if applicable, within a shorter time.

10. The Permittee is responsible for the operation and maintenance of temporary and permanent water quality management BMPs, as well as all erosion prevention and sediment control BMPs, for the duration of the construction work at the site. The Permittee is responsible until another Permittee has assumed control over all areas of the site that have not been finally stabilized or the site has undergone final stabilization, and a NOT has been submitted to the MPCA.
11. If sediment escapes the construction site, off-site accumulations of sediment shall be removed in a manner and at a frequency sufficient to minimize off-site impacts (e.g., fugitive sediment in streets could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets).
12. All infiltration areas shall be inspected to ensure that no sediment from ongoing construction activities is reaching the infiltration area and these areas are protected from compaction due to construction equipment driving across the infiltration area.

7. Pollution Management Measures/Construction Site Waste Control

1. The Permittee must implement the following pollution prevention management measures on the site.
 - a. Solid Waste – Collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other wastes must be disposed of properly and must comply with MPCA disposal requirements.
 - b. Hazardous Materials such as oil, gasoline, paint and any hazardous substances must be properly stored, including secondary containment, to prevent spills, leaks or other discharge. Restricted access to storage areas shall be provided to prevent vandalism. Storage and disposal of hazardous waste shall be in compliance with MPCA regulations.
 - c. External washing of trucks and other construction vehicles must be limited to a defined area of the site. Runoff shall be contained and waste properly disposed of. No engine degreasing is allowed on site.
 - d. The City of Grant prohibits discharges of any material other than storm water, and discharges from dewatering or basin draining activities. Prohibited discharges include but are not limited to vehicle and equipment washing, maintenance spills, wash water, and discharges of oil and other hazardous substances.

8. Final Stabilization

The Permittee must ensure final stabilization of the project. Final stabilization is not complete until the following criteria are met:

1. All soil disturbing activities at the site have been completed and all soils will be

stabilized by a uniform perennial vegetative cover with a density of at least 70 percent over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions and;

- a. All drainage ditches, constructed to drain water from the site after construction is complete, must be stabilized to preclude erosion; and
 - b. All temporary synthetic, and structural erosion prevention and sediment control BMPs (such as silt fence) must be removed as part of the site final stabilization; and
 - c. The Permittee must clean out all sediment from conveyances and from temporary sedimentation basins that are to be used as permanent water quality management basins. Sediment must be stabilized to prevent it from washing back into the basin, conveyances or drainage ways discharging off-site or to surface waters. The cleanout of permanent basins must be sufficient to return the basin to design capacity.
2. For residential construction only, final stabilization has been achieved when:
- a. Temporary erosion protection and down gradient perimeter control for individual lots has been completed, and the residence has been transferred to the homeowner.
 - b. The Permittee must distribute the MPCA “homeowner factsheet” to the homeowner so the homeowner is informed for the need, and benefits, of final stabilization.

9. Training

1. The SWPPP must provide a chain of command showing who prepared the SWPPP, who is responsible for the management of the construction site and inspections.
2. The training shall consist of a course developed by a local, state or federal agency, professional organization, water management organization, or soil and water conservation district and must contain information that is related to erosion prevention, sediment control, or permanent stormwater management and must relate to the work that you are responsible for managing.



Memorandum

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

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

Date: *March 29, 2015*

Re: *MS4 Ordinance Update*

Background

WSB staff has worked with the education coordinator of the East Metro Water Resource Education Program (EMWREP) to form a partnership with Grant. The EMWREP was formed in 2006 to serve 18 local units of government in the east metro area. The purpose of the shared education program is to provide education about the impacts of non-point source pollution on local lakes, rivers, streams, wetlands and groundwater resources and to engage people and communities in projects that will help to protect and improve water quality in the region. By joining the EMWREP, the City will be able to meet the education and outreach, and public participation requirements of the MS4 permit for \$560 per year.

The EMWREP agreement is attached.

Action: Motion authorize the execution of an agreement between the City of Grant and Washington Conservation District and Members of the 2013-2015 East Metro Water Resource Education Program

**AGREEMENT BETWEEN
WASHINGTON CONSERVATION DISTRICT
AND MEMBERS OF THE 2013-2015
EAST METRO WATER RESOURCE EDUCATION PROGRAM**

A. PARTIES

This Agreement is made and entered into by Washington Conservation District, hereinafter referred to as HOST, and members of the East Metro Water Resource Education Program, hereinafter referred to individually as a PARTNER. A PARTNER is defined as an entity that executes this agreement. Eligible PARTNERS include watershed organizations and municipalities partially or wholly within Washington County.

B. PURPOSE

WHEREAS, the PARTNER has a common objective of educating the citizens of the Twin Cities east metro area about water resource, stormwater, and groundwater management in order to improve water quality; and

WHEREAS, the PARTNER has identified a need for education assistance; and

WHEREAS, 9 watershed organizations in Washington County have education components in their respective watershed management plans; and

WHEREAS, 23 communities, including multiple watersheds and the County, in Washington County are required to obtain a Municipal Separate Storm Sewer System (MS4) Permit from the Minnesota Pollution Control Agency (MPCA), which requires nonpoint source pollution education; and

WHEREAS, the PARTNER agrees it is in their best interest to define their respective responsibilities and obligations; and

WHEREAS, the PARTNER agrees that collaborative efforts are needed to more effectively and efficiently deliver water resource education and meet MS4 permit education requirements; and

WHEREAS, the PARTNER requests assistance from the HOST to implement the policies specified in MINN. STAT. §§ 103A.206; and

WHEREAS, the HOST is authorized to enter agreements to provide such assistance pursuant to MINN. STAT. §§ 103C.331, SUBD. 3 and 7.

NOW, THEREFORE, the PARTNER agrees as follows:

C. TERM OF CONTRACT

The term of this agreement shall be from April 15, 2015 to December 31, 2015 unless extended or terminated earlier as provided herein.

D. MEMBERSHIP STRUCTURE

In accordance to the program goals of collaboration and partnership, entities may become a PARTNER by signing the Signature Page at the end of this Agreement. A new PARTNER shall apply to the HOST and sign a separate contract and their signature page shall be attached to the original document. The HOST will coordinate with each PARTNER, update the project budget, and distribute it to each PARTNER.

Each PARTNER will assign a member to the Steering Committee of the East Metro Water Resource Education Program. This Committee will assist the Shared Water Resource Educator and HOST to prepare the Annual Workplan, Annual Budget, and Annual Report. A Membership Summary will be included in the Annual Report prepared by the HOST.

E. SCOPE OF SERVICES

The HOST will perform for the PARTNER the services and furnish and deliver work products generally described in Exhibit A, attached and made part of this agreement. PARTNER-specific services will be defined in the Annual Workplan noted in Exhibit A. The targeted PARTNER-specific services will be approximately 15% of the total annual workplan. Eighty-five (85) percent of the total annual workplan will be committed to shared, multi-jurisdictional benefit educational activities.

F. COST

In full consideration for services under this agreement, the PARTNER shall provide their portion of the annual costs to the HOST in accordance with their executed Signature Page at the end of this Agreement. The total annual budget for the program is shown in Exhibit B with contributions outlined in Paragraph G. If PARTNER Contributions are below the Total Budget, educational material expenses will not be incurred.

In the case that overall funding contributions from all of the PARTNERS exceeds the budget in Exhibit B by less than 20%, the excess contributions will be used to fund additional educational materials or support staff. Once the revised overall funding contribution from all of the PARTNERS exceeds the budget in Exhibit B by 20%, the PARTNERS have the option of having their proportional amount of the excess budget returned or can direct the funds to be used for EMWREP activities.

G. FUNDING STRUCTURE

Each PARTNER is suggested to contribute annually in accordance with the following funding structure:

County: \$11,000/year
Small Watershed Districts (Taxable Market Value < \$1 Billion): \$11,000/year
Medium Watershed Districts (TMV \$1-5 Billion): \$16,750/year
Large Watershed Districts (TMV >\$5 Billion): \$22,000/year
Watershed Management Organizations: \$5,500/year
Large MS4 Cities: \$2,225/year (Population > 5,000)
Small MS4 Cities: \$560/year (Population < 5,000)

In-kind matches from existing educational staff from within partner organizations are also encouraged. The WCD shall provide \$11,000 of in-kind match to the program per year. As shown in Exhibit B, PARTNER contributions will be reviewed and adjusted on an annual basis, as needed.

H. PAYMENTS

1. The services in Exhibit A provided by the HOST will be billed in accordance to Exhibit B. Invoices will be sent on a quarterly basis and will summarize the work performed. Invoices are payable within 60 days.
2. Office supplies, in-house reproduction expenses, and transportation are included in the overhead noted above. Out source reproduction, special bulk mailings and other direct costs beyond the actual current budget (the combined contributions of each PARTNER) noted in Paragraph F are to be reimbursed at actual cost with prior approval from the PARTNERS.

I. EQUAL EMPLOYMENT OPPORTUNITY- CIVIL RIGHTS

During the performance of this Agreement, the HOST agrees to the following: No person shall, on the grounds of race, color, religion, age, sex, disability, marital status, public assistance, criminal record, creed or national origin, be excluded from full employment rights in, be denied the benefits of, or be otherwise subjected to discrimination under any program, service, or activity under the provisions of and all applicable federal and state laws against discrimination including the Civil Rights Act of 1964.

J. STANDARDS

The HOST shall comply with all applicable Federal and State statutes and regulations as well as local ordinances now in effect or hereafter adopted. Failure to meet the requirements of the above may be cause for cancellation of this contract effective the date of receipt of the Notice of Cancellation.

K. DATA PRIVACY

All data collected, created, received, maintained, or disseminated, or used for any purpose in the course of the HOST's performance of the Agreement is governed by the Minnesota Government Data Practices Act, Minnesota 1984, Section 13.01, et seq. or any other applicable state statutes and state rules adopted to implement the Act, as well as state statutes and federal regulations on data privacy. The HOST agrees to abide by these statutes, rules and regulations and as they may be amended.

L. AUDITS, REPORTS, AND MONITORING PROCEDURES

The HOST will:

1. Maintain records that reflect all revenues, cost incurred and services provided in the performance of the Agreement.
2. Agree that the County, the State Auditor, or legislative authority, or any of their duly authorized representatives at any time during normal business hours, and as often as they may deem reasonably necessary, shall have access to the rights to examine audit, excerpt, and transcribe any books, documents, papers, records, etc., and accounting procedures and practices of the HOST which are relevant to the contract. The annual audit conducted for the Washington Conservation District that includes EMWREP activities.

M. INDEMNITY

The HOST and PARTNER mutually agrees, to the fullest extent permitted by law, to indemnify and hold each other harmless for any and all damages, liability or cost (including reasonable attorneys' fees and costs of defense) arising from their own negligent acts, errors or omissions in the performance of their services under this agreement, to the extent each party is responsible for such damages and losses on a comparative basis of fault. The PARTNER agrees to provide proof of contractual liability insurance upon request. This paragraph does not diminish with respect to any third party, any defense, immunity, or liability limit that the HOST or PARTNER may enjoy under the law.

N. INDEPENDENT CONTRACTOR

It is agreed that nothing herein contained is intended or should be construed in any manner as creating or establishing the relationship of co-partners between the parties hereto or as constituting the HOST as the agent, representative, or employee of PARTNER organization for any purpose or in any manner whatsoever. The

HOST is to be and shall remain an independent contractor with respect to all services performed under this Agreement.

The HOST represents that it has, or will secure at its own expense, all personnel required in performing services under this Agreement. Any and all personnel of the HOST or other person, while engaged in the performance of any work or services required by the HOST under this Agreement, shall have no contractual relationship with the PARTNER and shall not be considered employees of the PARTNER.

O. MODIFICATIONS

Any material alteration or variation shall be reduced to writing as an amendment and signed by the parties. Any alteration, modification, or variation deemed not to be material by written agreement of the HOST and the PARTNER shall not require written approval. Contract extensions will be handled as a material alteration.

P. MERGER

It is understood and agreed that the entire agreement of the parties is contained here, except as modified during the term of the Agreement by a writing under Paragraph O above concerning a non-material change, and that this contract supersedes oral agreements and negotiations between the parties relating to this subject matter. All items referred to in this contract are incorporated or attached and deemed to be part of the contract.

Q. TERMINATION

This agreement shall commence when executed by all parties and shall continue until terminated. This agreement shall terminate immediately upon completion of the activities enumerated herein and the program duration expires. Any party to this agreement may withdraw participation with ninety days written notice prior to the annual anniversary for this Agreement (January 1 of each year). Termination by any one PARTNER shall not constitute the termination of this agreement in whole and pro-rated contributions will be returned to the terminated PARTNER. Termination by the HOST will constitute termination of this agreement in whole and pro-rated contributions will be returned to each PARTNER.

R. OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY

All property of the HOST or PARTNER used, acquired or created in the performance of work under this Agreement, including documents and records of any kind, shall remain the property of the HOST and PARTNER. The HOST and PARTNERS shall have shared rights to use, sell, license, publish, or otherwise disseminate any product developed in whole or in part during the performance of work under this Agreement. Durable goods purchased by the HOST, such as office equipment and computers, shall remain the property of the HOST.

**CONTRACT BETWEEN
WASHINGTON CONSERVATION DISTRICT
AND MEMBERS OF THE
EAST METRO WATER RESOURCE EDUCATION PROGRAM**

HOST: **Washington Conservation District**

PARTNER: **City of Grant**

Annual Contribution Amount: **\$560**

Contract start date: **April 15, 2015**

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

APPROVED:

PARTNER

HOST

BY: _____

BY: _____

Board Chair

Date

Title

BY: _____

BY: _____

WCD Manager

Date

Title

Approval as to form and execution:

Date

EXHIBIT A

SCOPE OF SERVICES EAST METRO WATER RESOURCE EDUCATION PROGRAM

HOST responsibilities:

1. Hire, employ and supervise the Water Resource Educator/s that will successfully serve the education needs as prescribed herein.
2. Obtain financial reimbursement from each PARTNER as prescribed in this agreement.
3. Work in good faith to achieve the goals identified in this agreement.
4. Maintain a strict accounting of all financial transactions.
5. Develop and disseminate annual summaries of accomplishments and budgetary analysis to partners of the East Metro Water Resource Education Program.
6. Provide office space, office furniture, computer, transportation, and phone. Equipment purchased by the HOST will remain the property of the HOST following the term of this agreement.

PARTNER responsibilities:

1. Provide a single representative to the Steering Committee of the East Metro Water Resource Education Program. This person shall actively participate in the Steering Committee and assist in employee selection, Annual Workplan Development, and other tasks as needed.
2. Provide funds for the East Metro Water Resource Education Program described herein.
3. Provide appropriate and timely feedback to the HOST manager regarding the performance of the Water Resource Educator/s.
4. Share equipment, staff, and educational resources to facilitate Education Program planning and implementation.
5. As initiated by the HOST, discuss the progress of the Water Resource Educator/s and agree to take any action that is appropriate to ensure the successful fulfillment of project objectives.
6. Work with the Water Resource Educator/s to ensure that services are being used to address high priorities at the local level.

Water Resource Educator/s responsibilities:

1. Prepare, coordinate, and revise East Metro Water Resource Education Program Plan annually with the Steering Committee of the East Metro Water Resource Education Program.
2. Review and advise watershed district PARTNERS annually on educational aspects of their watershed district plans.
3. Develop annual plan of work with the Steering Committee of the East Metro Water Resource Education Program. Workplan will reference Washington County MS4 education programs and watershed district PARTNERS education plans.
4. Implement annual work plan, including planning, implementing, evaluating, and reporting on such anticipated activities as presentations, workshops, in-field training, demonstration projects, and published materials.
5. Pursue grants and other funding sources to enhance the East Metro Water Resource Education Program.
6. Coordinate with "Watershed Partners" and other entities conducting water resource education efforts to minimize overlap and maximize effectiveness.
7. Maintain educational information for web-based East Metro Water Resource Education Program.
8. Presents papers as appropriate at professional meetings within Minnesota.
9. Prepare annual education report (which meets MS4 requirements) and conduct shared MS4 annual meetings for participating East Metro Water Resource Education Program members

**EXHIBIT B
BUDGET**

Shared Water Resource Education Program - Washington Conservation District Estimate

Staff Support (2250 hours/year)	Materials	Total
\$118,115	\$6,000	\$124,115.00

MEMBERSHIP STRUCTURE AND CASH CONTRIBUTIONS*

PARTNER	Annual Contribution
SWWD	\$22,000
VBWD	\$16,750
BCWD	\$16,750
CLFLWD	\$16,750
CMSCWD	\$11,000
RWMWD	\$11,000
RCWD	\$0
Washington County	\$11,000
MSCWMO	\$5,500
Cottage Grove	\$2,225
Forest Lake	\$2,225
Lake Elmo	\$2,225
Stillwater	\$2,225
Woodbury	\$2,225
Dellwood	\$560
Willernie	\$560
West Lakeland Twp	\$560
Grant	\$560
	\$124,115.00

* PARTNER contributions will be reviewed and adjusted on an annual basis, as needed.

Proposal

Date March 16, 2015

**To:
City of Grant**

**From:
Dennis Heuer
6174 Inwood Ct. N.
Stillwater, Mn 55082**

We are pleased to submit this proposal to maintain and mow city hall/picnic area/ball field. Please see the following description of services:

Mow and weed removal of the City Hall/Picnic Area/Ballfield area. Level and drag the ball field infield per city instructions. Pick up garbage on city property.

\$95.00 per time when needed

Level and drag ballfield infield between mowing to insure playable /safe infield.

\$35.00 per time when needed

Pre season infield prep/fertilize will occur as soon as ground is dry enough to begin at additional charge.

I recommend we resurface the ballfield infield with ag lime as it needs more top surface to create level playing field. I am working on getting a price for this service

Sincerely

**Dennis Heuer
651-587-5895**



February 3, 2015

Kim Points

City of Grant

P.O. Box 577

Willernie, MN 55090

Dear Kim:

On behalf of Brad Klepac and Tony Yocum, I am submitting this letter to you based on the conversation we had a few weeks back. Brad and Tony reside in the area and are seeking a building site for a new self-storage facility. According to Grant City Code, this use is an allowable use in the General Business Zoning District, with a Conditional Use Permit. There is not a site within that zoning district that is feasible. However, abutting that zoning district is a 5.3 acre site that would potentially work. Attached is a map of the site and the surrounding parcels. The subject parcel is highlighted in red. It is located on 60th Street and abuts the property that houses *American Polywater Company*. The site is currently zoned Agriculture so we would need to re-zone the property to General Business, obtain a Conditional Use Permit for self-storage, and obviously seek site plan approval. With the proximity to State Highway 36, the site is not real desirable for housing and the Agricultural Zoning does not provide the city of Grant with much of a tax base. Brad and Tony would be creating a taxable asset that would be valued around \$2,000,000. With those points in mind, we would like to informally approach the City Council to discuss their thoughts on this. Could you please advise us as to when we may be able to do so or any other materials you may need from us?

Sincerely,

Mick Lynskey

Lynskey and Clark Companies

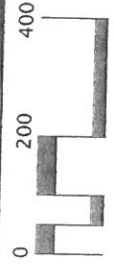
118 S. Main Street

Stillwater, MN 55082

11298
60TH ST. N.

STILLWATER WEST, LLC
PROPERTY

CITY OF GRANT



Memorandum

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

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

Date: *March 29, 2015*

Re: *MS4 Ordinance Update*

Background

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

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

Ordinance Analysis

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

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

Action: Discussion. Approve based on the following motions:

- Motion to approve Ordinance 2015-40 Illicit Discharge and Connection Stormwater Ordinance.
- Motion to approve Ordinance 2015-38 and Ordinance 2015-39

MEMORANDUM

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

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

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

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

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

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

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



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

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

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CITY OF GRANT

WASHINGTON COUNTY, MINNESOTA

ORDINANCE 2015-38

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

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

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

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

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

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

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

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

Final stabilization means:

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 30-3. Enforcement.

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

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

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

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

(d) ~~(e)~~ *Violation and penalties.* Any firm, person or corporation who violates any of the provisions of these regulations, or who sells, leases or offers for sale or lease any lot, block or tract of land herewith regulated before all the requirements of these regulations have been complied with shall be guilty of a misdemeanor and upon conviction thereof shall be subject to fine and/or imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.

(Ord. No. 1996-01, § 10, 10-22-1996)

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

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

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Sec. 30-16. Incorporation by reference.

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

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

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

Sec. 30-58. Data Required

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

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

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

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

Sec. 30-103. Land requirements.

(a) Permits required.

(1) Grading permit. Land disturbing activities that disturb more than 50 cubic yards to 5,000 cubic yards will require a grading permit from the city.

(2) Conditional use permit. Land disturbing activities that disturb 5,000 cubic yards or greater will require a conditional use permit from the city.

(b) *Suitability of terrain.* Land shall be suited to the purpose for which it is to be subdivided. No plan shall be approved if the site is not suitable for purposes of the kind proposed by reason of potential flooding, topography, or adverse earth or rock formations. The design of all subdivisions shall coordinate and be respective of the zoning map and ordinances, the city comprehensive plan, official map, street plan, and any other planning guides adopted by the city.

~~(c) *Erosion and sedimentation control plans.* Erosion and sedimentation control plans in accordance with the technical standard and specifications of the soil conservation service, as provided by the county soil and water conservation district office, and required on slopes with grades of 18 percent or steeper. National Pollutant Discharge Elimination System (NPDES) erosion control measures shall be enforced on all graded areas with grades less than 18 percent slope.~~

(c) *Presence of hazards.* Land subject to hazards to life, health or property shall not be subdivided for residential purposes until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan.

(d) *Coordination of development.* Proposed subdivisions shall be coordinated with existing nearby municipalities or neighborhoods so that the community as a whole may develop harmoniously.

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

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

Sec. 30-172 Erosion and sediment control plans.

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

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

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

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

Sec. 30-173. Stormwater management plans.

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

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

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

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

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

SECTION 7. SEVERABILITY.

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

SECTION 8. EFFECTIVE DATE.

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

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

Voting AYE:

Voting NAY:

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

Thomas Carr, Mayor

Attest: Kim Points, City Clerk

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CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA
ORDINANCE 2015-39

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

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

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

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

Sec. 32-7. Incorporation by reference.

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

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

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

Sec. 32-32. Violations.

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

(Ord. No. 50, § 801.04, 12-7-1982)

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

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

Sec. 32-35 Certificate of compliance.

(a) No change

(b) No change

(c) No change

(d) No change

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

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

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

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

(4) Landscaping and screening plans.

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

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

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

Sec. 32-143. Application.

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

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

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

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code.

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

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

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

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

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

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

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

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

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

(b) *Denial for incompleteness.* An incomplete application is not a valid application and can be rejected by the city or denied on the basis of being incomplete.
(Ord. No. 1997-77, § 1(505.06), 8-5-1997)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Ord. No. 50, § 509.01, 12-7-1982)

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

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

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

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

(Ord. No. 50, § 509.05, 12-7-1982)

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

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

Sec. 32-341. Drainage.

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

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

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

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

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

(Ord. No. 50, § 740, 12-7-1982)

SECTION 6. SEVERABILITY.

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

DRAFT FOR CONSIDERATION

SECTION 7. EFFECTIVE DATE.

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

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

Voting AYE:

Voting NAY:

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

Thomas Carr, Mayor

Attest: Kim Points, City Clerk

**CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA**

RESOLUTION NO. 2015-09

A RESOLUTION OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA, PROVIDING FOR THE SUMMARY PUBLICATION OF ORDINANCE NOS. 2015-38 AND 2015-39, ORDINANCES AMENDING THE GRANT CODE OF ORDINANCES

WHEREAS, On April 7, 2015, at the regular Grant City Council meeting, by majority vote, the City Council adopted Ordinance Nos. 2015-38 and 2015-39, amending Chapters 30 and 32 of the City's Code of Ordinances for purposes of compliance with the Minnesota Pollution Control Agency's stormwater program for municipal separate storm sewer systems (MS4); and

WHEREAS, State law requires that all ordinances adopted be published prior to becoming effective; and

WHEREAS, the City Council for the City of Grant has determined that publication of the title and a summary of Ordinance Nos. 2015-38 and 2015-39 would clearly inform the public of the intent and effect of the Ordinance; and

WHEREAS, the City Council for the City of Grant has reviewed the summary of Ordinance Nos. 2015-38 and 2015-39 attached and incorporated herein as **Exhibit A**; and

WHEREAS, the City Council for the City of Grant has determined that the text of the summary clearly informs the public of the intent and effect of Ordinance Nos. 2015-38 and 2015-39.

NOW THEREFORE BE IT RESOLVED, the City Council for the City of Grant hereby:

1. Approves the text of the summary of Ordinance No. 2015-09 attached as **Exhibit A**.
2. Directs the City Clerk to post a copy of the entire text of Ordinance Nos. 2015-38 and 2015-39 in all public locations designated by the City Council.
3. Directs the City Clerk to publish the summary in the City's legal newspaper within ten days.
4. Directs the City Clerk to file the executed Ordinance upon the books and records of the City along with proof of publication.

Dated this 7th day of April, 2015.

Tom Carr, Mayor

ATTEST:

Kim Points, City Clerk

Ordinance Summary

Ordinance No. 2015-09

AN ORDINANCE AMENDING CHAPTER 30 SUBDIVISIONS AND CHAPTER 32 ZONING, OR THE CITY'S CODE OF ORDINANCES, TO COMPLY WITH THE MPCA'S STORMWATER PROGRAM (MS4) FOR THE CITY OF GRANT, MINNESOTA

On April 7, 2015, the City of Grant adopted ordinances amending Chapter 30 Subdivision and Chapter 32 Zoning to bring their ordinances into compliance with the Minnesota Pollution Control Agency's stormwater program for municipal separate storm sewer systems (MS4). The amendments included various modifications to sections of the code related to site activities that involve any land alterations.

A printed copy of the Ordinance is available for inspection by any person during regular office hours at the office of the City Clerk or by standard or electronic mail.

**CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA
ORDINANCE 2015-40**

**An Ordinance Repealing Ordinance number 2011-25 and
Providing a new Ordinance 2015-40 Illicit Discharge and Connection Stormwater Ordinance**

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

SECTION 1. REPEAL OF ORDINANCE 2011-25 ILLICIT DISCHARGE AND CONNECTION STORMWATER ORDINANCE

That City Ordinance 2011-25 Illicit Discharge and Connection Stormwater Ordinance is repealed in its entirety.

SECTION 2. NEW ORDINANCE 2015-XX ILLICIT DISCHARGE AND CONNECTION STORMWATER ORDINANCE

That City Ordinance 2015-40 Illicit Discharge and Connection Stormwater Ordinance replaces City Ordinance 2011-25 and provides the following ADDED section identified with an underline, and deletions with a ~~strike~~through:

The Grant City Council ordains as follows:

Sec. 35-1. Purpose/Intent.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Grant through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

Sec. 35-2. Definitions.

For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agency: the City of Grant.

Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity: Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

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

Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Sec. 35-4 of this ordinance.

Illicit Connections: An illicit connection is defined as any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow 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 had 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.

Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342 (b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual group, or general area-wide basis.

Non-Storm Water Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

Person: means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and action as either the owner or as the owner's agent.

Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, pesticides, herbicides, and fertilizers; hazardous substances and wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drain System: Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan: A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Wastewater: means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Sec. 35-3. Applicability.

This ordinance shall apply to all water entering the storm drain system generated on any developed or undeveloped lands unless explicitly exempted by an authorized enforcement agency.

Sec. 35-4. Discharge Prohibitions.

(a) Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to

pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (1)(b) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated – typically less than one PPM chlorine), fire fighting activities, and any other water source not containing pollutants.
- (2) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
- (3) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
- (4) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, 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 storm drain system.

(eb) Prohibition of Illicit Connections

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of the connection.
- (3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Sec. 35-5. Suspension of MS4 Access.

(a) Suspension due to Illicit Discharges in Emergency Situations

The City may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

(b) Suspension due to the Detection of Illicit Discharges

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

Sec. 35-56. Industrial or Construction Activity Discharges.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City Council prior to the allowing of discharges to the MS4.

Sec. 35-7. Monitoring of Discharges.

(a) Applicability

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

(b) Access to Facilities

(1) The City of Grant or its designee shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper

- identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
- (2) Facility operators shall allow the City or its designee ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
 - (3) The City or its designee shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.
 - (4) The City or its designee has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
 - (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City and shall not be replaced. The costs of clearing such access shall be borne by the operator.
 - (6) Unreasonable delays in allowing the City or its designee access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
 - (7) If the City or its designee have been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

Sec. 35-8. Requirement to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices.

The City of Grant will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or

contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

Sec. 35-9. Watercourse Protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Sec. 35-10. Notification of Spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Sec. 35-11. Enforcement.

(a) Notice of Violation.

Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring, analysis, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Sec. 35-12. Appeal of Notice of Violation.

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 15 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

Sec. 35-13. Enforcement Measures After Appeal.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 15 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Sec. 35-14. Cost of Abatement of the Violation.

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property

owner may file a written protest objecting to the amount of the assessment within 15 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the city by reason of such violation.

Sec. 35-15. Injunctive Relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Sec. 35-16. Compensatory Action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Sec. 35-17. Violations Deemed a Public Nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Sec. 35-18. Criminal Prosecution.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$1,000 dollars per violation per day and/or imprisonment for a period of time not to exceed days. The authorized enforcement agency may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

Sec. 35-19. Remedies Not Exclusive.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

This ordinance shall become effective following its passage and publication as required by law.

Tom Carr, Mayor

ATTEST:

Kim Points, City Clerk

**CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA**

RESOLUTION NO. 2015-10

**A RESOLUTION OF THE CITY OF GRANT, WASHINGTON COUNTY,
MINNESOTA, PROVIDING FOR THE SUMMARY PUBLICATION OF
ORDINANCE NO. 2015-40**

WHEREAS, On April 7, 2015, at the regular Grant City Council meeting, by majority vote, the City Council adopted Ordinance No. 2015-40 repealing Ordinance number 2011-25 in its entirety and adopting a new Illicit Discharge and Connection Ordinance for purposes of compliance with the Minnesota Pollution Control Agency's stormwater program for municipal separate storm sewer systems (MS4); and

WHEREAS, State law requires that all ordinances adopted be published prior to becoming effective; and

WHEREAS, the City Council for the City of Grant has determined that publication of the title and a summary of Ordinance No. 2015-40 would clearly inform the public of the intent and effect of the Ordinance; and

WHEREAS, the City Council for the City of Grant has reviewed the summary of Ordinance Nos. 2015-40 attached and incorporated herein as **Exhibit A**; and

WHEREAS, the City Council for the City of Grant has determined that the text of the summary clearly informs the public of the intent and effect of Ordinance No. 2015-40.

NOW THEREFORE BE IT RESOLVED, the City Council for the City of Grant hereby:

1. Approves the text of the summary of Ordinance No. 2015-10 attached as **Exhibit A**.
2. Directs the City Clerk to post a copy of the entire text of Ordinance No. 2015-40 in all public locations designated by the City Council.
3. Directs the City Clerk to publish the summary in the City's legal newspaper within ten days.
4. Directs the City Clerk to file the executed Ordinance upon the books and records of the City along with proof of publication.

Dated this 7th day of April, 2015.

Tom Carr, Mayor

ATTEST:

Kim Points, City Clerk

Ordinance Summary

Ordinance No. 2015-10

**AN ORDINANCE REPEALING ORDINANCE NO. 2011-25 IN ITS ENTIRETY,
AND ADOPTING A NEW ILLICIT DISCHARGE AND CONNECTION
STORMWATER ORDINANCE, TO COMPLY WITH THE MPCA'S
STORMWATER PROGRAM (MS4)
FOR THE CITY OF GRANT, MINNESOTA**

On April 7, 2015, the City of Grant adopted an ordinance to repeal and replace in its entirety Ordinance Number 2011-25 with a new Illicit Discharge and Connection Stormwater Ordinance in compliance with the Minnesota Pollution Control Agency's stormwater program for municipal separate storm sewer systems (MS4).

A printed copy of the Ordinance is available for inspection by any person during regular office hours at the office of the City Clerk or by standard or electronic mail.