

**AGENDA
CITY OF ISANTI
CITY COUNCIL MEETING
WEDNESDAY, NOVEMBER 4, 2020 – 7:00 P.M.
CITY HALL**

- A. Call to Order**
- B. Pledge of Allegiance**
- C. Roll Call**
- D. Public Comment**
- E. Adopt Agenda**

F. Proclamations/Commendations/Certificate Award

G. Approve City Council Minutes

- 1. October 20, 2020- Regular Meeting of the City Council
- 2. October 20, 2020- Committee of the Whole Meeting
- 3. August 18, 2020- Planning Commission Meeting
- 4. August 25, 2020- Parks, Recreation and Culture Board Meeting

H. Announcements

- 1. Committee of the Whole Tuesday, November 17, 2020 at 5:00 p.m.
- 2. City Council Meeting Tuesday, November 17, 2020 at 7:00 p.m.
- 3. Planning Commission Meeting Tuesday, November 17, 2020
(Immediately following the City Council Meeting)

I. Council Committee Reports

J. Public Hearings

- 1. Resolution 2020-XXX Adopting Assessment for the 6th Avenue Rehabilitation Project

K. Business Items

- 1. Compensation Study Presentation (*Leah Davis*)

City Administrator Josi Wood

- 2. Resolution 2020-XXX Approving Purchase of Property Owned by Kristine L. Yerigan Trust

Community Development Director Sheila Sellman

- 3. Ordinance-XXX Amending the City Code, Chapter 253 Rental Dwellings
- 4. Ordinance-XXX Amending the City Code, Chapter 536 Subdivision

L. Approve Consent Agenda

- 1. Accounts Payable in the Amount of \$1,720,329.80 Payroll in the Amount of \$110,888.22
- 2. Resolution 2020-XXX Accepting Liquor Store Clerk III Letter of Resignation for Danyette Phelps
- 3. Resolution 2020-XXX Approving Survey of Parcels Identified as 16.029.2100 and 16.209.2400
- 4. Resolution 2020-XXX Offering the Position of Building Official to Steven Thorp

M. Other Communications

- 1. Draft Minutes from the October 27, 2020 Parks, Recreation and Culture Board Meeting

Adjournment

**MINUTES
CITY OF ISANTI
CITY COUNCIL MEETING
TUESDAY, OCTOBER 20, 2020 – 7:00 P.M.
CITY HALL**

G.1.

Mayor Johnson called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was recited.

Members Present: Mayor Jeff Johnson, Councilors: Jimmy Gordon, Paul Bergley and Steve Lundeen

Members Absent: Dan Collison

Staff Present: City Administrator Josi Wood, Human Resources/ City Clerk Katie Brooks, Chief of Police Travis Muyres, Finance Director Mike Betker, City Engineer Jason Cook and Community Development Director Sheila Sellman

D. Public Comment

None

E. Adopt Agenda

Addendum:

Remove K.1 Compensation Study Presentation

Motion by Lundeen, second by Bergley to approve agenda with the modification listed above.

Motion passed 4-0. Motion carried.

F. Proclamations/Commendations/Certificate Awards

None

G. Approve City Council Minutes

1. October 6, 2020- Regular Meeting of the City Council

2. August 5, 2020- EDA Meeting Minutes

3. August 18, 2020- EDA Meeting Minutes

Motion by Bergley, second by Lundeen to approve minutes as presented. Motion passed 4-0. Motion carried.

H. Announcements

- | | |
|--|---|
| 1. Park, Recreation, & Culture Board Meeting | Tuesday, October 27, 2020 at 6:00 p.m. |
| 2. City Council Meeting | Wednesday, November 4, 2020 at 7:00 p.m. |
| 3. EDA Meeting | Wednesday, November 4, 2020 |
| | <i>(Following the City Council Meeting)</i> |

I. Council Committee Reports

None

J. Public Hearings

None

K. Business Items

~~1. Compensation Study Presentation (Leah Davis)~~

1. Resolution 2020-192 Interview Applicant for Park Recreation and Culture Board
Applicant Michael Becker was interviewed by Mayor Johnson for the open Parks, Recreation and Culture Board seat. Johnson asked questions specific to Parks, Recreation and Culture.

Motion by Lundeen, second by Gordon to approve resolution as presented. Motion passed 4-0. Motion carried.

Chief of Police Travis Muyres

2. Ordinance-738 Chapter 87 Keeping of Certain Animals

Chief of Police Travis Muyres shared that there was discussion at the August 18th Committee of the Whole for allowing race pigeons in Chapter 87 of City Code and the recommendations were drafted into the draft ordinance shared in that evening's agenda with the allowance of race pigeons. Muyres continued to share that Community Development Director Sheila Sellman has reviewed to ensure coop was allowed in zoning. Staff recommended approval.

Motion by Lundeen, second by Bergley to approve the ordinance as presented. Motion passed 4-0. Motion carried.

L. Approve Consent Agenda

- 1.** Consider Accounts Payable in the Amount of \$381,242.79 Payroll in the Amount of \$106,525.85
- 2. Resolution 2020-193** Appointing Election Judges for the 2020 General Election
- 3. Resolution 2020-194** Approving Acceptance of Grant Funds and Agreement with Grant Terms
- 4. Resolution 2020-195** Authorizing Purchase of Vanguard Sanitizing System
- 5. Resolution 2020-196** Approving a Memorandum of Understanding with Isanti County Sheriffs Office for LETG Office for LETG Records Management System
- 6. Resolution 2020-197** A Joint Resolution with Isanti Township for Road Maintenance of Split Jurisdiction Roads

Motion by Bergley, second by Gordon to approve the Consent Agenda. Motion passed 4-0. Motion carried.

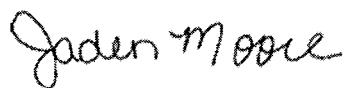
M. Other Communications

- 1.** September Police Department Reports
- 2.** September Code Enforcement Officer Report
- 3.** September Building Inspector Report
- 4.** October Engineering Project Status Report

Adjournment

Motion to adjourn by Bergley, second by Gordon. Motion passed 4-0. Motion carried. The meeting was adjourned at 7:09 p.m.

Respectfully Submitted,



Jaden Moore
Deputy City Clerk/ Human Resources

**MINUTES
CITY OF ISANTI
CITY COUNCIL COMMITTEE OF THE WHOLE MEETING
TUESDAY, OCTOBER 20, 2020 – 5:00 P.M.
CITY HALL**

Mayor Johnson called the meeting to order at 5:00 p.m.

The Pledge of Allegiance was recited.

Members Present: Mayor Jeff Johnson, Councilors: Jimmy Gordon, Paul Bergley (arrived at 5:19 p.m.) and Steve Lundeen

Members Absent: Dan Collison

D. Public Comment

None

E. Committee Meeting Items

1. Police Updates

- The Police Department recently hired two new Full-Time Police Officers. Both Officers came with years of experience from other departments. They are currently in field training and expected to be on solo patrol in early November.
- The 2021 Dodge Durango was put into service in August.
- All 3 of the Dodge Durango patrol vehicles are operated hours every day of the week. The older Ford Explorers are operated by the SRO and CSO.
- All evidence and property located at the Police Department was audited and entered into records management system. This was the first time that the audit and items were recorded into the records management system.
- Evidence property room was updated with key fob access (in addition to analog key) in 2019. CCTV camera was installed on evidence/property room in September 2020. These upgrades enhance the integrity and security of property.

2. Water and Sewer Rate Studies

- Finance Director Mike Betker discussed the water and sewer rate studies.
- Recommendation from Committee is to move forward with option 2 to reduce the water consumption rates in 2021 by 5% and leave unchanged in 2022 and 2023.
- Water base rate would be unchanged in all 3 years and water access charge would go up by 5% each year.
- Recommendation from Committee is to move forward with option 2 to reduce the sewer consumption rates in 2021 by 15% and leave unchanged in 2022 and 2023.
- Sewer base rate would be reduced by 5% in 2021 then unchanged in 2022 and 2023 and sewer access charge would go up by 5% each year.

3. Liquor Store Preliminary Plans

- The proposed layout design of the liquor store was shared.
- The highlights to the design included:
 - A twenty-six-door rail cooler
 - A large beer cave to guarantee cold case beer on demand, without having to spend a lot of staff time re-stocking

- A larger area for backstock, which will not only allow for bigger buys and better deals, but increase staff safety as well
- A designated area to stage curbside pickup orders
- Adequate warm shelf space to stock wider selection of product
- Promo/ Display/ Give Away/ Tasting area will allow the flexibility to promote sales items, display give away items, hold tasting events, etc.
- The proposed location of the sales counter will still allow greeting every customer as they enter the store
- Exterior to match existing city buildings.
- Staff continue to work hard to find the least expensive, yet appropriate interior and exterior options.
- Pallet racking will be used on the sales floor to merchandise beer below, and overstock above.
- The design will allow selection expansion and services as well.

4. 207 Richard Ave- *Update*

- A letter was sent to the lean holder of the property since there is no next of kin or co-owner listed.
- It was stated that either the City or the County may move forward with an abatement.
- Isanti County has statutory authority

5. Draft ORD Chapter 216

- Staff has drafted changes they are recommending to Chapter 216 to be consistent with the League of Minnesota Cities' model policy, policies that were previously adopted by resolution and for Code Enforcement to have more definition of what is considered a nuisance violation.
- Significant changes include:
 - Detailed definitions of noxious weeds, grass and other rank growths.
 - Nuisance for grass over 8".
 - Inclusion of snow and sidewalk clearing to be consistent with the snow plowing policy.
 - Inclusion of objects causing obstructions, wire and limbs that are hazards, obstructing water flow, and building condition.
 - Detailed language for the notice and abatement process and procedures.
- The City Attorney will be reviewing the draft prior to being presented to Council.
- Recommendation from Committee is to move forward and post for the required 10 days and bring to Council for consideration.

6. Pedestrian Overpass/ Underpass- Possible Funding Sources- *Update*

- It has been brought to City staff and City Engineer's attention that \$2.15 million was awarded to the City of Isanti through Omnibus Appropriations Act in 2010 and is still available for the City to use on the pedestrian overpass project that was last evaluated in 2010-2011.
- The overpass was proposed to cross TH 65 at Broadway Street and extend a trail across a wetland to 8th Avenue SE. With the completion of the hotel at this location, the alignment and design of the trail and overpass/ underpass may need to be re-evaluated.
- The trail alignment will require easement acquisitions and wetland mitigation to construct the eastern trail section.
- The original concept was to construct a pedestrian overpass. It has been requested to evaluate the possibility of constructing and underpass as an alternative. Until a full study is completed, both options appear viable.
- The extent of retaining walls and ramp lengths will determine which is most cost effective, and the City will need to make a determination as to which type of crossing, they prefer once the feasibility of each has been studied.

- The pedestrian overpass cost estimate has been updated to current 2020 construction costs and is estimated at a total project cost of \$4.25 million dollars. The underpass option may prove to have a cost savings, depending on the crossing location selected.
- 2025 is the earliest anticipated fiscal year the below funding sources could all apply and meet all application deadlines. The application year listed below is the anticipated year the application would need to be submitted to request funds for a 2025 construction project.
- The initial estimated cost to the City in 2021, to begin the evaluation of the project, is estimated at \$64,000 which includes the creation of a feasibility report and the first three funding applications that would be needed in 2021.
- Depending on which applications are successful, 2022 there would be 1 to 3 more applications to complete for \$6,000-\$26,000.
- It is highly unlikely to succeed in receiving all the below funds. It is anticipated a best-case scenario would be to receive approximately \$1,700,000 in additional funds, leaving \$400,000 in local funds required to cover ineligible project costs such as right of way acquisition and design fees plus the cost of the feasibility report (\$42,000) and funding applications (\$48,000) for a total estimated minimum cost to the City of \$490,000.
- Recommendation from Committee is to not move forward with the project at this time.

7. School for All Season Request

- Mayor Johnson received letters from Sharon Grace, a teacher from A School for All Seasons, and her 3rd grade students where they asked for a community center such as a YMCA facility for the community.
- The Mayor and Council appreciated the requests made and discussed potential future options.
- No further recommendations were made from the Committee.

8. Traffic Control at the Intersection of Rum River Drive SW/ Birch St.

- The surrounding homes of the intersection of Rum River Drive SW and Birch St are requesting a stop sign to replace the yield sign.
- Recommendation from Committee is to install 3 stops signs at the intersection of Rum River Drive SW and Birch St

9. Railroad Quiet Zone Estimate

- Trains are required to blow their horns as they cross roadways that do not meet their quiet zone intersection controls, such as raised medians, ped crossing maze, additional crossing arms, new planking and Continuous Warning System Controls.
- The Continuous Warning System is needed at all quiet zone crossings and is part of the control system used at the crossing.
- If the existing controls do not already have the Continuous Warning System it would need to be added for an estimated cost of \$100,000 per intersection where it is needed.
- To determine if this is needed at each crossing an initial onsite diagnostic meeting would need to be held with the Railroad.
- There are 4 railroad crossings within City limits. Each crossing will need different improvements to meet quiet zone requirements. The estimated cost of this project anticipated at each intersection:
 - **South Passage:** \$225,000- Ped Maze, Additional Arms, Raised Median, Continuous Warning System
 - **Main Street:** \$350,000- Close 1 Ped Crossing, Ped Maze, Raised Median, New Planking, Continuous Warning System
 - **Heritage Boulevard:** \$225,000- Raised Median, Continuous Warning System
 - **Isanti Parkway:** \$225,000- Raised Median, Continuous Warning System

- Total project cost is estimated at \$1,025,000. If all 4 intersections already have the Continuous Warning System the estimated cost would be \$625,000.
- No further recommendations were made from the Committee.

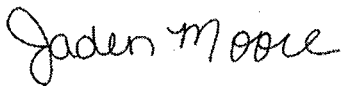
10. Mainstreet Speed Discussion

- The speed limit on Main Street from 3rd Avenue to Elim Lane is currently 30 mph. This segment of roadway is treated as the City's downtown with an emphasis on pedestrian walkability throughout this downtown overlay district.
- It has been requested to evaluate the speed limit through this area to determine if a reduced speed is warranted.
- The City of Isanti, Pursuant to Minnesota Statute 169.14 Subd 5h, is authorized to establish speed limits as long as it is implemented in a consistent and understandable manner and communicated through the placement of appropriate signs.
- The City must develop procedures based on safety, engineering and traffic analysis to identify the appropriate speed limit for a Main Street study area.
- The evaluation would consist of reviewing existing traffic speed and volume, identify any safety issues, review crash history, identify any recommendations for crossing enhancements and conduct an engineering study to establish the appropriate speed limit.
- Bolten & Menk can complete the evaluation for an hourly, not to exceed fee of \$8,000.
- Should a speed limit of 25 mph be the recommended speed, the council will simply need to pass a resolution adopting this speed limit and post the speed limit at all cross streets, this would include the installation of approximately 11 speed limit signs and 2 end speed limit signs.
- Should the recommendation be to reduce the speed limit below 25 mph, the resolution would need to be submitted to the Commissioner of Transportation for approval before it can be posted and enforced.
- Recommendation from Committee is for Chief of Police Travis Muyres to look into speed limit signs and bring back to Committee of the Whole for further discussion.

F. Adjournment

Meeting was adjourned at 6:39 p.m.

Respectfully Submitted,



Jaden Moore
Deputy City Clerk/ Human Resources

**CITY OF ISANTI
PLANNING COMMISSION MEETING
TUESDAY, August 18, 2020**

1. Meeting Opening

- A. Call to Order: Chair Johnson called the meeting to order at 7:29 p.m.
- B. Pledge of Allegiance
- C. Roll Call: Members present: Jeff Johnson, Dan Collison, Steve Lundeen, Jimmy Gordan, Paul Bergley, Arissya Simon.
Members Absent: Alexander Collins
Staff present: Community Development Director Sheila Sellman, Community Development Specialist Ryan Saltis
- D. Agenda Modifications: None

2. Meeting Minutes

- A. Approval of Minutes from July 21, 2020 Planning Commission Meeting motion by Collison, second by Lundeen motion passes 6-0.

3. Public Hearing

- A. Request from Scott Zimprich for a garage to exceed 580 square feet and to be larger than the house at 201 Broadway. Sellman explained the variance request in which the applicant proposes to construct a larger detached garage than the allowable square footage based on the lot size and would exceed the size of the principal structure on the lot. The applicant has started to pour a concrete slab for the detached garage without approval of the building permit application and a stop work order was issued to the homeowner. The applicant, Scott Zimprich was present at the meeting and available for questions. There was one person, Luke Merrill, present from the public to speak at the public hearing. Luke explained that the homeowner does not currently have a garage on his property, and by allowing the variance, it would increase the property values of neighboring homes as well. The Planning Commission discussed whether a variance should be granted due to the applicant starting the project without City approval, and if the Planning Commission would have to grant all similar applications in the future. Motion for denial of the variance request by Johnson, 2nd by Collison, motion passed 4-2.

4. Other Business: None

5. Discussion Item: None

6. Adjournment: Motion by Bergley, 2nd by Collison to adjourn, motion passed 6-0 meeting adjourned at 8:02 p.m.

Respectfully submitted by Ryan Saltis, Community Development Specialist

**CITY OF ISANTI
PARKS, RECREATION, AND CULTURE BOARD MEETING MINUTES
August 25, 2020**

Call to Order: Aaron Zdon - Chair called the meeting to order at 6:01 p.m.

Roll Call: Members Present: James Witte, Aaron Zdon, and Council Member Jimmy Gordon

Members Absent: Brian Thum

Staff Present: Jenny Garvey - Parks, Recreation and Culture Manager

Motion to approve the agenda motioned by Witte, seconded by Gordon with no modifications. Motion passed 3-0

2. Meeting Minutes: Motion by Witte; second by Gordon to approve meeting Minutes from July 28, 2020. Motion passed 3-0.

3. Park Visits Reports Review: Garvey explained that at the July 28, 2020 PRC Board meeting, all board members handed in their assigned park visits and staff has drafted a compilation of each members parks for review and to further discuss items and invited the PRC Board for their input and for prioritization of projects. Aaron Zdon reviewed Academy and Whisper Ridge. His findings for Academy was an overall rating of 5 and items he noted were to rake at landings of swings and slides. Garvey noted that this is battle at most of our playgrounds and that some of them have rubber mats at the slide to assist with this item. Zdon also noted another item is possible better ADA access from the road. Staff noted that they will look at this into more detail as this was not done with the original project as the park area was first developed for the school and that has ADA access via the sidewalk into the park area. Zdon noted for Whisper Ridge an overall rating of 2 and items noted were surface cracks on court, ridges and cracks from roots along trails leading into park area he also wants to ensure we discuss the future of the park in more detail in the near future on the cost to repair vs. cost to remove and replace with green space. Witte asked about a rubberized option for courts and the cost and longevity. Zdon stated we hasn't sure what that would be, Garvey also noted she was not aware of what that cost or option would entail. For tennis court repair the subsurface is what would also need to be replaced to ensure a better surface area. Garvey noted that the Whisper Ridge has a CIP plan and wasn't sure what the timeframe or items were on this park. Brian Thum had reviewed Legacy, Mattson and VFW parks. Thum noted for Legacy an overall rating of a 5 and noted these items of encroaching vegetation by FV overlook bench and stairs. Tree limb by Sunnyside landing had fallen and he requests to move the large park sign closer to the parking lot. Garvey noted that these items will be addressed by public works and are in the short-term plan and the sign was actually in the process of getting moved into the new location now that the parking lot is nearly finished. Garvey also noted that we had a map sign and that has also been returned to the park entrance along the trailhead. Thum also visited Mattson and gave an overall rating of a 3 and had nothing to note for this park. The board wondered the rating of a 3 as they all felt the park was in pretty good shape. For VFW park Thum gave an overall rating of a 4 and had nothing to note for this park. James Witte reviewed River Bluff Preserve, Rum River Meadows, and Isanti Hills Neighborhood (IHN) parks. Witte's findings for River Bluff Preserve were an overall rating of a 4 and items noted were the trails need a good cleaning, as habitat starts to move in on trails in between the steps and s curve. Steps could use the blower for debris. Witte inquired what rock base they use on the steps and to note that this shouldn't be removed when cleaning up the stairs. Branch on south zig/zag trail to look at for possible falling hazard. He noted for Rum River Meadows an overall rating of a 4 and items noted are wood chips kicked out by bench swing. Witte recommend a concrete border around playground. Garvey added that this project was actually completed two weeks ago and was our last playground area to have this completed, which we had on our project list to do. Witte also noted weed control in wood chips. Witte noted for IHN an overall rating of a 3, and items noted were outdated park, damage to end slide piece. Various carving and scratches on equipment due to vandalism, the mulch looked aged and the pavilion showed no signs of damage. Garvey noted that this park is an example of what staff has mentioned at previous meetings regarding outdated playground equipment and that we can no longer get replacement parts

for this playground. Witte added a comment about the volleyball net at Rum River Meadows has a hole and this court does not seem to get used. Garvey added that a volleyball court too often is not on a grass surface and that when Bluebird park was developed this park had that as an option and wasn't installed, and then when the additional lots were secured for RRM it was decided that one could be added to this park area to have one within our park system. Jimmy Gordon reviewed Bluebird, Riverside and Unity parks. Gordon findings for Bluebird were an overall rating of a 5 and items noted were swing chair could use some oil/grease, repaint hopscotch, missing garbage can by pavilion, and a merry-go-round addition was suggested. Garvey noted that many swings in the system squeak and have added this to the maintenance list, and continued that the city has stencils for the other items but not the hopscotch one and will look at end of year budget to see if we can purchase one to have. Gordon reviewed Riverside with an overall rating of a 4 and items noted were black residue on sides of stairs and platform and weeds in tot area in wood chips. Gordon noted for Unity an overall rating of a 4 and items noted were bleachers should be painted and/or boards replaced. Garvey indicated that the bleachers are in the 2021 CIP and will get replaced next year. Garvey then reviewed these items for prioritization:

Short-Term and Immediate Maintenance Projects:

- Academy: Rake mulch
- Bluebird: swing grease/oil, garbage can replacement(ongoing)
- Isanti Hills Neighborhood: mulch
- Legacy: sign to be moved when parking lot is complete and additional map sign to be brought back (completed August)
- Riverside: weeds removed from tot area and residue removal.
- Rum River Bluff Preserve: cut vegetation along trails, debris removal from steps
- Rum River Meadows: concrete edging project completed Aug 10; weeds removed from mulch.

Long-Term Projects:

- Ramp access at Academy from road
- Unity: Bleachers – 2021 CIP
- Discuss future of Whisper Ridge – resurface courts? Larger park overhaul?
- Bluebird Hopscotch – new stencil needed, end of year budget item to review

4. Tree Plan Review- Garvey reviewed the city does not have a tree plan in place, but staff is in the process of researching this in more detail and will bring back to a future meeting. The city has 11 parks and several of these parks are newer and have less trees than other more established parks. The parks that staff recommends to look at in more detail are: Academy, Bluebird, Riverside and Rum River Meadows. This fall PW will be creating the sledding hill in the northwest corner of Bluebird park on the existing hillside. With the addition to the hillside, trees need to be removed on the top of the hill and moved to a new location. Tree moving cost is estimated at \$600 for the three trees. Staff is requesting recommendations for tree movement within Bluebird of the three trees that need to be moved for the sledding hill. Garvey reviewed the options within Bluebird to move the trees to bench areas to provide shade and provided pictures for the board to review. Zdon added that when Bluebird was first planned there was a tree plan put in place and it stopped with the crash in the market and to review this plan and the budget implications. Zdon added that they be moved to the play area and the bench areas. Witte asked about Rum River Meadows and that this has a couple of trees within the park area but on the north side of the park and inquired if that moving one to RRM be an option. Zdon asked the budgeting and plan for future years, Garvey noted that she has not started that process and that this was the start and we needed to just move these three trees at this time. It was noted that the bench in RRM on the west end would be the most beneficial to have a tree placed to provide shade. The board reviewed the Bluebird park option to move the tree to the north bench and the west bench. Staff added that the west bench may not have enough space to plant a new tree, so asked if that was not an option what the next option they would like to see a tree be placed. Zdon suggested to shade the biffys on the north end. Gordon asked if bringing another tree to RRM would be an option. Zdon asked if it was still well used and indicated to add the other tree to provide a shade tree for the picnic tables. Direction was to have two trees at RRM, if the tree on the west side of BB playground would not be a viable option.

5. Department Updates – Garvey reviewed she does not have any updates at this time on the Fir Street item. Garvey created a new promotional event flyer that she gave to the board. Curious Creatures was held on August 11 with the Ice Creme theme with 10 kids at Mattson Park. Street Dance was held August 8th with Brat Pack Radio with 10 vendors and an additional alcohol vendor that was approved by city council. Attendance was a bit more than July's and this dance followed the Rum River Rods Car Show that was during the day. The dog park is being well used and new amenities have been added from our donation from the Rotary Club of Cambridge & Isanti. Staff is making a plaque to be place within the park. Bluebird park has had some vandalism in the past few weeks. A tunnel piece on the playground was damaged and a replacement part has been ordered and hope to have by end of September. The bathrooms on the south end of the BMX building have been vandalized twice in the last couple of weeks and they have been temporarily closed as we fix the hand dryer. The skate park had a few boards replaced that were damaged. The movie schedule has been created and movies picked the schedule will be Nov 6 – The Mighty Ducks 2; Dec 11 – The Polar Express; which we will include a Santa visit this night before the movie, which council approved at their Aug 5 meeting; Jan 22 – Frozen II; Feb 19 – Cars; and Mar 26- The Sandlot which I was not able to show this past March so bringing it back. The Isanti Family Farmers Market continues through Sept 25, Friday's from 2-6pm. The other upcoming events and projects are: the sledding hill project starting Sept 8; Family Day at Legacy Park – Sunday Sept 27 from 3-5pm to include, hiking, smores, and family photos and prize drawings from C-I Hockey Assc, CMK Financial Services, Connexus Energy, Coborn's Marketplace, Isanti Physical Therapy, Rockstad and Co. Relics & Wares); new event of a Candy Cane Flashlight Hunt – Sunday Dec 13 from 5-6:30pm at Legacy Park and the monthly Curious Creatures 9-10am Sept 15 – Back to School at Isanti Hills Neighborhood Park; Oct 6 - Police/Fire, Nov 10 – Gobble, Gobble and Dec 8 – Santa Fun all at Isanti Community Center. Garvey added that she creates Facebook events for the department on the city page. Legacy park parking lot is nearly completed. The community garden's sunflower maze is in full bloom and the maze is available for the gardeners to walk through.

Adjournment: Motion by Witte, second by Gordon to adjourn the August 25, 2020 meeting of the Parks, Recreation and Culture Board. Motion passed 3-0, meeting adjourned at 6:48 p.m.



Respectfully Submitted
Jenny Garvey
Parks, Recreation and Culture Manager



Real People. Real Solutions.

J.1.

7533 Sunwood Drive NW
Suite 206
Ramsey, MN 55303-5119

Ph: (763) 433-2851
Fax: (763) 427-0833
Bolton-Menk.com

MEMORANDUM

Date: October 26, 2020
To: Honorable Mayor Johnson and Members of the City Council
From: Jason W Cook, P.E.
City Engineer
Subject: 6th Avenue SW Rehabilitation Project – Final Assessment Hearing
City of Isanti, MN
BMI Project No. R13.120122

Attached is the final assessment roll for the 6th Avenue SW Rehabilitation project.

The assessments for this project are based on 25% of the assessable street cost in accordance with City code 276. The watermain was not assessed as the work was performed to improve city wide water distribution by enlarging the watermain size. The sidewalk was not assessed as it was a new sidewalk not petitioned for by the residents. No work was done on the sanitary sewer.

The final assessments, based on the amount bid and quantities constructed, is \$32.55 per assessable front footage. This is an average of \$2,751.08 per parcel. The previous assessment project completed in Isanti had an average assessment of \$3,298.20 per parcel. The average assessment on this project is \$547.12 less per parcel on average.

It is proposed to do a 10-year payment schedule levied on the property taxes with a 1.71% interest rate, beginning in 2021. This comes out to an average parcel cost per year of approximately \$300.

The total cost proposed to be assessed to benefiting properties is \$74,279.13.

Please contact me at (763) 200-2444 if you have any questions.

RESOLUTION 2020-XXX

ADOPTING ASSESSMENT FOR THE 6th AVENUE SW REHABILITATION PROJECT

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met, heard and considered any and all objections to the proposed assessment for the 6th Avenue SW Rehabilitation Project, consisting of the improvement of : 6th Avenue SW, from the intersection of South Brookview Lane SW to South of Dogwood Street SW. Said improvement consisted of the reconstruction of street, curb and gutter, and watermain as well as the construction of a new sidewalk. The proposed assessments are for the above described work excluding the watermain and sidewalk work.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ISANTI, MINNESOTA:

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of ten (10) years, the first of the installments to be payable on or before May 15, 2021, and shall bear interest at the rate of 1.71 percent per annum from the date of the adoption of the assessment resolution. To the first installment shall be added interest on the entire assessment from January 1, 2021 until December 31, 2021. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days and may, at any time thereafter, pay to the County of Isanti the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.
4. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

This resolution is hereby adopted by the City Council of Isanti, Minnesota this 4th day of November, 2020.

Attest:

Mayor Jeff Johnson

Katie Brooks
Human Resources/City Clerk

6th Avenue SW Rehabilitation
Final Assessment Roll
Bolton & Menk Project # R13.120122
10/05/20

No.	PID	Property Owner	Site Address	Mailing Address if Different than Site Address	Assessable Frontage (LF)	Improvement Frontage (LF)	Side Frontage (LF)	Notes	Assessed Street Cost Per Front Footage \$32.55
1	16-063-0120	KRISTEN LENDWAY & MARK LORSUNG	311 6TH AVENUE SW		75.0	125.0	85.0	2	\$2,441.25
2	16-065-0120	BCC HOLDINGS LLC	405 6TH AVENUE SW	PO BOX 1361, MINNETONKA, MN 55345	82.0	82.0			\$2,669.10
3	16-068-0190	BRUCE SPILMAN	408 6TH AVENUE SW		75.0	125.0	87.0	2	\$2,441.25
4	16-065-0210	MEGAN OLSON	501 6TH AVENUE SW		75.0	116.0	103.0	1, 2	\$2,441.25
5	16-066-0110	JEROME COLE	505 6TH AVENUE SW	1104 BIRCH STREET SW, ISANTI, MN 55040	75.0	106.0	99.5	1, 2	\$2,441.25
6	16-068-0210	URSULA REINHART	600 6TH AVENUE SW		88.0	88.0		1	\$2,864.40
7	16-068-0200	RYAN L GALLMEIER	602 6TH AVENUE SW		85.0	85.0			\$2,766.75
8	16-045-0650	MARILYN & RAYMOND LANCASTER	704 6TH AVENUE SW	PO BOX 484, ISANTI, MN 55040	110.0	110.0			\$3,580.50
9	16-045-0660	ROY E & R A WADEWITZ	706 6TH AVENUE SW	317 KNOPP VALLEY DRIVE, WINONA, MN 55987	95.0	95.0			\$3,092.25
10	16-071-0190	LEIGH DULON	800 6TH AVENUE SW		102.0	102.0			\$3,320.10
11	16-071-0200	JOHN BELLRICHARD	804 6TH AVENUE SW		103.0	103.0			\$3,352.65
12	16-068-0090	SCOTT HOFFMAN	513 MARION STREET SW	23239 HIGHWAY 65 NE, EAST BETHEL, MN 55005	75.0	128.0	87.0	2	\$2,441.25
13	16-068-0010	DENISE LINDBERG	514 MARION STREET SW		75.0	122.0	90.0	2	\$2,441.25
14	16-063-0180	SARAH SCHOENING	601 MARION STREET SW		81.0	81.0	135.0		\$2,636.55
15	16-068-0220	CREATE-N-RENOVATE LLC	519 NINA STREET SW	35974 NACRE STREET NW, PRINCETON, MN 55371	78.5	157.0	75.0	1, 2	\$2,555.18
16	16-065-0110	JASON & KAREN IVERSON	600 NINA STREET SW		84.0	84.0	124.0		\$2,734.20
17	16-066-0200	TYLER TAPLIN	601 PAGE STREET SW		75.0	140.0	89.0	2	\$2,441.25
18	16-070-0080	KEITH CARLSON	523 BIRCH STREET SW		90.0	180.0	106.0	2	\$2,929.50
19	16-070-0060	BREANN PADDEN	524 BIRCH STREET SW		82.5	165.0	106.0	2	\$2,685.38
20	16-070-0050	GERALD VENBURG	600 BIRCH STREET SW		83.5	167.0	80.0	2	\$2,717.93
21	16-045-0200	GARY & SHERRY SONNENSON	601 BIRCH STREET SW		84.5	169.0	104.0	2	\$2,750.48
22	16-045-0210	RYAN & JENNIFER INGBERG	600 CEDAR STREET SW		82.0	164.0	103.0	2	\$2,669.10
23	16-071-0180	LEVI E KLANDE	601 CEDAR STREET SW		83.5	167.0	81.0	2	\$2,717.93
24	16-073-0270	MARILYN PELZ	523 DOGWOOD STREET SW		100.0	200.0	105.0	2	\$3,255.00
25	16-073-0130	NEVIN FRITZ	524 DOGWOOD STREET SW		75.0	143.0	104.0	2	\$2,441.25
26	16-073-0120	ZACHARY & HELINA SCHMITT	600 DOGWOOD STREET SW		84.0	168.0	89.0	2	\$2,734.20
27	16-073-0260	KENNETH & TAMMY BECK	601 DOGWOOD STREET SW		83.5	167.0	82.0	2	\$2,717.93
Totals					2,282.0	3,539.0			\$74,279.13
NOTES:					Assessed Street Cost				
(1) Odd Shaped Lot, Frontage Calculation					AVERAGE	\$2,751.08	Total Assessed Cost		\$74,279.13
(2) Corner Lot with Long Side on Improvement					HIGH	\$3,580.50	Total Street Cost		\$297,159.66
					LOW	\$2,441.25	Percent Assessed		25%



Memo for Council

To: Mayor Johnson and Members of the City Council
From: City Administrator Josi Wood
Date: November 4, 2020
Subject: Resolution to Approve Purchase of Property Owned by Kristine L. Yerigan Trust

Background:

The City Council has held multiple discussions regarding the municipal liquor store and the potential for relocation of a new store. The site identified as 16.029.2100 and 16.029.2400 which are in one Deed was chosen as the ideal location. The purchase price was negotiated to be \$425,000.00 which includes all demolition of buildings, removal of debris, capping of any wells on site, decommissioning of the septic on site and restoring the site to matching grade of the topography.

The attached Purchase Agreement has been reviewed by the City Attorney and trustees, Kristine L. Yerigan and Bruce D. Yerigan, of the land owned by Kristine L. Yerigan Trust.

Request:

Staff is requesting action on this item to approve the purchase of land identified within the Resolution for the purchase price of \$425,000.00 plus closing costs.

Attachments:

- Resolution 2020-XXX
- Purchase Agreement

RESOLUTION 2020-XXX

APPROVING PURCHASE OF PROPERTY OWNED BY KRISTINE L. YERIGAN TRUST

WHEREAS, the City is interested in purchasing the property legally described as: ALL THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 35, RANGE 23, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE NORTH ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF SOUTHEAST QUARTER A DISTANCE OF 375 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 50 SECONDS EAST 580.8 FEET; THENCE SOUTH 1 DEGREE 16 MINUTES 15 SECONDS EAST 375 FEET AND TO THE SOUTH LINE OF SAID NORTHWEST QUARTER OF SOUTHEAST QUARTER; THENCE WEST ALONG SAID SOUTH LINE 580.8 FEET, MORE OR LESS, AND TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF SAID SOUTHEAST QUARTER, BEING. THE POINT OF BEGINNING AND THERE TO TERMINATE.

TOGETHER WITH A NONEXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITY PURPOSES OVER AND ACROSS THE SOUTH 295 FEET OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 35, RANGE 23 (AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID NORTHEAST QUARTER OF SOUTHEAST QUARTER), LYING EASTERLY OF THE EASTERLY RIGHT-OF-WAY LINE OF STATE TRUNK HIGHWAY NO. 65 AND WESTERLY OF A LINE DRAWN PARALLEL WITH AND DISTANT 66 FEET EASTERLY OF SAID EASTERLY RIGHT-OF-WAY LINE OF STATE TRUNK HIGHWAY NO. 65 (AS MEASURED AT RIGHT ANGLES TO SAID EASTERLY RIGHT-OF-WAY LINE).

AND, ALSO, INCLUDING A NONEXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITY PURPOSES OVER AND ACROSS THE SOUTH 66 FEET OF THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 35, RANGE 23, LYING EASTERLY OF THE EAST RIGHT-OF-WAY LINE OF STATE TRUNK HIGHWAY NO. 65, AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID NORTHEAST QUARTER OF SOUTHWEST QUARTER.

within Isanti County, Minnesota identified as tax ID number 16.029.2100 and 16.029.2400 (the "Property") for use as a new municipal liquor store location; and,

WHEREAS, the owner of the Property, Kristine L. Yerigan Trust, has offered to sell the Property to the City for the purchase price of \$425,000.00 which includes demolition of the house and any structures, removal of any waste and debris, and decommissioning of the well and septic on site; and,

WHEREAS, the City Council discussed this purchase in closed session on October 6, 2020; and,

WHEREAS, the Purchase Agreement for said purchase is referenced hereto attached as Exhibit A;

WHEREAS, the Property is comparable to other similar lot properties that recently sold within the past few years near the TH 65 corridor; therefore, the asking price of \$425,000.00 including cleanup of the site is deemed to be a reasonable and appropriate price for the purchase of the Property;

NOW, BE IT HEREBY RESOLVED by the City Council of the City of Isanti, Minnesota that funding identified as Fund 609-16500 in an amount not to exceed \$425,000.00 to purchase the Property, together with payment of such incidental and necessary costs of closing as may be incurred relative to purchase of the Property identified by tax ID number 16.029.2100 and 16.029.2400 is hereby authorized;

IT IS HEREBY FURTHER RESOLVED that City Staff and Officials shall proceed with the acquisition of said parcel as herein provided, and the Mayor and City Administrator are authorized to sign any and all documents necessary or convenient to complete the acquisition subject to the satisfactory review of title work and transfer documents by City Attorney, or designee.

This Resolution is hereby approved by the Isanti City Council this 4th day of November, 2020.

Attest:

Mayor Jeff Johnson

Katie Brooks
Human Resources/City Clerk

Exhibit A

PURCHASE AGREEMENT

THIS AGREEMENT is made as of October 28, 2020 (the “Effective Date”) between **Kristine L. Yerigan as trustee of the Kristine L. Yerigan Trust Dated October 4, 2000**, (“Seller”), and the City of Isanti, a Minnesota municipal corporation (“Buyer”).

RECITALS:

A. Seller is the fee owner of the parcel of property located in Isanti County, Minnesota (“Property”), the legal description of which is as follows:

See attached Exhibit A.

B. Seller wishes to convey, and Buyer wishes to purchase the Property, as illustrated in the attached Exhibit B, together with all rights, privileges, easements, and appurtenances belonging thereto.

AGREEMENT:

In consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Purchase of Property.** Seller hereby agrees to sell and Buyer hereby agrees to purchase the Property including all easements and rights of every kind and nature benefiting or appurtenant to the Property, subject to the Permitted Encumbrances as provided herein.

2. **Purchase Price and Manner of Payment.** The total purchase price (“Purchase Price”) to be paid by Buyer to Seller for the Property shall be \$425,000.00), and shall be paid to Seller at closing, subject to the terms of this Agreement.

Earnest Money. Within 14 business days after the Effective Date, Buyer must deposit the sum of \$10,000.00 (the “Earnest Money”) with a title company of its choice (“Escrow Agent”). At Closing, Escrow Agent shall disburse to Seller the Earnest Money and Buyer shall receive a credit against the Purchase Price in an amount equal to the amount of the Earnest Money.

3. **Buyer Contingencies.** The obligations of Buyer under this Agreement are contingent upon each of the following:

a. **Representation and Warranties.** The representations and warranties of Seller contained in this Agreement must be accurate in all material respects now and on the Closing Date as if made on the Closing Date.

- b. **Title.** Title shall have been found marketable, or been made marketable, in accordance with the requirements and terms of Section 6 below.
- c. **Performance of Seller's Obligations.** Seller shall have performed all of the obligations required to be performed by Seller under this Agreement as and when required by this Agreement.
- d. **Inspection.** Buyer shall have the right to enter the Property through December 1, 2020 (the "Due Diligence Period") and perform such surveys, tests and investigations as Buyer deems advisable, all at Buyer's sole expense. Buyer shall keep the Property free from mechanic's liens arising from such work. Buyer shall be responsible for any property damage or personal injury arising from such work. Buyer shall determine, in its sole judgment, whether the condition of the Property is suitable for Buyer's intended use, and may terminate this Agreement without liability through the end of the Due Diligence Period

If any contingency set forth above has not been satisfied on or before the Closing Date, then this Agreement may be terminated, at Buyer's option, by written notice from Buyer to Seller. Upon such termination, the Earnest Money shall be refunded to Buyer and neither party will have any further rights or obligations regarding this Agreement or the Property. All the contingencies set forth in this Section are for the sole and exclusive benefit of the Buyer and the Buyer shall have the right to waive any contingency by written notice to Seller.

4. **Closing.** The closing of the purchase and sale contemplated by this Agreement ("Closing") shall be held at such place as may be agreed upon by the parties, on or before, December 31, 2021 ("Closing Date"). At the Closing, Buyer shall pay the Purchase Price to Seller and the following closing documents shall be executed and delivered.

- a. Seller shall deliver a warranty deed conveying the Property to Buyer, free and clear of all encumbrances, except the following "Permitted Encumbrances":
 - (1) Property taxes and special assessments to be paid in accordance with this Agreement; and
 - (2) Building codes and laws and ordinances relating to zoning and land use.
- b. A title insurance policy, or a suitably marked-up commitment for title insurance initialed by the Title Insurer, in the form required by this Agreement.
- c. An Affidavit by Seller indicating no adverse matters.
- d. A closing statement detailing the financial terms of the closing.
- e. All other documents necessary to transfer the Property to Buyer free and clear of all

encumbrances except the Permitted Encumbrances.

5. **Costs and Prorations.** Seller and Buyer agree to the following prorations and allocation of costs:

- a. **Title Insurance and Closing Fee.** Seller will pay all costs of issuing the title insurance commitment. Buyer will pay all title insurance premiums and surcharges required for the issuance of any title insurance policy. Buyer and Seller will each pay one half of all reasonable and customary closing fees charged by the Title Insurer.
- b. **Documentary Taxes.** Seller shall pay the state tax for the deed to be delivered by Seller under this Agreement.
- c. **Real Estate Taxes and Levied and Pending Assessments.** General real estate taxes due and payable in 2020 shall be prorated by Seller and Buyer to the Closing Date based upon a calendar fiscal year. Any deferred property taxes or otherwise unpaid taxes, penalties and interest accrued prior to 2020 shall be paid by Seller. Seller shall pay all special assessments levied or pending against the Property as of the date of this Agreement.
- d. **Attorney's Fees.** Each party will pay its own attorney's fees, except that a party defaulting under this Agreement or any closing document will pay the reasonable attorney's fees and court costs incurred by the non-defaulting party to enforce its rights regarding such default.

6. **Title.**

- a. **Quality of Title.** Seller shall convey good and marketable fee title to the Property to Buyer, subject to no liens, easements, encumbrances, conditions, reservations or restrictions other than the Permitted Encumbrances.
- b. **Title Evidence.** Seller shall obtain a commitment ("Title Commitment") for the most current form of ALTA owner's policy of insurance in the amount of the Purchase Price insuring title to the Property subject only to the Permitted Encumbrances. In the event a Survey, or any recertification thereof, shows any encroachments or any improvements upon, from, or onto the Property, or on or between any building setback line, lot line, or any easement, or other condition unacceptable to Buyer, in Buyer's sole discretion, said encroachment, easement, or other condition shall be treated in the same manner as Title Defect(s).
- c. **Buyer's objections.** Within twenty days after receiving the last of the Title Evidence, Buyer shall make written objections ("Objections") to the form and or contents of the Title Evidence. Buyer's failure to make Objections within such time period will constitute waiver of Objections. Any matter shown on such Title

Evidence and not objected to by Buyer shall be deemed an additional "Permitted Encumbrance" hereunder. Seller shall have 30 days after receipt of the Objections to cure the objections, during which period the Closing will be postponed as necessary. Seller shall use its best efforts to correct any Objections. If the Objections are not cured within such 30-day period, Buyer will, in addition to any other remedy available at law or under this Agreement, have the option to do either of the following:

- (1) Terminate this Agreement; or
 - (2) Waive the objections and proceed to close, in which case such matters shall be deemed Permitted Encumbrances hereunder.
- d. **Title Policy.** Title Insurer shall deliver to Buyer at the closing a title policy issued pursuant to the commitment, or a suitably marked-up commitment initialed by the Title Insurer undertaking to issue such a title policy in the form required by the commitment as approved by Buyer.

7. **Representations and Warranties by Seller.** Seller represents and warrants to Buyer as follows:

- a. **Authority.** Seller has the requisite power and authority to enter into and perform this Agreement.
- b. **Title to Property.** Seller owns the Property and will deliver it free and clear of all encumbrances except the Permitted Encumbrances.
- c. **Rights of Others to Purchase Property.** Seller has not entered into any other contracts for the sale of the Property.
- d. **FIRPTA.** Seller is not a "foreign person," "foreign partnership," "foreign trust" or "foreign state" as those terms are defined in § 1445 of the Internal Revenue Code.
- e. **Proceedings.** To the best knowledge of Seller, there is no action, litigation, investigation, condemnation or proceeding of any kind pending or threatened against Seller or the Property.
- f. **Hazardous Materials.** To Seller's actual knowledge, without duty to investigate, no toxic or hazardous substances (including, with limitation, asbestos, urea foam formaldehyde, the group of organic compounds known as polychlorinated biphenyls, and any hazardous substance as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. § 9601-9657, as amended) have been generated, treated, stored, released, or disposed of, or otherwise deposited in or located on the Property, including with limitation, the surface or subsurface waters of the Property, nor has any activity been

undertaken on the Property which would cause (i) the Property to become a hazardous waste treatment, storage or disposal facility within the meaning of, or otherwise bring the Property within the ambit of the Resource Conservation and Recovery Act of 1976 ("RCRA"), 42 U.S.C. § 6901, et. seq., or any similar state law or local ordinance or any other environmental law; (ii) a release or threatened release of hazardous waste from the Property within the meaning of, or otherwise bring the Property within the ambit of CERCLA, or any similar state law or local ordinance, or any other environmental law; or (iii) the discharge of pollutants or effluents into any water source or system, or the discharge into the air or any emissions, which would require a permit under the Federal Water Pollution Control Act, 33 U.S.C. § 7401, et.seq., or any similar state law or local ordinance or any other environmental law. To the best of Seller's knowledge: (i) there are no substances or conditions in or on the Property which may support a claim or cause of action under RCRA, CERCLA, or any other federal, state, or local environmental statutes, regulations, ordinances, or other environmental regulatory requirements, and (ii) no underground deposits which cause hazardous wastes or underground storage tanks are located on the Property.

- g. **Wells and Septic Systems.** Seller shall provide Buyer with a well disclosure statement and a septic system disclosure statement, which disclosure statements are incorporated in this Section by reference.

Seller will defend, indemnify and hold harmless Buyer from and against any expenses or damages, including reasonable attorney's fees that Buyer incurs because of the breach of any of the above representations and warranties. Consummation of this Agreement by Buyer with knowledge of any such breach by Seller will constitute a waiver or release by Buyer of any claims due to such breach. Each of the representations and warranties contained herein shall survive the Closing.

8. **Representations and Warranties by Buyer.** Buyer has the requisite power and authority to enter into and perform this Agreement. This Agreement is subject to formal approval of the Isanti City Council.

9. **Control of Property.** Subject to the provisions of this Agreement, until the Date of Closing, Seller shall have full responsibility and the entire liability for any and all damages or injuries of any kind whatsoever to the Property, to any and all persons, whether employees or otherwise, and to any other property from and connected to the Property, except liability arising from the negligence or willful acts of Buyer, its agents, contractors, or employees, and except as may otherwise be provided by separate agreement between the Parties.

10. **Demolition of Existing Structures.** Seller acknowledges that the Property contains a house, one or more sheds or garages, a well and a septic system. As a condition of this Agreement, prior to Closing, Seller agrees to demolish and remove all structures on the Property, including basements and foundations, electrical service to the structures, any existing appurtenant structures (e.g., decks, porches, satellite dishes), sidewalks, and impervious driveways (but not including culverts for existing driveways). All holes, pits, depressions and low areas created by removal of

the structures shall be filled and compacted with clean fill to the level of the surrounding topography. In addition, all water wells shall be sealed in accordance with Minnesota Department of Health requirements, with water lines removed, and any existing Subsurface Sewage Treatment System shall be removed (not abandoned), including drain lines, in accordance with Minnesota Pollution Control Agency requirements, with any resulting holes, pits and trenches filled to grade with compacted clean fill. Proof of well sealing and SSTS removal shall be provided to Buyer prior to Closing. Any debris, junk, vehicles, machinery and similar items on site shall also be removed by Seller prior to Closing.

11. **Broker's Commission.** Seller and Buyer represent and warrant to each other that they have dealt with no broker, finder or other person entitled to a commission, finder's fee or similar fee in connection with this transaction.

12. **Assignment.** Neither party may assign its rights under this Agreement without prior written consent of the other party. Any such assignment will not relieve such assigning party of its obligations under this Agreement.

13. **Survival.** All of the terms of this Agreement will survive and be enforceable after the Closing.

14. **Notices.** Any notice required or permitted to be given by any party to the other shall be given in writing, and shall be (i) hand delivered to the specified addressee, or (ii) mailed in a sealed wrapper by United States registered or certified mail, return receipt requested, postage prepaid, or (iii) properly deposited with a nationally recognized, reputable overnight courier, properly addressed as follows:

If to Seller: Kristine L. Yerigan
University Ave. N.E. 27585
Isanti, MN 55040

If to Buyer: Josi Wood
City of Isanti
110 1st Ave. N.W.
P.O. Box 428
Isanti, MN 55040

With copy to: Ratwik, Roszak & Maloney, P.A.
Attention: Joseph Langel
730 Second Avenue South, Suite 300
Minneapolis, MN 55402

Notices shall be deemed effective on the earlier of the date of receipt, or in the case of such deposit in the mail or with an overnight courier, on the first business day following such deposit. Any party may change its address for the service of notice by giving written notice of such change to the other party.

15. **Entire Agreement.** This written Agreement constitutes the complete agreement between the parties and supersedes any and all other oral or written agreements, negotiations, understandings and representations between the parties regarding the Property.

16. **Amendment; Waiver.** No amendment of this Agreement, and no waiver of any provision of this Agreement, shall be effective unless set forth in a writing expressing the intent to so amend or waive, and the exact nature of such amendment or waiver, and signed by both parties (in the case of amendment) or the waiving party (in the case of waiver). No waiver of a right in any one instance shall operate as a waiver of any other right, nor as a waiver of such right in a later or separate instance.

17. **Governing Law.** This Agreement is made and executed under and in all respects is to be governed and construed under the laws of the State of Minnesota.

18. **Binding Effect.** This Agreement binds and benefits the parties and their respective successors and assigns.

19. **Remedies.**

- a. **Default by Buyer.** If Buyer defaults under this Agreement, Seller shall have the right to terminate this Agreement by giving a 30-day written notice to Buyer pursuant to Minnesota Statutes § 559.21. If Buyer fails to cure such default within 30 days of the date of such notice, this Agreement will terminate or Seller may sue for specific performance of this Agreement or actual damages caused by Buyer's default.
- b. **Default by Seller.** If Seller defaults under this Agreement, Buyer may sue for specific performance of this Agreement or actual damages caused by Seller's default.

SELLER: **Kristine L. Yerigan as trustee of the Kristine L. Yerigan Trust Dated October 4, 2000**

By: _____
 Its: Trustee, Kristine L. Yerigan

Date: _____

BUYER: **City of Isanti**

By: _____
 Its: Mayor

Date: _____

By: _____
 Its: City Administrator

Date: _____

**EXHIBIT A
TO PURCHASE AGREEMENT**

Legal Description

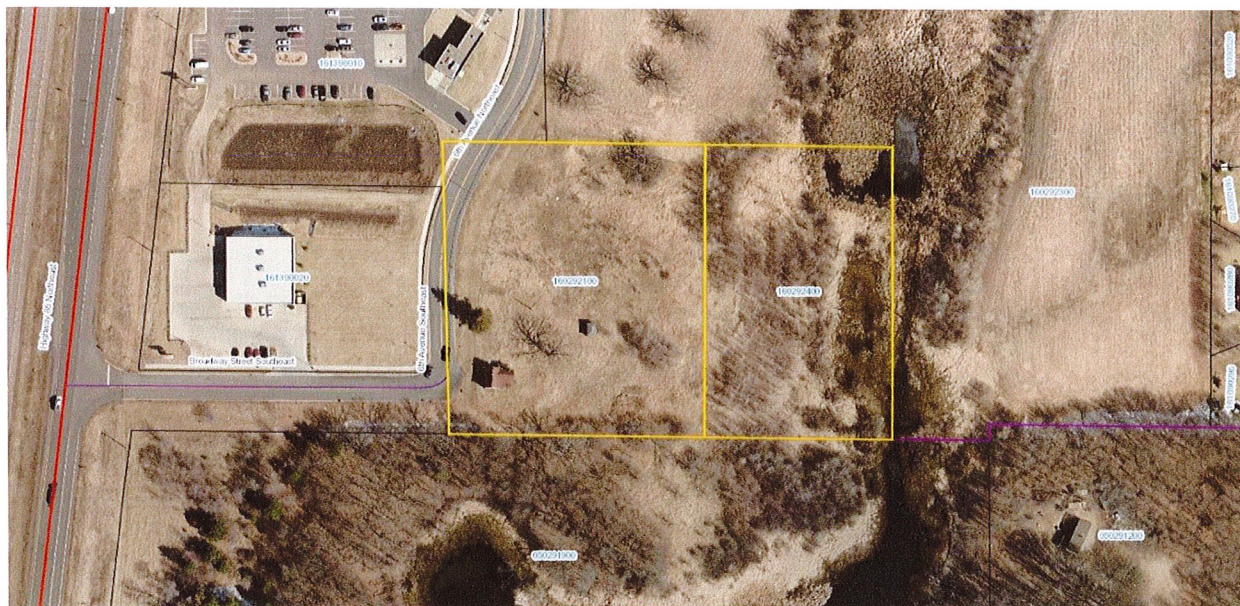
ALL THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 35, RANGE 23, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE NORTH ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF SOUTHEAST QUARTER A DISTANCE OF 375 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 50 SECONDS EAST 580.8 FEET; THENCE SOUTH 1 DEGREE 16 MINUTES 15 SECONDS EAST 375 FEET AND TO THE SOUTH LINE OF SAID NORTHWEST QUARTER OF SOUTHEAST QUARTER; THENCE WEST ALONG SAID SOUTH LINE 580.8 FEET, MORE OR LESS, AND TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF SAID SOUTHEAST QUARTER, BEING THE POINT OF BEGINNING AND THERE TO TERMINATE.

TOGETHER WITH A NONEXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITY PURPOSES OVER AND ACROSS THE SOUTH 295 FEET OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 35, RANGE 23 (AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID NORTHEAST QUARTER OF SOUTHEAST QUARTER), LYING EASTERLY OF THE EASTERLY RIGHT-OF-WAY LINE OF STATE TRUNK HIGHWAY NO. 65 AND WESTERLY OF A LINE DRAWN PARALLEL WITH AND DISTANT 66 FEET EASTERLY OF SAID EASTERLY RIGHT-OF-WAY LINE OF STATE TRUNK HIGHWAY NO. 65 (AS MEASURED AT RIGHT ANGLES TO SAID EASTERLY RIGHT-OF-WAY LINE).

AND, ALSO, INCLUDING A NONEXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITY PURPOSES OVER AND ACROSS THE SOUTH 66 FEET OF THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 35, RANGE 23, LYING EASTERLY OF THE EAST RIGHT-OF-WAY LINE OF STATE TRUNK HIGHWAY NO. 65, AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID NORTHEAST QUARTER OF SOUTHWEST QUARTER.

Property IDs are 16.029.2100 and 16.029.2400.

Illustration





Request for City Council Action

To: Mayor Johnson and Members of City Council
From: Ryan Saltis, Community Development Specialist
Date: November 4, 2020
Subject: Ordinance XXX Amending the City Code, Chapter 253 Rental Dwellings.

Overview/Background:

In February of 2020, a rental ordinance study was conducted by City Staff members to determine what sections of City Code needed to be updated to reflect warranted changes to the rental license process. The amendments proposed to Chapter 53 of City Code include rental license fees, and residency requirements for owners.

The proposed amendments and ordinance were brought to the October 20, 2020 Planning Commission meeting and a public hearing was held. No one from the public spoke on this item at the public hearing. The Planning Commission recommended approval of the ordinance as written and passed 6-0.

Amendment to Section 253-4. Residency Requirements

Currently, code requires owners or their designee live within Isanti County or an adjacent county. Adjacent counties to Isanti County include: Sherburne, Mille Lacs, Kanabec, Pine, and Chisago. According to the current code, someone who lives in Vineland, MN (72.5 miles away, 1 hour, 13 minute drive) or someone lives in Nickerson, MN (89.4 miles away, 1 hour, 26 minute drive) could be a landlord or designee while someone in Hugo, MN (35.7 miles away, 36 minutes away) or Champlin, MN (27.6 miles away, 38 minutes away) cannot due to the counties in which they are located.

Proposed Amendment: Remove Section 253-4 Residency Requirements:

This section should be removed altogether, allowing owners/landlords/agents to reside wherever. This current section to the code might restrict or prevent owners/landlords from owning property in the City that is intended to generate rental income. With the advancements of technology as well as the availability of local contractors to perform maintenance work on rental properties, it is fairly easy for owners/landlords to operate a rental property remotely.

Amendment to Section 253-6 Fees

Currently in City Code, it is written that applicants have a 30-day window (no less than 60, not more than 90) to get their paperwork and fees in to City Staff. In 2019, only 40% of applicants submitted their application and fees in time for renewal of a rental license. Fees for Rental

dwelling have been loosely followed in the past, and it would be beneficial if the city enforced penalties for late submittals by increasing the license fee total in increments of when the paperwork was turned in to City Staff. The chart below resembles what this would look like.

DATES	FEE	Example
Sept. 1 or next business day (nbd)	Renewals are sent	<i>(single family home)</i>
Submitted Sept. 1/nbd to 60 days	100% base fee	\$150
Submitted 61 days to 90	125% base fee	\$175
Submitted 91 days to Dec 31	150% of license base fee	\$200
Submitted after December 31	200% of license base fee	\$300

Request:

Consider adopting the ordinance amendment

Attachments:

Ordinance XXX

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CITY CODE CHAPTER 253 RENTAL DWELLINGS,
SECTION 253-4 RESIDENCY REQUIREMENTS, AND SECTION 253-6 FEES**

The City Council of the City of Isanti does ordain:

Section 1 – Amendment. Ordinance 434, and Ordinance 438, codified in Chapter 253 of the City Code, Rental Dwellings are hereby amended as follows:

~~Section 253-4 Residency requirements is removed from City Code:~~

~~Owners of property for rent must reside within Isanti County or a county adjacent to Isanti County. The owner of the property whether individual, partnership, corporation, etc., must reside within Isanti County or a county adjacent to Isanti County or shall have an appointed and authorized agent that resides within Isanti County or a county adjacent to Isanti County. The agent shall have full authorization to care for all matters pertaining to operations, maintenance, etc., of the subject property and grounds.~~

Section 253-6. Fees is amended and replaced with the following:

A. License fees.

- (2) ~~Filing due date and penalty. An applicant shall have an application window from not more than 90 days before the beginning of the licensing period to not less than 60 days before the beginning of the license period to submit the completed application, fees and relevant items. If an application is made less than 60 days before the beginning date of the license period applied for, then the fee shall be accompanied by an additional amount equal to 100% of such license fee. The additional amount shall be a penalty for a late application, with the exception of the first year of the adoption of this chapter. In no case shall there be a lapse in the license period. Failure to maintain the license on a current basis shall constitute a violation of this chapter. The late penalty is established for those licensees who have failed to submit an application as specified in this chapter. All new owners must submit an application, pass an inspection and obtain a new rental license; the old license is not transferable.~~

License renewal letters shall be sent to license holders 90 days before the expiration date of the license. An applicant shall have 30 days from the date stated in the letter to submit a completed application. A completed application includes all fees and relevant items. If the completed application is received in a time period after the 30-day window, in the time period of 60 to 30 days before the expiration date of the license, the fee shall be 125% of the original fee charged for license renewal. If the completed application is

received with less than 30 days before the expiration date of the license, the fee shall be 150% of the license renewal fee. If the application fee is received after the expiration date of the license, the fee shall be 200% of the license fee. Failure to maintain the license on a current basis shall constitute a violation of this Chapter.

EFFECTIVE DATE:

This ordinance takes effect upon its passage and publication in the official newspaper of the City of Isanti.

Adopted by the Isanti City Council this ____ day of _____, 2020.

Mayor Jeff Johnson

Attest:

Katie Brooks
Human Resources/City Clerk

Posting Date:

CC Reading Date:

Publication Date:

Effective Date:



Request for City Council Action

To: Mayor Johnson and Members of City Council
From: Sheila Sellman, Community Development Director
Date: November 4, 2020
Subject: Ordinance XXX Amending the City Code, Chapter 536

Background:

Staff proposes to update the Subdivision ordinance by removing City Planner and Zoning Administrator and replacing with "Community Development Director or designee" and to remove final plat review for the Planning Commission. The final plat should only be reviewed by the City Council since the Council is the only body of approval, in addition adding a planning commission review of the final plat add one month onto the development process.

The Planning Commission held a public hearing at their October 20, 2020 meeting. No one from the public spoke on this item. The Planning Commission recommends approval as drafted.

Request:

Consider adopting the ordinance amendment

Attachments:

- Ordinance XXX

ORDINANCE NO. _____

**AN ORDINANCE AMENDMENT TO AMEND CITY CODE CHAPTER 536
SUBDIVISION**

The City Council of the City of Isanti does ordain:

Section 1 – Amendment Chapter 536 of the City Code, Subdivision is hereby amended as follows:

ARTICLE 1. IN GENERAL

Subdivision 1. Purpose and Scope.

- A. Purpose. It is the intent of this Ordinance to safeguard the best interests of the City and to assist the subdivider in harmonizing his or her interests with those of the City of Isanti. Because each subdivision becomes a permanent unit in the legal and physical structure of the community and because piecemeal planning will result in a disconnected patchwork of plats, increased operation costs, and oftentimes a poorly designed system of lots, blocks, public open spaces, and roads; it is the purpose of this Ordinance to set platting regulations and minimum requirements to protect the public health, safety, and general welfare of the community. The City of Isanti deems it necessary to provide regulations requiring platting, and for subdividing of property within the City for the following purposes:
1. To encourage well-planned, efficient, and attractive construction and design; and to prevent the use of land that is not feasible for subdivision;
 2. To provide for the health and safety of City residents by requiring necessary services, to include but is not limited to, properly designed and located streets, drainage ways, and through the provision of adequate sewage disposal and water supply systems;
 3. To place the cost of improvements against those benefitting from their construction;
 4. To make all subdivision of property conform to the Comprehensive Plan and the overall development objectives of the City;
 5. To establish procedures and standards for the review of all subdivision plats;
 6. To set forth rules and regulations for the subdivision, re-subdivision, or consolidation of real property; and
 7. To assure the general design of subdivisions complies with Zoning, Building Code requirements, and other pertinent regulations of the City of Isanti, Isanti County, and the State of Minnesota.
- B. Scope. The rules and regulations governing plats and subdivision of land contained herein shall apply throughout the corporate boundaries of the City and within those areas as identified as Tier One. All land subdivisions shall meet or exceed the standards as set forth in this Ordinance. Except in the case of re-subdivision; this Chapter shall not apply to any lot or lots forming a part of a subdivision recorded in the County Offices prior to the effective date of this Ordinance. It is not intended by this Ordinance to repeal, annul, or in any way impair or interfere with, existing provisions or other laws or City Code provisions, except those specifically repealed by, or in conflict with this Chapter, or with restrictions on the land that is imposed or required by such existing provision of law, City Code provision, contract or deed; the provisions of this Ordinance shall control.
- C. Applicability. No person shall:
1. Divide or further divide land, or
 2. Consolidate residentially zoned lots which come under common ownership after July 17, 2012, or
 3. Otherwise alter the boundaries of lots or parcels of land; or,

4. Dedicate land for use as streets, alleys, sidewalks, trails, or other public purposes, except in compliance with the provisions of this Ordinance.

Subdivision 2. Compliance.

Upon adoption of this Ordinance, no lot in a subdivision shall be sold, no permit shall be issued to alter or erect any building upon land in a subdivision, and no building shall be erected in a subdivision unless the subdivision plat has been approved and recorded and until the improvements by the City Council relative to the subdivision have been constructed or arranged for as provided within this Ordinance. Any subdivision creating parcels, tracts, or lots after the adoption of these regulations shall be platted, except for those parcels meeting the requirements of an Administrative Subdivision.

Subdivision 3. Registered Land Surveys and Conveyance by Metes and Bounds.

A. Registered Land Surveys.

All registered land surveys in the City shall be presented to the Planning Commission in the form of a Preliminary Plat in accordance with the standards set forth in this Ordinance for Preliminary Plats. The Planning Commission shall first approve the arrangement, sizes, and relationship of the proposed tracts in such registered land surveys, and those tracts to be used as easements or roads should be so designated. Unless such Planning Commission recommendation and City Council approval in accordance with the City standards set forth in this Ordinance have been obtained, building permits will be withheld for buildings on tracts which have been subdivided by registered land surveys and the City may refuse to take over tracks as streets or roads to improve, repair, or maintain any such tracts unless so approved.

B. Conveyance by Metes and Bounds.

No conveyance of one (1) or more parcels in which the land is described by metes and bounds or by reference to an unapproved registered land survey made after the effective date of this Ordinance shall be filed or recorded except in certain cases of Administrative Subdivisions as defined by this Ordinance. The following conveyances shall be exempt from the provisions of this Ordinance and shall not constitute a subdivision:

1. The parcel was a separate lot of record prior to December 16, 1986.
2. The parcel was the subject of a written agreement to convey, which was entered into prior to the effective date of this Ordinance.
3. The parcel is a single parcel of land of not less than five (5) acres and having a width of not less than three hundred (300) feet and its conveyance does not result in the division of the parcel into two (2) or more lots or parcels, any one of which is less than five (5) acres in area or three hundred (300) feet in width and all parcels have frontage on a public right-of-way.
4. The parcel relates to a division of a lot, which is part of a recorded plat where the division is to permit the adding of a parcel of land to an abutting lot or to create two (2) lots, and the newly created lot will not cause the other remaining portion of the lot to be in violation of this Ordinance or the Zoning Ordinance.
5. Cemetery lots.
6. Parcels resulting from court orders or the adjustments of a lot line by the relocation of a common boundary as the result of a correctional survey of a previously recorded parcel, or an instrument of conveyance to correct a faulty description in a previously recorded instrument of conveyance.
7. Lot line adjustments.

Subdivision 4. Definitions.

For the purpose of this Ordinance, the following words and terms shall be interpreted as herein defined. Words in the present tense include the future; words in the singular include the plural; words in the plural include the singular; the word "shall" is mandatory; and the word "may" is permissive.

Administrative Subdivision means a subdivision whereby the intent is to permit the addition of a parcel of land to an abutting lot, to adjust a lot line or to divide an existing lot into two (2) lots.

Alley means a public thoroughfare which provides secondary access to abutting property.

Block means a tract of land bounded by streets or a combination of streets or public parks, cemeteries, railroad right-of-way, shorelines, unsubdivided acreage, or boundary lines of the corporate limits of the city.

Boulevard means the portion of the street right-of-way between the curb line or edge of the paved roadway and the property line.

Buildable Land means a contiguous land area occurring within the property lines of a parcel or lot; excluding wetlands, steep slopes, flood hazard areas, storm water retention/detention areas, or any other man-made or natural feature that may restrict development.

Caliper Inches means the diameter, in inches, of the trunk of a tree taken six (6) inches above the ground up to and including four (4) inch caliper size, and twelve (12) inches above the ground for larger sizes.

CIC Plat means a Common Interest Community Plat as described in Section 515B.2 – 110 of the Minnesota State Statutes.

City Council means the City Council of the City of Isanti.

City Engineer means the City Engineer for the City of Isanti or their authorized representative.

~~**City Planner** means the City Planner for the City of Isanti or their authorized representative.~~

Cluster Development means a subdivision development that is planned and constructed, so as to arrange residential housing units into compact groupings, in an effort to preserve the natural amenities of the land and provide a unified network of open spaces; which meets the overall density requirements of the Zoning District in which the parcel is located and the Comprehensive Plan.

Common Open Space means any open space; including but not limited to, parks, native areas, playgrounds, trails, and recreational facilities that are owned in common by a group of property owners.

Community Development Director means the Community Development Director for the City of Isanti

Comprehensive Plan means the Comprehensive Land Use Plan prepared and adopted by the City of Isanti, indicating the general locations recommended for major land uses, streets, parks, public buildings, and other public improvements.

Conservancy means the implementation of policies for the protection and preservation of the natural character of lands for their value to scenic enjoyment, native vegetation, wildlife, water and soil conservation, floodplain management, forestry, and other such purposes.

Conservation Easement means a non-possessory interest in real property that imposes limitations or affirmative obligations, the purpose of which include retaining and protecting natural, scenic, or open space values of real property; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining air or water quality.

Conservation Land means any parcel or area of undeveloped land conserved in its natural state for perpetuity through deeds or other legal means.

Consolidation means the combining of two (2) or more lots or portions of two (2) or more lots into a lesser number of lots for the purpose of creating a single unified development.

Critical Root Zone means an imaginary circle surrounding the tree trunk with a radius distance of one (1) foot per one (1) inch of tree diameter. Example, a twenty (20) inch diameter tree has a critical root zone with a radius of twenty (20) feet.

Crown means the leaves and branches of a tree or shrub; the upper portion of a tree from the lowest branch on the trunk to the top.

Cul-de-sac means a minor street with only one (1) outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement.

Design Standards means the specifications for land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the minimum or maximum dimensions of such items as right-of-way, blocks, easements, and lots.

Developer means any person or entity other than a builder who undertakes to improve a parcel of land, by platting, grading, installing utilities, or constructing or improving any building thereon.

Development Agreement means a formal agreement with the City that clearly establishes the developer's responsibility regarding project phasing, the provision of public and private facilities and improvements, and any other mutually agreed to terms and requirements.

Drip Line means an imaginary vertical line that extends from the outermost branches of the tree's canopy to the ground.

Easement means authorization by a property owner to the use of land by the public, a corporation, or persons for specific purposes such as the construction of utilities, drainage ways, or roadways.

Lot means a parcel of land of sufficient size to meet zoning and platting requirements for use, coverage, and buildable area, and to provide such yards, setbacks, parking, landscaping, and other open spaces as are required by this Ordinance and the Zoning Ordinance for the zoning district in which said parcel is located.

Lot Combination means the combining of two (2) or more contiguous lots having the same property owner.

Lot, Flag means a lot not directly fronting or abutting a public right-of-way and where access to the roadway is limited to a narrow private right-of-way.

Metes and Bounds means a description of land prepared by a state registered land surveyor providing measured distances and courses (metes) from known or established points on the surface of the earth (bounds).

Minor Subdivision means a subdivision that result in the creation of four (4) or fewer lots that is processed in a compressed timeframe.

Owner means the person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

Pedestrian Way means public or private right-of-way across a block or within a block to provide access for pedestrians and which may be used for the installation of utility lines, to include but is not limited to, sidewalks and trails.

Percentage of Grade means the distance vertically (up or down) from the horizontal in feet and decimals of a foot for each one hundred (100) feet of horizontal distance.

Planned Unit Development means a large lot or tract of land developed as a unit rather than as an individual development wherein two (2) or more buildings may be located in relationship to each other rather than to lot lines or zoning district boundaries.

Planning Commission means the Planning Commission of the City of Isanti.

Plat, Final means a drawing or map of a subdivision, meeting all the requirements of the City and in such form as required by Isanti County for purposes of recording.

Plat, Preliminary means the preliminary map, drawing, or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission for consideration and recommendation; and to the City Council for approval.

Protective covenants means contracts made between private parties as to the manner in which land may be used, with the view of protecting and preserving the physical, social, and economic integrity of a given area.

Resubdivision means a consolidation, as defined in this Ordinance, or the division of land which was previously subdivided by means of platting through the Isanti approval process.

Right-of-Way means a strip of public land occupied or intended to be occupied by a road, crosswalk, utility line, railroad, electric transmission line or other similar use.

Root Crown means the point at which the root and stem of a plant meet and primary vascular anatomy changes from that of a stem to that of a root.

Sketch Plan means a generalized plan of a proposed subdivision indicating lot layouts, streets, park areas, and water and sewer systems presented to City officials for discussion purposes prior to the submittal of a Preliminary Plat.

Street means a thoroughfare which affords a principal means of access to abutting property and which has been accepted by the City as a public way.

Street, Collector means a street that serves a dual purpose of accommodating traffic and the provision of more direct access to adjacent properties. Major collectors connect to minor arterials and services shorter trips within the City or County. Minor collector streets provide the connection between neighborhoods and commercial / industrial areas and the major collector / minor arterial system.

Street, Dead-End means a local street that is open at one end only and without special provisions for vehicles turning around. Such street may be intended to connect with another street at the closed end for future development.

Street, Half means any public right-of-way having only one-half the required right-of-way width.

Street, Local means a street designed to provide vehicular access to abutting properties. Such streets are designed for short trips at low speeds.

Street, Minor Arterial means a street that connects urban service areas to cities / towns inside and outside of the region, which services medium to short range trips. Such streets provide connections to collector roads. Land access is restricted to concentrations of commercial or industrial land uses.

Street, Principal Arterial means a street that provides higher speed travel and mobility for long distance trips. These roads function to carry larger volumes of traffic to minor arterials and collectors. Access along such facilities is extremely limited.

Street, Private means a road or street that is not publically owned and maintained and is used by occupants of the development, their guests, and the general public.

Street Width means the street right-of-way width measured at right angles to the centerline of the street.

Subdivider means the owner, or any other person, firm or corporation authorized by the owner undertaking proceedings under the provisions of this Ordinance for the purpose of subdividing or re-subdividing land

Subdivision means the division of a lot, parcel, or tract of land into two (2) or more lots, parcels, or tracts of land for the purpose of transferring ownership or building development; or if a new street is involved, any division or development of a parcel of land. The term includes re-subdivision.

Tangent means a straight line which is perpendicular to the radius of a curve where a tangent meets a curve.

Tree Canopy means the horizontal extension of a tree's branches in all directions from its trunk.

Tree Protection means the measures taken to protect existing trees from damage or loss before, during, and after project construction.

Tree, Significant means any healthy mature tree measuring a minimum of eight (8) inches in tree diameter or greater or any healthy coniferous tree measuring eight (8) feet or more in height. Boxelder, cottonwood, and popular shall not be considered to be significant trees.

Vertical Curve means the surface curvature connecting lines of different percentage of grade.

Viewshed means an area of land, water, or other environmental element that is visible from one (1) or more vantage points.

Woodland means a grouping or cluster of coniferous and / or deciduous trees with contiguous crown cover, occupying five hundred (500) or more square feet of property, which are comprised of primarily deciduous trees between four (4) and twelve (12) caliper inches or coniferous trees between four (4) feet and twelve (12) feet in height.

Zoning Administrator means the ~~City Planner~~ Community Development Director for the City of Isanti and / or their authorized designee.

Zoning Ordinance means the Ordinance adopted by the City of Isanti, which controls the use of land as well as regulates lot size, building bulk and location, and other development standards within the City.

Subdivision 5. Platting Required.

All subdivisions that create five (5) or more parcels or consolidate residentially zoned lots which come under common ownership after July 17, 2012 shall be platted, except as provided otherwise within this Ordinance.

Subdivision 6. Land Suitability.

- A. No land shall be subdivided which is held unsuitable for its intended use by the City Council for reasons of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature harmful to the health, safety, or welfare of the future residents of the proposed subdivision or community.

- B. The City Council may approve the Preliminary and Final Plats if the subdivider improves the land consistent with the standards of this Ordinance and other applicable Ordinances in order to make the area, in the opinion of the City Council, suitable for its intended use. Should the City Council determine that only part of the proposed subdivision can be safely developed, it shall limit development to that part and require that the specifications for development be consistent with such determination.

Subdivision 7. Premature Subdivision.

A subdivision shall be considered premature if any of the following exists:

- A. Lack of adequate storm water drainage.
- B. Lack of dedicated and improved public streets.
- C. Lack of adequate sanitary sewer systems. ISTS shall not be deemed adequate unless consisting of a cluster system designed to connect at a future date to the City's sanitary sewer system, as reviewed and approved by the City Engineer.
- D. Lack of adequate off-site public improvements and support systems.
- E. Lack of adequate public water supply.

Subdivision 8. Variances.

- A. The Planning Commission may recommend a variance from the provisions of this Ordinance when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the City Council shall prescribe any conditions it deems necessary to or desirable for the public interest. In making its findings, as required in this Subdivision, the Planning Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions within the vicinity. No variance shall be granted unless the Planning Commission and City Council find that:
 - 1. There are special circumstances or conditions affecting such property, in which the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land.
 - 2. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and vicinity. The possibility of increased financial return shall not in itself be deemed sufficient to warrant a variance.
 - 3. The granting of the variance will not be detrimental to the public welfare or injurious to the other property in the immediate area, and will not have an adverse effect upon traffic or public safety.
 - 4. The relief sought from this Ordinance would not in any manner affect the provisions of the Zoning Ordinance and Map or Comprehensive Plan, except that those documents may be amended in the manner prescribed by law.
- B. Applications for any variance shall be submitted in writing on the appropriate application form with the required application fee, as provided by the City at the time when the Preliminary Plat is filed for consideration by the Planning Commission. Such application shall fully and clearly state all facts relied upon by the petitioner and shall be supplemented by maps, plans, or other additional data which may aid the Planning Commission in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions, or other legal provisions necessary to guarantee the full achievement of the plan.

- C. A Variance from the Subdivision Ordinance shall require the same information and shall follow the same process as outlined within Section 21 of the Zoning Ordinance.

Subdivision 9. Street, Alley, and Utility Vacations.

No public utility easement, street, or alley within the corporate limits of the City shall be vacated or discontinued except in conformity with the following procedural requirements:

- A. Petition. Proceedings to vacate a public utility easement, street, or alley shall be commenced by action of the City Council on its own motion / Resolution, or by a petition in writing filed with the ~~City Planner~~ Community Development Director or designee and signed by a majority of the owners of property abutting upon the portion of the public utility easement, highway, street, or alley to be vacated.
- B. Reference of Petition to City Administrator. The ~~City Planner~~ Community Development Director or designee shall furnish copies of the petition to the City Administrator and to the Planning Commission for recommendation.
- C. Notice of Hearing. A notice shall be published in the official newspaper specifying the date and place of a hearing. Such notice shall not be published less than two (2) weeks prior to the public hearing. A copy of the notice shall be sent at least ten (10) days prior to the public hearing to each abutting property owner. The notice shall contain the time, place, and date of the hearing as well as contain a copy of the petition or proposed Resolution, if Council initiated.
- D. Hearing. At the time and place specified in such notice, the City Council shall conduct a public hearing on the petition or proposal, and, at any time following such hearing, the City Council may vacate or discontinue the public utility easement, street, or alley, or portion thereof, in accordance with the petition or proposal, upon adoption of an ordinance to that effect by vote of at least four members of the Council, if Council initiated. If such request is initiated by petition of the majority of abutting property owners, then a simple majority of the quorum is needed.
- E. Notice of Completion. Upon the adoption of such Resolution, the City Clerk shall prepare and file with the Isanti County Recorder's Office a notice as required by law. If the petition is denied, a Resolution setting forth the reasons for denial and written findings of fact shall be created.
- F. Fee. The application fee as established by City Council Resolution shall be paid at the time of application.

Subdivision 10. Certification of Taxes.

Prior to approving an application for Preliminary Plat, Final Plat, Minor Subdivision, Lot Splits, Preliminary or Final Plat Extension requests, Variances from this Ordinance, and Vacation requests; the applicant shall provide as part of the application request, certification to the City that there are no delinquent property taxes, special assessments, penalties, interest, and municipal utility fees outstanding on the parcel(s) to which the application relates.

Subdivision 11. CIC Plats.

A CIC Plat shall be considered a Final Plat. Application requirements and filing procedures for a CIC Plat shall be filed and processed in the same manner as a Final Plat.

Subdivision 12. Violations and penalties.

Violation of any part of this Ordinance is a misdemeanor, and upon conviction thereof, shall be fined and / or imprisoned as provided for misdemeanor violations under Minnesota State Law.

ARTICLE 2. ADMINISTRATIVE SUBDIVISION

Subdivision 1. Purpose. The provisions of this Section shall apply only to those subdivisions defined as Administrative Subdivisions, where the intent is to adjust a lot line or divide an existing platted lot into two (2) lots, or to add area from an existing abutting lot in an effort to bring the lot receiving additional area further towards compliance with the minimum lot size, lot depth, lot width, or road frontage. While the Administrative Subdivision is an abbreviated review process; standards and requirements of this Ordinance shall apply to the proposed subdivision.

Subdivision 2. Applicability. The following may be considered an Administrative Subdivision. In the event circumstances warrant platting of the following, the ~~City Zoning Administrator~~ Community Development Director or designated representative shall require that subdivision to be processed through the Preliminary and Final Plat processes as identified within this Ordinance. The ~~City Zoning Administrator~~ Community Development Director or ~~designee~~ designated representative may authorize approval of the Administrative Subdivision upon finding:

- A. The parcel of land has not previously been the subject of division by the Administrative Subdivision procedure.
- B. The division will not result in more than two (2) lots.
- C. All newly created lots meet the minimum requirements of the Zoning District in which they are located.
- D. The subdivision will not cause any structure on the land to be in violation of the Zoning or Subdivision Ordinance.
- E. Any drainage, utility, trail, right-of-way or access easements required by the City shall be granted.
- F. Lots shall have the minimum required frontage upon a public roadway.
- G. Lots that will not be receiving urban services shall provide evidence that septic system and water supply systems meet requirements. The Building Official shall review such information and may require further documentation.

Subdivision 3. Application Requirements.

Whenever any subdivision of land as outlined within this Section is proposed, and before any contract is made for sale of any part of the parcel, and before any building permit has been issued for the erection of a structure on such proposed subdivision shall be granted, the subdividing owner or his authorized agent, shall file an application and secure approval of an Administrative Subdivision. Such application shall be considered to be officially filed and complete when the ~~Zoning Administrator~~ or ~~their~~ Community Development Director designee has received all of the following items:

- A. Complete application form.
- B. Application fee and escrow (if required).
- C. Acreage calculations for proposed lots.
- D. Certification of taxes paid, in accordance with the requirements of this Ordinance.
- E. A Certificate of Survey (full size and 11" x 17" reduction) prepared by a licensed land surveyor identifying the following:
 - 1. A graphic scale not less than one inch to 100 feet.
 - 2. Name and address of legal owner and / or agent of the property.

3. North arrow.
4. Boundaries, dimensions, and area of existing lots being subdivided and new lots to be created.
5. Legal descriptions of existing lot(s) and legal description of proposed new lots.
6. Easements of record.
7. Water courses, including delineated wetlands.
8. All encroachments, easements, and right-of-way encumbering the property.
9. Existing buildings, structure, and improvements within the parcel(s) to be platted.
10. Locations, widths, and names of all public streets, right-of-way or railroad right-of-way showing type, width, and condition of the improvements.
11. Proposed driveway locations and locations of existing driveways.
12. Location of any abandoned or existing private wells and septic systems.
13. Additional data requirements as determined appropriate by the Zoning Administrator to ensure compliance with City requirements.
14. Drainage and utility easements, along all lot lines.
15. Any required right-of-way dedication.

Section 4. Procedure.

- A. Upon submittal of a complete Administrative Subdivision Application, the ~~Zoning Administrator~~ Community Development Director or designee shall request input from the City's planning, engineering, and legal staff, as appropriate.
- B. The Administrative Subdivision of land abutting upon any existing or proposed trunk highway, county road or highway or county state-aid highway shall be subject to review by the Minnesota Department of Transportation and / or Isanti County Highway Department. Written notice and a copy of the proposed Administrative Subdivision shall be filed with either or both entities, as deemed appropriate.
- C. The Administrative Subdivision of land located within a Floodplain District shall be subject to the review of the Minnesota Department of Natural Resources and / or Watershed District. Written notice and a copy of the proposed subdivision shall be filed with either or both entities, as deemed appropriate.
- D. The ~~Zoning Administrator~~ Community Development Director or designee shall have the authority to request additional information pertinent to the Administrative Subdivision. Failure to provide the necessary supportive information may be grounds for denial of the request.
- E. The ~~Zoning Administrator~~ Community Development Director or designee shall reach a decision on the requested Administrative Subdivision within one hundred twenty (120) days upon receipt of a complete application, unless the applicant agrees to an extension of the review period.
 1. The ~~Zoning Administrator~~ Community Development Director or designee may approve the Administrative Subdivision with conditions that must be met to ensure that the subdivision is compliant with the regulations of the zoning and subdivision ordinances, as amended, and any other applicable requirements.
 2. The ~~Zoning Administrator~~ Community Development Director or designee may deny the Administrative Subdivision and prepare findings that the subdivision is found to be premature or fails to comply with the regulations of the zoning and subdivision ordinances, as amended, and any other applicable requirements. The applicant may appeal an Administrative Subdivision denial following the procedures as outlined within the Zoning Ordinance.

- F. Prior to certification by the City, approving the Administrative Subdivision, the applicant shall supply the deed(s), which grant to the City the easements and / or right-of-way required by this Ordinance.

Subdivision 5. Recording. Upon approval of an Administrative Subdivision, the applicant shall record the deed and the accompanying survey with the Office of the Recorder for Isanti County within ninety (90) days after the date of approval; otherwise the approval of the Administrative Subdivision will be considered void. Verification of such recording shall be provided to the City by the applicant.

ARTICLE 3. MINOR SUBDIVISION PLAT

Subdivision 1. Purpose. The Minor Subdivision Plat procedure for processing applications for the division of land or re-subdivision, including consolidation of land, is to provide for an expedited procedure in those limited cases where strict adherence to the standard platting process is not required. The Minor Subdivision Plat is not intended to be a substitute for the standard platting process set forth in this Ordinance. A Concept Plan is not required. The Planning Commission shall hold the public hearing for both the Preliminary Plat and the Final Plat to be reviewed at the same meeting.

Subdivision 2. Applicability. The Minor Subdivision Plat may be utilized where the following circumstances exist:

- A. The property to be divided will result in four (4) or fewer lots.
- B. The property has not previously been subject to division by either an Administrative Subdivision or Minor Subdivision Plat.
- C. The property to be divided is not part of a Planned Unit Development (PUD).
- D. The newly created lots shall meet the requirements of the underlying zoning district; and shall not cause any structure on the land to be in violation of the Zoning Ordinance.
- E. No variances are required to complete the subdivision as proposed.
- F. All standards, requirements, and improvements required of a standard subdivision are required for a Minor Subdivision.
- G. For residentially zoned lots, the proposed lot area of each lot within a re-subdivision or consolidation is no more than twenty (20) percent greater or ten (10) percent less than the average zoning lot area on that same frontage.
- H. For residentially zoned lots, the proposed lot width of each lot is no more than twenty (20) percent greater or ten (10) percent less than the average zoning lot width on the same frontage.

Subdivision 3. Application Requirements. All data required for Preliminary and Final Plats are required for the Minor Subdivision Plat. All data shall be submitted to the Zoning Administrator Community Development Director or designee, along with the appropriate application form, filing fees, and escrows (if required).

Subdivision 4. Procedures.

- A. Upon submittal of a complete Minor Subdivision Application, the Zoning Administrator Community Development Director or designee shall request input from the City's planning, engineering, and legal staff, as appropriate. The subdivider shall reimburse the City for any legal or engineering costs associated with the review of the Minor Subdivision Plat.

- B. The Minor Subdivision of land abutting upon any existing or proposed trunk highway, county road or highway or county state-aid highway shall be subject to review and approval of the Minnesota Department of Transportation and / or Isanti County Highway Department. Written notice and a copy of the proposed Minor Subdivision Plat shall be filed with either or both entities, as deemed appropriate. Access to local collector, minor or arterial roadways is subject to review and approval by the City Engineer.
- C. The Minor Subdivision of land located within a Floodplain District shall be subject to the review of the Minnesota Department of Natural Resources and / or Watershed District, as deemed appropriate. Written notice and a copy of the proposed subdivision shall be filed with either or both entities, if necessary.
- D. ~~The Zoning Administrator~~ Community Development Director or designee shall have the authority to request additional information pertinent to the Administrative Subdivision. Failure to provide the necessary supportive information may be grounds for denial of the request.
- E. ~~The Zoning Administrator~~ Community Development Director or designee shall forward the Minor Subdivision (Preliminary and Final Plat) submittals to the Park and Recreation Board for consideration at their regularly scheduled meeting, if applicable. The applicant is required to attend all meetings with advisory boards and the City Council. Failure of the applicant to attend a meeting may result in the tabling of or denial of the application.
- F. The Planning Commission shall hold a public hearing on the proposed Minor Subdivision Plat. Notice of the public hearing shall be published in the City's official newspaper at least ten (10) days before the hearing. The City shall mail written notification of the proposed Minor Subdivision Plat to property owners located within three hundred fifty (350) feet of the subject site. Failure to give mailed notice to individual property owner shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.
- G. At the public hearing, the Planning Commission shall receive the written report of the ~~City Planner~~ Community Development Director or designee and shall take testimony from the subdivider and all other interested parties. At the close of the public hearing, the Planning Commission shall consider all the written reports and materials, and the oral testimony, and make a recommendation on the Minor Subdivision Plat to the City Council. The Planning Commission may recommend approval, approval subject to modifications or conditions, or denial. If denial is recommended, the reasons for such recommendation shall be stated in the record.
- H. The City Council shall consider the plat at its next meeting following receipt of the Planning Commission recommendation. The City Council shall take action on the application ~~which shall include findings of fact~~, which shall be entered in the proceedings of the City Council and transmitted to the applicant in writing. The lack of a simple majority to approve a Preliminary or Final Plat shall be a denial of the requested application.
- I. Upon approval of the Final Plat by the City Council, ~~the applicant City Clerk or their designee~~ shall record it with the Isanti County Recorder's Office within ninety (90) days after the date of approval; otherwise, failure of the applicant to comply and submit the necessary items for the recording of the Final Plat by the City shall be cause for revoking the City's approval and the Final Plat shall be considered void, unless the developer or applicant requests an extension, in writing and receives approval from the City Council. The City Council may approve up to two (2) extensions for a term not to exceed one (1) additional year for each extension. Fees associated with the recording of the Final Plat will be charged back to the developer or subdivider.

- J. The subdivider shall immediately upon approval, furnish the City Administrator or his/her designee with three (3) full size mylar transparencies of the Final Plat, two (2) for the County and one (1) for the City. Three (3) additional 11 inch by 17 inches mylar transparencies shall be given to the ~~City Planner~~, Community Development Director or designee, ~~the City Clerk~~, and Isanti County. No building permits shall be issued until these conditions have been complied with.
- K. Record plans and electronic copies of all final plan documents shall be submitted to the ~~Zoning Administrator~~ Community Development Director or designee and City Engineer.

ARTICLE 4. PRE-APPLICATION MEETING AND SKETCH PLAN

Subdivision 1. Pre-Application Meeting.

- A. Prior to the preparation of a preliminary plat, the subdividers or owners shall meet with the ~~City Planner~~, Community Development Director or designee, City Administrator and other appropriate ~~officials~~ staff in order to be made fully aware of all applicable ordinances, regulations and plans in the area to be subdivided. At this time or at subsequent informal meetings, subdividers shall be invited to submit a sketch plan in simple form showing that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and development, and to the topography of the site.
- B. The sketch plan shall be considered as the basis for discussion between the subdivider, City staff, and Planning Commission. Submission of the sketch plan shall not constitute formal filing of a preliminary plat. The Planning Commission shall, on the basis of the sketch plan, unofficially advise the subdivider of the extent to which the proposed subdivision conforms to the design standards of this Ordinance, and the City's Comprehensive Plan and shall discuss possible modifications. The City Council may also review the sketch plan. Any comments provided by the Planning Commission or City Council shall not constitute plat approval and are considered non-binding.
- C. Escrow Required for Professional Services. The subdivider or owners shall enter into an escrow agreement and file funds with the City before any review or work can be completed by a consultant for the City, which includes but is not limited to engineering and legal services. Escrow fees are determined by Resolution of the City Council.

Subdivision 2. Content of the Sketch Plan.

The sketch plan should contain the following information:

- A. A site location map showing major streets, parks, community facilities, and other significant developments within the subject area.
- B. Tract boundaries.
- C. North point and scale.
- D. Topography and physical features, including lakes, ponds, wetlands, and wooded areas.
- E. Proposed uses, to include parks and open spaces.
- F. Streets within and adjacent to the tract.
- G. Proposed general street layout and design.
- H. Proposed lot size and orientation.

- I. Proposed zoning change, if any proposed.
- J. If the project will be a Planned Unit Development, then such development is subject to the regulations and procedures as presented within Ordinance No. 445, Zoning Ordinance.
- K. Any additional items that may aid the Planning Commission in the review of the subdivision request.

ARTICLE 5. PRELIMINARY PLAT

Subdivision 1. Filing Procedures.

- A. After the pre-application meeting and review of the sketch plan, the subdivider or owner shall file with the City Planner Community Development Director or designee a completed and signed application for Preliminary Plat Approval on a form provided by the City, along with four (4) full size copies of plans, one (1) 11" x 17" reproducible copy of the plans, and an electronic copy (pdf) of the plans; in accordance with the regulations set forth within this Ordinance. All plats and subdivisions presented for recommendation by the Planning Commission and approval by the City Council shall be accompanied by the filing and escrow fees as established by Resolution of the City Council and by an escrow agreement that the subdivider reimburse the City for its costs to review the Preliminary Plat. The application for Preliminary Plat shall not be deemed complete until all data and supplementary information required by this Ordinance has been received by the City.
- B. The Preliminary Plat will be reviewed by all affected City departments to determine whether the subdivision complies with the requirements of this Ordinance and the City of Isanti Zoning Ordinance (Ordinance No. 445), and to determine how the proposed development will affect traffic, utilities, drainage, community facilities, public safety, surrounding developments, natural features, historic sites, open space, etc. Developments meeting the requirements for an Environment Assessment Worksheet (EAW) or Environmental Impact Statement (EIS) shall file the appropriate information for review, distribution, and approval in accordance with Minnesota State Statute requirements, prior to review and approval of the proposed plat by the City.
- C. The City Planner Community Development Director or designee shall compile comments from the other City departments and prepare a written report. A copy of that report shall be sent to the subdivider.
- D. The City Planner Community Development Director or designee shall also submit copies of the Preliminary Plat to the County Highway Department, State Department of Transportation, Department of Natural Resources Commissioner, and Watershed District, where applicable.
- E. Upon receipt by the City of a complete application for Preliminary Plat Approval, including all required supporting documentation, the Planning Commission shall hold a public hearing on the proposed subdivision. The required legal publication shall be made and notices shall be sent to all property owners of record within three hundred fifty (350) feet of the exterior boundaries of the proposed plat. The subdivider is required to obtain the list of property owner's from the County Auditor's Office.
- F. The subdivider or duly authorized representative shall attend the Planning Commission meetings at which the proposal is scheduled for consideration.
- G. At the public hearing, the Planning Commission shall receive the written report of the City Planner Community Development Director or designee and shall take testimony from the subdivider and all other interested parties. At the close of the public hearing, the Planning Commission shall consider all the written reports and materials, and the oral testimony, and make a recommendation on the Preliminary Plat to the City Council. The Planning Commission may recommend approval, approval

subject to modifications or conditions, or denial. If denial is recommended, the reasons for such recommendation shall be stated in the record.

- H. The City Council shall consider the preliminary plat and shall approve or deny the plat within one hundred twenty (120) days of receipt of a complete application. The City Council shall either approve with or without modification or conditions, refer the Preliminary Plat back to the Planning Commission or City staff for further review, or deny the Preliminary Plat. The City shall notify the applicant in writing of the City Council's action stating the conditions of approval or reasons for disapproval of the Preliminary Plat. If approved, the City shall send the applicant a copy of the approval with items requiring modification noted.
- I. Conditional approval of a Preliminary Plat shall not constitute approval of the Final Plat. Rather, it shall be deemed to be an expression of approval of the layout submitted on the Preliminary Plat and act as an authorization and guide to proceed with the preparation of the Final Plat. This approval of the Preliminary Plat shall be effective for a period of one (1) year, unless a phasing plan has been approved or an extension is granted by the City Council prior to the termination of such one (1) year period. The developer or applicant must submit the extension request in writing. The City Council may approve up to two (2) extensions for a term not to exceed one (1) additional year for each extension.
- J. The subdivider may file a final plat limited to a portion of the Preliminary Plat that they propose to record and develop at that time; provided that such portion must conform to all requirements of this Ordinance.
- K. If the subdivider should desire to amend the Preliminary Plat as approved, the subdivider shall resubmit the amended Preliminary Plat, which shall follow the same procedure except for the public hearing. If the amendment, in the opinion of the City, is of such scope that it would constitute a new Preliminary Plat, then such Preliminary Plat shall be refilled and a new public hearing be called.

Subdivision 2. Data Required for Preliminary Plat.

Unless otherwise exempted within this Ordinance, the owner or subdivider shall prepare and submit a Preliminary Plat containing the following information:

- A. Identification and description.
 - 1. Proposed name of subdivision, which shall not duplicate or be similar in pronunciation or spelling to the name of any other plat in the City.
 - 2. Legal description.
 - 3. Names and addresses of the record owner, subdivider, land surveyor, engineer, designer of the plat, and any agent having control of the land.
 - 4. Graphic scale not less than one (1) inch to one hundred (100) feet.
 - 5. North arrow.
 - 6. Key map including area within one (1) mile radius of plat.
 - 7. Date of preparation.
- B. Existing conditions.
 - 1. Boundary lines of proposed subdivision.
 - 2. Existing zoning classifications for land within and abutting the subdivision.
 - 3. Acreage and lot dimensions.
 - 4. Location, right-of-way width, and names of existing or platted streets; locations of parks, buildings and structures, railroad right-of-way, easements, section lines and corporate boundaries within the proposed subdivision and to a distance one hundred fifty (150) feet beyond.

5. Boundary lines of adjoining platted or subdivided land, within one hundred fifty (150) feet, identified by name and ownership including all contiguous land owned or controlled by the subdivider.
6. Topographic data within the property to be subdivided and one hundred (100) feet beyond the property boundary, showing contours as follows: two-foot intervals where slope is ten (10) percent or less; five-foot intervals where slope is ten (10) to fifteen (15) percent; ten-foot intervals where slope is greater than fifteen (15) percent. All areas of the subdivision to be platted with a slope greater than twenty-five (25) percent must be clearly indicated. However, on undevelopable sections or larger acre lots topographic data may be reduced to significant physical characteristics, such as top and toe of slope, if in the opinion of the city the area is viewed as unsuitable for future subdivision. Location and elevations of on-site and abutting water courses, lakes, wetlands, rivers, streams, and marshes at date of survey and their ordinary high water mark plus approximate high and low water elevations shall also be shown. Where the subdivision borders a lake, river or stream, a meander line shall be established at an elevation two (2) feet above the recorded high water elevation of the lake, river or stream. Flood plain areas, location of wooded areas, rocky outcrops, power transmission poles and lines and other significant physical features shall also be shown.
7. An accurate soil report indicating soil conditions, permeability and slope.
8. Utilities on or adjacent to the property, including location, size and invert elevation of public sanitary and storm sewers, catch basins and manholes; location and size of water mains and hydrants; location of gas mains, high pressure lines, fire hydrants, electric and telephone lines, and street lights. The direction, distance to, and size of such facilities shall be indicated.
9. Location of any wetlands.

C. Proposed design features.

1. Layout of proposed streets showing the proposed names, the right-of-way widths, centerline gradients and typical cross sections. Street names shall be assigned or approved by the city. Turn lanes must be shown on collector and minor/major arterial streets.
2. Location and width of proposed pedestrian ways, to include both sidewalks and trails; and utility easements.
3. Lot sizes, layout, numbers and preliminary dimensions of lots and blocks.
4. Minimum building setback lines as required by the zoning ordinance.
5. 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.
6. Location, size and approximate grade of proposed public sewer and water mains. If public sewer and water are not available the developer shall provide site evaluation data required by Minnesota Pollution Control Agency Individual Sewage Treatment Standards (WPC 409) to determine the suitability of the site for individual sewage systems. References shall be made to "The Isanti County's Policies for Individual Sewage Systems", and the U.S. Department of Agriculture, Soil Conservation Service, and any other available sources. The data required shall be determined by the city. If cluster systems are provided, such systems shall be reviewed and approved by the City Engineer.
7. If the preliminary plat is a rearrangement of a recorded plat, the lot and block arrangement of the original plat, its original name, and all revised or vacated right-of-ways and easements shall be shown by dotted or dashed line.
8. Location, width and height of landscaped buffers between collector and arterial streets as described later in this ordinance. Landscaping must be approved by the City Planner Community Development Director or designee with a minimum of 1 tree per 20 feet of frontage.

D. Supplementary information.

1. Statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business or industry to reveal the effect of the proposed development on traffic, fire hazards, and density of population.
2. Any proposed protective covenants.
3. A drainage plan for the area indicating the direction and rate of natural storm water runoff and those unaltered areas where storm water collects and percolates into the ground. A proposed drainage plan for the developed site indicating the direction and rate of runoff and those areas where storm water will collect and percolate into the ground shall also be included. Storm water plans shall be consistent with the storm water management ordinance (Ord. No. 420).
4. A proposed finished grading plan shown at contour intervals appropriate to the topography or spot elevations indicating the relationship of proposed changes to existing topography and remaining features.
5. If any zoning changes are contemplated, the proposed zoning plans for the areas. A proposed rezoning of property must be reviewed and approved at the time of Preliminary Plat Approval.
6. Where the subdivider owns property adjacent to that proposed for the subdivision, a general development plan of the remaining property depicting the possible relationships between the proposed subdivision and the future subdivision must be provided. The plan shall address the overall land use, traffic circulation, utility easement configurations, and general lot layouts. Note, an Environmental Assessment Review of the project or the cumulative effects of projects may be necessary and must be completed before a preliminary plat is accepted.
7. A soil erosion and sediment control plan. The plan shall include a timing schedule and sequence of operation indicating the anticipated starting and completion dates of the particular development segment and the estimated time of exposure of each area prior to completion of effective erosion and sediment control measures. Gradients of waterways, design of velocity and erosion control measures, and landscaping of the erosion and sediment control system shall also be shown.
8. A vegetation preservation and protection plan to provide stabilization of erosion or sediment-producing areas. This area shall start at the curb line and end six (6) feet from the curb, planted with grass in efforts to protect the storm sewer system.
9. Required variances.
10. Water distribution system.
11. Proposals for street lighting; curb and gutters, sidewalks and boulevard improvements.
12. Such other information as may be requested by the city.
13. A plan showing the locations and "footprints" of houses as described later in this Ordinance.
14. A tree survey and preservation plan, in accordance with the provisions of this Ordinance.

ARTICLE 6. FINAL PLAT

Subdivision 1. Filing Procedures for Final Plat.

- A. The owner or subdivider shall file four (4) full size copies, one (1) 11" x 17" reproducible copy, and an electronic copy (pdf version) of the Final Plat not later than one (1) year after the date of approval of the preliminary plat; otherwise, the preliminary plat shall be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the City Council. The City Council may approve up to two (2) extensions, not to exceed two (2) additional years for each extension. It shall be the responsibility of the subdivider to request such extension prior to the expiration of the Preliminary Plat Approval. Such request for extension shall include the following:
 1. An explanation for why the final plat has yet to be applied for;
 2. What good faith efforts have been made to further the platting process; and
 3. The anticipated date of completion.

- B. The owner or subdivider shall also submit at the same time an up-to-date certified abstract of title or registered property report and such other evidence as the City Attorney may require showing title or control by the applicant.
- C. The Final Plat shall have incorporated all changes or modifications required by the City Council; in all other respects it shall conform to the Preliminary Plat. It may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at the time, provided that the portion conforms to all requirements of this Chapter.
- D. The City Council shall consider the Final Plat officially filed after the City Administrator or their designee has examined it and deemed complete, ~~and advised the Planning Commission and City Council that it is in proper form.~~
- E. On the same date that it places the Final Plat on file, the ~~City Planner~~ Community Development Director or their designee shall refer copies of the Final Plat ~~to the Planning Commission and one (1) copy~~ to the City Engineer. The abstract of title or registered property report shall be referred to the City Attorney for his or her examination and report. The City Attorney shall report all findings to the City Council within thirty (30) days. ~~The Planning Commission shall review the Final Plat submittal and make recommendations to the City Council.~~ The City Engineer shall review the proposal and report all findings within thirty (30) days of receiving the plat. The City Council shall review the Final Plat and shall approve or disapprove the plat within sixty (60) days of receipt of the completed application.
- F. One (1) copy of the Final Plat shall be submitted to the County by the subdivider for purposes of mathematical checking and compliance with State and County law; a certificate of compliance shall be returned to the City prior to final approval by the City and all fees imposed for checking and certification shall be paid for by the subdivider.
- G. Upon receiving approval of a Final Plat for a portion of the approved Preliminary Plat the subdivider shall not be required to request a continuation of the City's recognition of the Preliminary Plat so as to maintain its approval, as outlined within the Development Agreement or Resolution. However, the Final Plat application for subsequent phases, unless described otherwise by an approved phasing plan, shall be submitted within one (1) year of approval of the Final Plat for the previous phase. If such time line cannot be met, an extension may be requested in writing for City Council approval.
- H. The City Council may either approve or disapprove the Final Plat. If the Final Plat is not approved, the reasons for such action shall be recorded in the official proceedings and shall be transmitted to the applicant. If the Final Plat is approved, such approval shall constitute final acceptance of the subdivision. Should the City Council determine that the Final Plat is inconsistent with the approved Preliminary Plat or requirements of the Preliminary Plat approval are not resolved, the City Council may refer the Final Plat to the Planning Commission for review and recommendation. If there are inconsistencies between the Preliminary and Final Plats, the subdivider shall submit an amended Preliminary Plat, which shall follow the same procedures as the original Preliminary Plat.
- I. Upon approval of the Final Plat by the City Council, the applicant ~~City Clerk or his/her designee~~ shall record it with the County Recorder's Office within ninety (90) days after the date of approval; otherwise, failure of the applicant to comply and submit the necessary items and fees for the recording of the Final Plat by the City shall be cause for revoking the City's approval and the Final Plat shall be considered void, unless the developer or applicant requests an extension, in writing and receives approval from the City Council. The City Council may approve up to two (2) extensions for a term not to exceed one (1) additional year for each extension. Fees associated with the recording of the Final Plat will be charged back to the developer or subdivider.

- J. The subdivider shall immediately upon approval, furnish the City Administrator or his/her designee with three (3) full size mylar transparencies of the Final Plat, two (2) for the County and one (1) for the City. ~~Three (3)~~ One (1) additional 11 inch by 17 inches mylar transparencies shall be given to the ~~City Planner, the City Clerk, Community Development Director or designee~~ and Isanti County. No building permits shall be issued until these conditions have been complied with.

Subdivision 2. Data Required for Final Plat.

- A. The Final Plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall be prepared and conform to all State requirements, applicable County regulations, and this Ordinance.
- B. The following items shall be included with the Final Plat:
1. Surveying requirements for the Final Plat shall be under the regulation of the County Surveyor. The County Surveyor shall submit a report to the City regarding the conformance of the proposed Final Plat to the County requirements and all provisions of State law for platting.
 2. All information required on the Preliminary Plat shall be accurately shown on the Final Plat. Final plans of all improvements to be installed by the subdivider shall be submitted with grades and profiles.
 3. Names of new streets and roadways, ~~in accordance with the City's street naming policy~~ shall be provided.
 4. Copies of permits granted by other government agencies and regulatory bodies shall be provided.
 5. A Title Opinion, Certificate of Title, or up-to-date abstract showing ownership must be provided.
 6. Execution by all owners having interest in the land to be subdivided and any holders of a mortgage therein of deeds or easements for any area to be conveyed for public use and any covenants or association documents shall be required, in such form as shall be approved by the City Attorney.
 7. The applicant shall provide all required cash contributions, and conveyances and / or dedication of land, in accordance with earlier City approvals. The applicant shall submit all other data, certificates, affidavits, and endorsements that may be required by the Planning Commission or City Council.
 8. Final plat information shall be submitted with a signed application form, as provided by the City, with four (4) full size copies, one (1) 11" x 17" reproducible copy, and in electronic format (pdf version).

Subdivision 3. As-Built Plans.

A complete set of as-built construction drawings and an electronic copy of such drawings, in a format acceptable to the City Engineer, for public improvements constructed in the subdivision shall be furnished as soon as the construction is complete and has been approved by the City.

Subdivision 4. Development Agreement.

- A. As a condition of approval of the Final Plat and prior to the installation of any required improvements, the subdivider shall enter into a Development Agreement with the City requiring the subdivider, at his sole expense, to furnish and construct such improvements as shall be required by the City. Such improvements may include, but are not limited to, streets, sidewalks, public water systems, sanitary sewer systems, surface and storm water drainage systems, and public utility services. The installation of said improvements shall be in conformity with approved construction plans and specifications and all applicable standards and City Code provisions approved by the City Council.

- B. Said contract shall provide for the supervision of construction by the City Engineer and shall require that the City be reimbursed for all costs incurred by the City for engineering and legal fees and all other expenses in connection with such improvements. An escrow shall be provided, as stipulated within the Development Agreement, to pay for such costs.
- C. No subdivider shall be permitted to start work on any other subdivision without special approval of the City Council, if he or she has previously defaulted on work or commitments within the City or has failed to provide payment on any delinquent accounts associated with prior developments.

Subdivision 5. Performance Bond.

- A. The Development Agreement provided for herein shall require the subdivider to provide an irrevocable letter of credit filed with the City or make a cash deposit to be held by the City for required improvements from a financial institution that is FDIC insured. Said insurance must be adequate to cover the full amount of the required surety and shall guarantee conformance and compliance with the conditions placed upon the Subdivision Approval and as defined within the Development Agreement. An amount equal to 125% of the estimated cost of labor and materials for the proposed improvements or development shall be collected. Said project can be handled in stages at the discretion of the City Council. The City shall hold the security until completion of the proposed improvements or development and until all warranty time periods have ended and any delinquent accounts have been paid in full. Failure to comply with the conditions of the Subdivision Approval or the Developer's Agreement and / or the policies and ordinances of the City shall result in the City's ability to draw upon the irrevocable letter of credit or cash deposit, so as to ensure the conditions, policies, and ordinances applicable to the development are implemented and / or constructed.

ARTICLE 7. DESIGN STANDARDS

Subdivision 1. Generally.

The proposed subdivision shall conform to the comprehensive plan, zoning ordinance, and subdivision ordinance; and any other regulations as deemed appropriate and applicable to the development proposal. The design features set forth in this article are minimum requirements. Subdivision developments shall meet the requirements as provided within the City of Isanti Engineering Design Standards and the Stormwater Management Ordinance (Ord. No. 420). The city may impose additional or more stringent requirements concerning lot size, streets and overall design as deemed appropriate considering the property being subdivided, local traffic patterns (current and projected) and any other City concern.

Subdivision 2. Streets.

- A. Streets shall be dedicated as public right-of-way on the plat. The location and design of streets shall consider existing and future street locations, traffic circulation, topographic conditions, storm water run-off, public convenience and safety, and the existing and proposed land uses to be served.
- B. Street right-of-way widths shall be consistent with the comprehensive plan and official map, and shall conform to county and state standards. If no such plans or standards are applicable, right-of-way widths shall be not less than the following:

Street Classification	R-O-W Width (Feet)	Pavement Width (Feet)
Minor Arterial	100	36 to 44
Collector	80	36
Local Street (Rural Residential)	60	28
Local Street (Urban Residential)	60	28 to 32
Local Street (Commercial / Industrial)	60	36

Cul-de-sac, turn-around radius (Rural Residential)	60	40
Cul-de-sac, turn-around radius (Urban Residential)	60	45
Cul-de-sac, turn-around radius (Commercial / Industrial)	60	48

- C. Insofar as practical, streets shall intersect at right angles. In no case shall the angle formed by the intersection of two (2) streets be less than sixty (60) degrees. Intersections having more than four (4) corners are prohibited.
- D. A tangent of at least three hundred (300) feet shall be introduced between reverse curves on arterial and collector streets.
- E. When connecting street lines deflect from each other at one (1) point by more than ten (10) degrees they shall be connected by a curve with a radius adequate to ensure a sight distance within the right-of-way of not less than five hundred (500) feet for arterials, three hundred (300) feet for collectors, and one hundred (100) feet for all other streets.
- F. Proper design shall consider required turning radius of vehicles for access points or entrances to and from a highway using standards adopted by the Minnesota Department of Transportation (MNDOT).
- G. All centerline grades shall be at least five-tenths percent and shall not exceed five (5) percent, for arterial and seven (7) percent for all other streets and alleys. Whenever possible, grades within thirty (30) feet of intersections or railroad crossings shall not exceed three (3) percent.
- H. Different connecting street grades shall be connected with vertical curves. Minimum length, in feet, of the vertical curves shall be twenty (20) times the algebraic difference in the percentage of grade of the two (2) adjacent slopes.
- I. Local streets shall have a centerline offset of not less than three hundred (300) feet. Offset intersections shall be avoided.
- J. The alignment shall discourage through traffic on local streets.
- K. The maximum length of a street terminating in a cul-de-sac shall be five hundred (500) feet measured from the center of the adjoining road.
- L. Where a proposed subdivision is adjacent to a limited access highway, arterial or collector street, there shall be no direct vehicular or pedestrian access from individual lots to such highways or streets. To the extent feasible access to arterial streets shall be at intervals of not less than one-fourth mile and through existing and established crossroads. Access along collector streets will be restricted and controlled on the final plat.
- M. Half streets shall be prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided, in which case the dedication of a half street may be permitted or required. The probable length of time elapsing before dedication of the remainder shall be a factor considered in making this determination.
- N. Public streets shall be constructed to design and construction standards as prepared by the City Engineer.
- O. Streets may be designed so as to include traffic calming measures to help reduce traffic speeds.

- P. Private streets / access drives may be permitted in Residential Districts, providing that the following standards are met:
1. Extension of the public street is not physically feasible as determined by the City. If the City determines that there is need for such extension, this provision shall not apply, and the right-of-way for a public street shall be provided by dedication in the plat;
 2. Severe grades make it infeasible according to the City to construct a public street to minimum City standards;
 3. The City determines that a public road extension would adversely impact natural amenities, including wetlands or stands of mature trees containing deciduous trees;
 4. There is no feasible present or future means of extending right-of-way from other directions;
 5. The number of lots to share a common private street does not exceed three (3); and
 6. Covenants which assign driveway installation and future maintenance responsibility are submitted and recorded with the titles of the parcels which are benefitted.

Private street / access drive design standards, include:

1. Common sections of a private street serving two (2) units or more must be built to a seven-ton design, paved to a minimum width of twenty (20) feet, utilize a maximum grade of ten (10) percent, and provide a turnaround area acceptable to the Fire Chief or their designee based upon guidelines provided by applicable fire codes. Plans for the street shall be submitted to the city engineer. Upon completion of the driveway, the applicant shall submit a set of "as-built" plans signed by a registered civil engineer.
2. Private streets and access driveways must be located within a private easement of at least thirty (30) feet wide which extends out to the public right-of-way.
3. Private streets must be maintained in good condition and plowed within twenty-four (24) hours of a snowfall greater than two (2) inches. Covenants concerning maintenance shall be filed against all benefiting properties. Parking on the private street or otherwise blocking all or part of the private street shall be prohibited.
4. Private streets that are not usable by emergency vehicles because of obstructions, snow accumulation, or poor maintenance are a public safety hazard. The city may remedy such conditions and assess the cost back to the property pursuant to Minnesota Statutes section 429.101, Subdivision 1(C).
5. The private street shall be provided with adequate drainage facilities to convey storm runoff which may require hydrologic calculations for a ten-year storm should be included. In all zoning districts, these improvements shall include concrete curb and gutter.
6. Street addresses or city approved street name sign, if required, must be posted at the point where the private street intersects the public right-of-way.
7. The private street shall be designed to minimize impacts upon adjoining parcels. The city may require revised alignments and landscaping to minimize impacts. An erosion control plan should be completed and approved prior to construction.
8. Maintenance and repair of utilities located within the private driveway easement shall be the responsibility of the benefiting property.
9. Private reserve strips controlling public access to streets shall be prohibited.

Subdivision 3. Alleys.

Alleys are prohibited, except when utilized as a fire lane in a commercial or industrial development. Alleys may be permitted as a part of a Planned Unit Development, upon approval by the City Council.

Subdivision 4. Blocks.

The length and width of blocks shall be sufficient to provide convenient and safe access, circulation, control and street design. Blocks shall not be longer than one thousand eight hundred (1,800) feet or shorter than three hundred (300) feet except where topography or surrounding development limits the ability to strictly comply or as specifically approved by the City Council to foster innovative design consistent with sound planning principles.

Subdivision 5. Pedestrian Ways.

Pedestrian ways will be required on all blocks. Easements for pedestrian ways shall be at least twenty (20) feet wide for trails only and shall be required in locations deemed necessary to public health, convenience, and necessity. Sidewalks and trails shall meet the location and construction requirements established by this Ordinance.

A. Sidewalks.

1. Location. Sidewalks shall be placed on the west side and the north side of every street, cul-de-sac, or other roadway as identified by the City.
 - a. The City may modify the location of sidewalks when necessary, to form a contiguous sidewalk system.
 - b. Parcels located within Industrial Districts are exempt from these requirements.
 - c. All new subdivision / developments shall install sidewalks at the developer's expense.
2. Construction Standards.
 - a. Sidewalks shall be five (5) feet in width with six (6) foot boulevards.
 - b. Sidewalks shall be constructed of concrete five (5) inches thick. Where the sidewalk is part of a driveway, it shall be six (6) inches thick.
 - c. Sidewalks shall be constructed on a three (3) inch sand cushion. The sand shall meet MNDOT requirements and the Isanti Engineering Design Standards.
 - d. Pedestrian curb ramps shall be installed on all corners according to MNDOT standards and City Engineer specifications.
 - e. The City Engineer shall inspect sidewalk construction.
 - f. All materials, workmanship, and details of the construction of sidewalks on the public right-of-way shall be in accordance with approved plans and specifications by the City Engineer.

B. Trails.

1. Location. Trails shall be placed in accordance with the 2008 Comprehensive Plan and Parks, Trails and Open Space Plan.
 - a. The City may modify the location of trails when necessary, to form a contiguous trail system.
 - b. All new subdivision / developments shall install trails at the developer's expense.
2. Construction Standards.
 - a. Trails shall be at least eight (8) feet in width.
 - b. Trails shall be constructed of concrete or bituminous. In some instances, the City may permit a wood chip trail, if located within an environmentally sensitive area.
 - c. Trails through wetland areas may be constructed to boardwalk / bogwalk requirements as indicated in the City Engineering Design Standards, in lieu of filling wetlands or wetland mitigation.
 - d. Trails shall meet the specifications of the City Engineer.
 - e. Concrete pedestrian curb ramps shall be installed on all corners according to MNDOT standards and City Engineer specifications.
 - f. The City Engineer shall inspect trail construction.

Subdivision 6. Lots.

- A. All lots shall have frontage upon a public street or upon an approved private street or common access road.
- B. The lot size, width, shape, and orientation shall be appropriate for the proposed type of development and shall meet the minimum requirements of the Zoning Ordinance.
- C. Flag lots shall have a minimum of thirty (30) feet of frontage.

- D. Side lines of lots shall be substantially at right angles to straight street lines or substantially radial to curved street lines.
- E. Lots shall be graded to drain away from building locations.
- F. Lots shall be placed to preserve and protect natural amenities, such as vegetation, wetlands, steep slopes, water courses and historic areas.
- G. Lot remnants are prohibited.
- H. Street arrangements for the proposed subdivision shall not cause undue hardship to owners of adjoining property in subdividing their own land.
- I. Double frontage lots with frontage on two (2) parallel streets or reverse frontage shall not be permitted except where lots back on an arterial or collector street. Such lots shall require additional depth of up to twenty-five (25) percent over the zoning district standards, so as to accommodate adequate vegetative screening along the back lot line. Wherever possible, structures on double frontage lots should face the front of existing structures across the street. If this cannot be achieved, then such lots shall have an additional depth of up to twenty-five (25) percent over the zoning district standards, so as to accommodate vegetation screening along the back lot line.
- J. A residential lot will be permitted to have stormwater holding ponds with the following conditions:
 - 1. Pond area cannot be used in the minimum lot size square footage.
 - 2. Pond(s) shall be at least 30 feet from a primary structure.

Subdivision 7. Driveways.

- A. Driveway grades shall be a minimum of one-half (1/2) percent and a maximum grade of eight (8) percent.
- B. Driveway widths and setbacks shall meet the requirements of the Zoning Ordinance for the district in which the parcel is located.
- C. No driveway or driveway extension shall be constructed within a required side yard easement.

Subdivision 8. Easements.

- A. All easements shall be dedicated by appropriate language on the final plat in accordance with this section.
- B. Easements shall be provided that are at least ten (10) feet wide along all street right-of-way lines and five (5) feet along the rear and side lot lines for utilities. If appropriate, easements of lesser or greater width may be required by the city. All utility easements shall have continuity of alignment from block to block.
- C. Easements shall be provided along each side of the centerline of any water course or drainage channel, to a width sufficient to provide proper maintenance and protection and to provide for storm water run-off from a 100-year, and twenty-four (24) hour rain event. Where necessary, drainage easements corresponding to lot lines shall be provided. Such easements for drainage purposes shall not be less than ten (10) feet in width.

Subdivision 9. Landscaping Requirements.

- A. Landscaping shall meet the requirements as established within Section 15, Subdivision 5 of the City of Isanti Zoning Ordinance.

- B. Landscaping must be installed prior to receiving a certificate of occupancy or financial guarantees acceptable to the city must be provided to ensure timely installation.
- C. All areas disturbed by site grading and/or construction must be seeded or sodded immediately upon completion of work to minimize erosion. When certificates of occupancy are requested prior to the satisfaction of this requirement, financial guarantees acceptable to the city, must be provided.
- D. No dead trees or uprooted stumps shall remain after development. On-site burial is not permitted.
- E. Landscaped buffers around the exterior of a residential subdivision shall be required by the city when the Plat is contiguous to collector or arterial streets as defined in the comprehensive plan or when the subdivision plat is adjacent to more or less intensive land uses.
 - 1. Required buffering may consist of berms and/or landscape material consisting of a mix of trees and shrubs and/or tree preservation areas.
 - 2. Fencing may be permitted between the required buffer and the collector or arterial street; providing a combination of coniferous and deciduous trees is planted to soften the appearance of the fence or wall from adjacent properties and the public street.
 - 3. Where appropriate, the city may require additional lot depth and area on lots containing the buffer so that it can be adequately accommodated and the homes protected from impacts. Lot depths and areas may be increased by twenty-five (25) percent over zoning district standards.
 - 4. The landscape plan must be developed with the preliminary and final plat submittals for city approval.
 - 5. Appropriate financial guarantees acceptable to the city shall be required.
- F. It is the policy of the City to preserve existing trees and natural woodland areas and with respect to specific site development to retain as far as practical, substantial tree stands which can be incorporated into the overall landscape plan.
- G. No clear-cutting of woodland areas shall be permitted except as approved in a subdivision, planned unit development or site plan application.

Subdivision 10. Erosion and Sediment Control.

- A. The development shall conform to the topography and soils to create the least potential for soil erosion.
- B. Detailed requirements for each plat shall be set forth in the development agreement.
- C. Erosion and Sediment Control Plans shall be submitted to the City Engineer for approval. All plans shall be in accordance with MPCA NPDES Phase 2 Permit requirements.

ARTICLE 8. CONSERVATION SUBDIVISION

Subdivision 1. Purpose.

The purpose of the Conservation Subdivision is to protect and retain significant natural areas, as identified in the Natural Resources Analysis and Inventory prepared and adopted in the Comprehensive Plan. The City has identified preservation and enhancement of natural areas of significant importance in the process of planning for future growth and development; and as such, has established the Conservation Subdivision regulations as a tool for encouraging the sustainability of the City's natural resources for future generations.

Subdivision 2. Intent.

It is the intent of the Conservation Subdivision method to:

- A. Provide for the unified and planned development of clustered residential uses which are designed and located, in an effort to reduce the perceived density of development, provide privacy for residential dwellings, and to incorporate large tracts of predominantly protected common open space in perpetuity.
- B. Allow for the continuation of agricultural uses in those areas best suited for such activities and when adjacent to residential uses are made compatible with such uses.
- C. Maintain and protect the City of Isanti's natural character by preserving areas containing such unique and environmentally sensitive natural features such as woodlands, river and stream corridors, drainage ways, wetlands, floodplains, prairies, steep slopes, critical species habitats, and productive agricultural land by setting them aside from development.
- D. Connect common open space areas, wetlands, and identified natural areas between adjacent parcels to create environmental corridors throughout the City of Isanti.
- E. Preserve scenic views and minimize the views of new development from existing homes and roadways.
- F. Allow for greater design flexibility in the siting of residential dwellings and other types of development features than would be permitted by the application of standard regulations; in order to minimize disturbance of landscape elements and sensitive areas, scenic quality, and the overall aesthetic value of the landscape.
- G. Increase flexibility in the siting of services and infrastructure through the alteration of road length, utility requirements, drainage requirements, and the amount of paving required for residential development, when possible.
- H. Reduce erosion and sedimentation by retaining existing vegetation.
- I. Permit various means for owning common open space, preserved landscape elements, agricultural land, and to protect such areas from development in perpetuity.

Subdivision 3. Applicability.

The Conservation Subdivision provides an alternative set of design objectives and standards for subdivision and residential development.

Subdivision 4. Residential Cluster Development.

The purpose of the residential cluster development method seeks to maintain the rural character associated with the outlying areas of the City of Isanti through the preservation of agricultural land, woodlands, natural corridors, and other significant natural features and areas while allowing residential development that is consistent with the goals and objectives of the City Comprehensive Plan. This type of development will allow an alternative to large lot single-family housing and will reduce the cost of constructing and maintaining public facilities and infrastructure. Protected open space will enhance and preserve the natural character of the community and create distinct neighborhoods for future residents.

Subdivision 5. Development Standards.

Conservation Subdivision developers shall comply with the following minimum standards, unless otherwise modified by the City Council based upon a record of findings that the proposed modification(s) would better enhance the natural character more so than the strict interpretation of the Conservation Subdivision regulations of the City of Isanti and would otherwise be consistent with the purpose and intent of the Comprehensive Plan and Conservation Subdivision.

- A. Land Area. The minimum land area required for a Conservation Subdivision is five (5) acres.

- B. Density Standards. The total number of dwelling units permitted within a Conservation Subdivision may not exceed the density limitation contained within the underlying zoning district. If the following additional standards are met, then the following density bonuses may apply. Density bonuses shall not exceed thirty (30) percent and must be approved and granted by the City Council.
1. A ten (10) percent increase for preserving land in open space with a conservation easement by a qualified land trust.
 2. A ten (10) percent increase for the development of common gardens and / or a village green.
 3. Developments which preserve additional open space beyond the minimum requirements of this Section may be qualified for a density bonus. The developments shall receive a density bonus of half the additional percentage of open space preserved. For example, each development is required to preserve thirty (30) percent of the land in open space. If the development has fifty (50) percent of its land in open space, the developer is qualified for an additional ten (10) percent density bonus. ($\frac{1}{2} * (50\% - 30\%) = 10\%$)
- C. Open Space.
1. The total open space area within a Conservation Subdivision shall be at least thirty (30) percent of the total buildable land area. Land that is not buildable shall be considered open space but shall not count towards the buildable land area. Dwelling units shall be grouped so that at least thirty (30) percent of the buildable land of the proposed development remains open space in a large contiguous pattern. The open space shall consist of agricultural lands, natural habitats, pedestrian corridors, neighborhood or community recreation areas, and other environmentally significant areas.
 2. Each open space outlot shall be classified as natural habitat, neighborhood recreation, or pedestrian corridor open space, and shall conform to the type of use, location criteria, and deed restrictions of that classification.
 - a. Natural Habitat. The development shall preserve the maximum quantity of natural habitat open spaces in contiguous, connected configuration. Natural habitat open spaces may include, but are not limited to fields, wetlands, slopes, bluffs, dense woods, lakes, ponds, streams, shorelands, and other environmentally sensitive areas or desirable viewsheds.
 - b. Pedestrian Corridors. The development shall locate pedestrian corridor open spaces in strategic places such that larger open space outlots and designated places of destination both on the development tract and adjacent tracts are connected with one another. Pedestrian corridor open spaces may include, but are not limited to established regional trails, local pathways, paved walkways, and shorelines. Pedestrian corridor outlots shall be a minimum of twenty (20) feet in width. Motorized vehicles shall be prohibited.
 - c. Neighborhood Recreation. The development shall locate neighborhood recreation open spaces such that they are an integral part of the neighborhood of surrounding homesites, at an elevation appropriate to their intended recreational use, defined by coherent boundaries, and accessible to all neighborhood residents. Neighborhood recreation open spaces may include, but are not limited to greens, commons, playgrounds, ballfields, gardens, or other recreational areas.
 3. All open space shall be subject to conservation easements and used for the purposes as defined within its open space classification section. Habitable structures shall not be permitted in any open space outlot. Ownership of common open space and facilities shall not be transferred to another entity except in conformance with this subdivision. Documentation of the proposed ownership arrangement for common facilities and open space shall accompany the Preliminary Plat, including draft contracts, articles of incorporation, by-laws, etc. The land shall be controlled in one (1) or more of the following manners, as determined by the City.
 - a. Homeowner's Association.

Open spaces may be owned in common by the property owners created through the subdivision of the original tract. Management shall be the responsibility of that subdivision's homeowners association. In the case where at least one (1) open space is held in common ownership, a homeowner association shall be established for that subdivision. Membership in the association by all property owners in the subdivision is mandatory. The homeowner association documents or the declaration of covenants, conditions and restrictions shall contain the following information:

- (1) The legal description of the common lands and facilities.
- (2) The restrictions placed upon the use and enjoyment of the lands or facilities including the persons or entities entitled to enforce the restrictions.
- (3) A mechanism for resolving disputes among the owners or association members.
- (4) A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes, and insurance premiums.
- (5) The conditions and timing of the transfer of ownership and control of land or facilities to the association or to common ownership.

b. Land Trust or Private / Non-Profit Conservation Organization. Open space may be deeded to an established land trust or private / non-profit conservation organization. Management shall be the responsibility of the land trust or private / non-profit conservation organization. Maintenance may be performed by the neighborhood homeowners association, through written agreement between the association and the land trust or private / non-profit conservation organization.

- (1) Open space may be protected by establishing conservation easements in perpetuity in favor of an established land trust or private / non-profit conservation organization as provided within Minnesota Statutes 84.64 – 84.65. Unless the document establishing the restrictions specifically provides to the contrary, the City shall have no responsibility for the maintenance or management of the area subject to the restrictions. The form and content of the deed or other instrument establishing the restrictions must be approved by the City prior to the execution and delivery thereof.
- (2) Stormwater drainage systems located within open spaces or the residential lots shall be covered by utility and drainage easements dedicated on the Final Plat to the City.

c. City of Isanti.

- (1) Open space may be deeded to the City of Isanti for open space purposes or conveyed by easement to the City. Open space areas shall be in accordance with the 2008 Comprehensive Plan and the Parks, Trails, and Open Space Plan, subject to City Council Approval.
- (2) Open space may be protected by establishing conservation restrictions in perpetuity in favor of the City as provided within Minnesota Statutes 84.64 – 84-65. Unless the document establishing the restrictions specifically provides to the contrary, the City shall have no responsibility for the maintenance or management of the area subject to the restrictions. The form and content of the deed or other instrument establishing the restrictions must be approved by the City prior to the execution and delivery thereof. Notwithstanding any provision of this Ordinance to the contrary, the City may, in cases where conservation restrictions are utilized to meet open space dedication requirements of this Ordinance, waive the requirement that the area subject to the restrictions be platted as a separate outlot.

- d. Ownership retained by original landowner. Ownership of common open space may be retained by the original landowner or developer provided that:
 - (1) Resident access to the open space is limited by agreement between the owner of the common open space and property owners of the development, as indicated by documents signed at the time of purchase of said lots or dwelling units.
 - (2) The open space may be retained by the owner for agricultural purposes.
 - (3) The original landowner or legal representative may transfer ownership to another person in compliance with this subsection.
4. Common open space shall be restricted in perpetuity from further subdivision or land development by conservation easement pursuant to Minnesota Statutes, and such conservation easement shall be recorded in the office of the Isanti County Recorder.

D. Lot Design.

Lots shall be sited so as to achieve the following objectives:

1. Lots shall be laid out to receive City services in the most efficient manner and as to maintain the largest portion of contiguous land for open space.
2. Residential lot areas shall consist of buildable land as defined by this Ordinance.
3. Residential lots shall be located in a manner that preserves existing significant trees and woodlands on the site.
4. Lots shall be arranged such that a majority of the principle structures will take visual advantage of an identifiable feature, building, structure, greenway, wetland, woods, lake, stream, or other open space which could be described as a view shed.
5. Lots may be arranged such that the principle structure faces a local street enhanced with landscaping, street trees, boulevards, medians, or other landscaping techniques appropriate to the City's Street Design Standards.
6. Lot size and setbacks shall be consistent with the regulations stated in the zoning district in which the parcel(s) are located. Such standards may be departed from upon approval of the City Council.
7. Lots shall be located in cluster groups and a plat may contain more than one (1) cluster group.
8. In order to establish a cohesive neighborhood, clusters shall include five (5) lots or twenty-five (25) percent of the allowable number of lots on the parcel to be subdivided, whichever is greater. An efficiency of land utilization should be encouraged by maximizing the number of lots in any one cluster development, while adhering to density and open space requirements.

E. Structures.

The structures within the neighborhoods should convey a particular architectural style with similar building materials, components, and roof pitches.

F. Buffer Zones.

1. In conservation subdivisions, buffer zones from the outer boundaries of the lot lines of each cluster group shall conform to the separation distances as provided:
 - (a) From other cluster group boundaries, existing and proposed right-of-ways for arterial and collector roadways, agricultural uses, and subdivision site boundaries; a fifty (50) foot buffer zone is required.
 - (b) From wetlands, floodplains, water courses, and drainage ways; a seventy-five (75) foot buffer zone is required.
2. Separation distances may be reduced up to fifty (50) percent, if the applicant can demonstrate that such reduced setbacks are more appropriate for the site and will improve the project's conformance with the design objectives, the intent of this Ordinance, and the goals, policies, and objectives of the City of Isanti Comprehensive Plan.

- (a) All buffer zones shall be planted with native grasses, shrubs, and trees.
- (b) Roads may be substituted for the buffer zone, if it creates an effective barrier between yards and agricultural fields and pastures.

G. Landscaping.

- 1. Tree preservation and reforestation requirements of this Ordinance shall apply.
- 2. Existing trees and vegetation considered indigenous and appropriate to the natural landscape shall be preserved to the extent reasonably possible.
- 3. Landscaping is required along all streets outside of the designated right-of-way to consist of at least one (1) tree for every thirty (30) feet of frontage or placed in clusters at the same ratio.
- 4. A landscape plan is required for the entire site. Residential lots shall meet the landscaping requirements as provided within the Zoning Ordinance.
- 5. The overall landscape plan will be given flexibility, if the plan incorporates the placement of buildings on sites to minimize and preserve existing landscaping and trees.

H. Pathways.

Trails and sidewalks shall be identified, which extend through buildable land area or through the open space land to connect to other planned or existing trails and sidewalks on adjacent parcels or along local roadways.

I. Streets.

- 1. All new roadways shall be constructed and maintained in accordance with this Ordinance and the City of Isanti Design Standards.
- 2. Dead-end streets are prohibited, unless such street will connect with another street at the closed end with future development, and cul-de-sacs shall be permitted only where topography or other physical conditions justify their use.
- 3. Roads shall be designed to minimize the visual size and scale of the development and help discourage excessive speeds.
- 4. Street widths and alignments should be carefully scaled to neighborhood size and be patterned after the character of existing residential streets. Future connections shall be identified and platted as an easement to encourage future connections so as to avoid long cul-de-sacs and potential congestion as development and density increases throughout the City.
- 5. The applicant shall demonstrate that access from a primary road to the site is adequate and has the capacity to handle traffic generated by the proposed project and will not endanger the safety of the general public.

J. Storm water Management.

- 1. Storm water management shall meet the requirements established within this Ordinance.

Subdivision 6. Submittals and Review Process.

- A. Plans required and submitted under this Section must be submitted in a form which will satisfy the requirements of this Ordinance for Concept, Preliminary and Final Plats.
- B. It is the intent of this Section that the requirements of the Subdivision Ordinance be carried out simultaneously with the review of a Planned Unit Development under the Zoning Ordinance.

ARTICLE 9. TREE PRESERVATION

Subdivision 1. Findings and Purpose Statement.

The City recognizes that the preservation and replanting of trees is important in maintaining a healthy and desirable community and finds that it is in the best interest of the City to protect, preserve, and enhance the

natural environment of the community. The City encourages a resourceful and sensible approach to development, redevelopment, and alteration of trees and / or wooded areas. The City also recognizes that a certain amount of tree loss is an inevitable consequence of the development process. The City Council finds that these tree preservation regulations will help to establish a balance between an individual's rights to develop a parcel(s) and the needs of the community to protect aspects of the natural environment. The purpose of the tree preservation regulations include, but are not limited to, the following:

- A. Prevention of soil erosion and sedimentation from storm water runoff;
- B. Protection and preservation of the environment;
- C. Improve air quality and control the urban heat island effect;
- D. Protect and increase property values;
- E. Assure the orderly development and redevelopment of areas with trees or wooded areas, so as to minimize tree and habitat loss;
- F. Improve energy conservation through natural insulation, wind breaks, and shading;
- G. Establish natural buffers between conflicting land uses;
- H. Provide incentives for creative land use and environmentally compatible site design, which preserves trees and minimizes tree removal and clear cutting during development;
- I. Reduce noise pollution;
- J. Reforestation of open lands;
- K. Establish minimum standards for tree preservation and the mitigation of environmental impacts that result from tree removal; and
- L. Enforce tree preservation and protection standards that promote and protect the public health, safety, and welfare of the City.

Subdivision 2. Tree Survey and Preservation Plan.

- A. Scope of Application. A tree survey and preservation plan shall be submitted to, approved by the City Council, and implemented in connection with the following:
 - 1. Grading or excavation permit.
 - 2. New development in any zoning district.
 - 3. New building construction in any zoning district.
 - 4. Expansion of any existing commercial, industrial, or institutional building or impervious surface area by 10% or greater of the gross floor area, where an approved tree preservation plan is not on file with the City and trees may be affected by the proposed expansion.
- B. Exemptions. The provisions of this Section shall not apply to trees removed as a result of additions to existing structures or construction of new accessory structures for single-family, two-family, or three-family parcels.
- C. Tree Survey. Upon submittal of a Preliminary Plat application; a tree survey of the site shall be prepared by a registered landscape architect or licensed forester. This survey shall include the following information: species, size, condition and location of all significant, damaged or diseased trees on site. All significant, damaged or diseased trees shall be tagged and identified by number on the survey. A delineation of the existing canopy coverage area(s) which outlines all areas covered by

tree canopy shall be included as part of the survey. Additionally, all damaged and diseased trees shall be cataloged with the nature and extent of any damage or disease specified.

D. Tree Preservation Plan Requirements.

The tree preservation plan may be submitted or incorporated with a grading, drainage and erosion control plan. All tree preservation plans must be certified by a licensed forester or landscaped architect. To the extent practical, site design shall preserve significant trees as well as woodland areas. Special priority for tree preservation shall be given to areas within floodplains, wetlands, stream corridors, wooded slopes, and along collector and arterial roadway corridors. The tree preservation plan, a narrative and map or series of maps, shall include the following information:

1. A Certificate of Survey, prepared in accordance with City specifications;
2. Information obtained within the tree survey should be presented in both graphic and tabular form;
3. Areas to be graded and limits of land disturbance should be delineated;
4. All significant trees to be removed within the construction area should be identified in both graphic and tabular form;
5. Measures to protect significant trees and woodlands should be noted; and,
6. Signature of the person(s) preparing the plan.

E. Reforestation Plan.

In accordance with this Article, if significant trees and woodlands are removed from the parcel(s) to be developed, the applicant shall provide a reforestation plan. A reforestation plan shall be prepared and signed by a licensed landscape architect or forester and shall contain the following information and adhere to the following criteria:

1. Location and diameter or height of all trees to be planted;
2. List of all replacement trees including species, caliper; and planting method;
3. Statement explaining why replacement trees are necessary; and
4. Rationale for selection of placement/forestation trees.
5. The replacement trees shall be at least two and a half (2 1/2) inches caliper and will be species that conform to the tree list as provided within Section 15, Subdivision 5 of the Zoning Ordinance.
6. No more than one-third (1/3) of the trees may be from any one (1) tree species.
7. Plantings shall be of similar vegetation as found on the site and shall be appropriate for the soil conditions found on the site.
8. Trees to be planted shall be from certified nursery stock.

Subdivision 3. Protective Measures.

- A. Required Protective Measures. The tree preservation plan shall identify and require the following measures to be utilized during construction to protect significant trees and woodland areas:
1. Installation of snow fencing or polyethylene laminar safety netting placed at the drip line or at the Critical Root Zone, whichever is greater. No grade change, construction activity, or storage of materials shall occur within the fenced area.
 2. Placement of fill against the trunk of the tree, on the root crown, and under the drip line of the tree is prohibited.
 3. Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials such as fuels or paints.
 4. Pruning of oak trees must not take place from April 15 through July 1. If wounding of oak trees occurs, a non-toxic tree wound dressing must be applied immediately.

- B. Additional Protective Measures. The following tree protection measures are suggested to protect significant trees and woodland areas that are intended to be preserved according to the submitted tree preservation plan and may be required by the City:
1. Installation of retaining walls or tree wells to preserve trees.
 2. Placement of utilities in common trenches outside of the drip line of significant trees, or use of tunneled installation.
 3. Use of tree root aeration, fertilization, and / or irrigation systems.
 4. Transplanting of significant trees into a protected area for later moving into permanent sites within the construction area.
 5. Therapeutic pruning of diseased tree branches or damaged and exposed root systems.
 6. Installation of root severing protection barriers along Critical Root Zones.
 7. Designation of areas for soil and equipment storage to prevent soil compaction in Critical Root Zones.

Subdivision 4. Tree Replacement Ratio

Significant trees or woodlands that are lost and / or removed as defined within this Subdivision shall be replaced in accordance with the requirements as identified below:

- A. Significant deciduous trees eight (8) inches or greater shall be replaced by two (2), two and one-half (2.5) inch caliper or greater deciduous trees or two (2), six (6) foot high coniferous trees.
- B. Significant deciduous trees twelve (12) inches or greater shall be replaced by three (3), two and one-half (2.5) inch caliper or greater deciduous trees or three (3), six (6) foot high coniferous trees.
- C. Significant coniferous trees eight (8) feet high or greater shall be replaced by one (1), six (6) foot high or greater coniferous tree.
- D. Significant coniferous trees twelve (12) feet high or greater shall be replaced by two (2), six (6) foot high or greater coniferous trees.
- E. In no case will the total number of replacement trees exceed eight (8) trees per acre. Parking lots, driveways, and accessory uses should take existing trees into account prior to construction.
- F. Trees Not Counted. The caliper inches of significant trees to be removed for water quality treatment ponds, public trails or sidewalks, and right-of-way for arterial and collector roadways shall be exempt from the calculation of total significant caliper inches on a development site.

Subdivision 5. Compliance with Tree Preservation and Reforestation Plan.

- A. The applicant shall implement the tree preservation and reforestation plan prior to and during any construction. The tree protection measures shall remain in place until all grading and construction activity is completed or until a request is made to and approved by the City Administrator or their designee.
- B. No significant trees or woodland areas shall be removed until a tree preservation plan is approved and such removals shall be in accordance with the approved plan.
- C. The City shall have the right to inspect the development and / or building site in order to determine compliance with the approved tree preservation and reforestation plans.

Subdivision 6. Amendments Tree Preservation and Reforestation Plan.

- A. The tree preservation and reforestation plan may be amended after it has been approved by the City Council. The City Administrator or their designee shall have the authority to approve amendments, except that a change resulting in removal of more than ten (10) percent of the significant tree inches

that were shown as preserved on a City Council approved tree preservation plan shall require further review by the City Council.

- B. As part of any amendment to a tree preservation plan, the required reforestation and / or restitution shall be increased or decreased as appropriate. Requests for amendments shall be submitted prior to removal of any trees shown as preserved on the approved plan.

Subdivision 7. Performance Guarantee.

- A. Upon approval of the tree preservation and reforestation plan, the City shall require an irrevocable letter of credit or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the approval. An amount equal to 125% of the estimated costs to furnish and replace the trees shall be provided to the City.
- B. Following written request from the applicant for acceptance, the performance guarantee will be released upon verification by the City that the tree preservation and reforestation plan was followed. In no event shall the performance guarantee be released earlier than two (2) growing seasons after the date of approval of final inspection.

Subdivision 8. Removal of Diseased Trees Required.

Prior to any grading, all diseased, hazardous, and nuisance trees on the subject property shall be identified by the City in accordance with the tree disease control and prevention regulations of the City Code. Any and all diseased or hazardous trees as identified in other sections of this Ordinance shall be removed from the property at the expense of the property owner, at the time of grading, if so directed.

Subdivision 9. Inspection.

The City shall have the right to inspect the development and / or building site in order to determine compliance with the approved tree preservation and reforestation plan. The City shall determine whether the tree preservation and reforestation plan has been implemented as approved.

Subdivision 10. Warranty Requirement.

Any replacement tree(s) which is not alive or healthy, as determined by the City, or which subsequently dies due to construction activity within two (2) growing seasons after the date of project closure shall be removed by the developer and replaced with a new healthy tree meeting the same minimum size requirements within eight (8) months of the tree(s) removal.

Subdivision 11. Public Trees.

- A. Authority. The City shall have the right, but does not have the obligation, to plant, prune, maintain and remove trees, plants and shrubs within the public right-of-way of all streets, alleys, avenues, and lanes as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds, pursuant to City Code. The City shall be responsible for the planting and maintenance of public trees, which are located within parks, outlots, and other properties owned by the City.
- B. Removal and Installation of Public Trees.
 - 1. No trees, bushes, vines, shrubs, and/or ground cover are to be removed by anyone, including adjacent landowners, from any City-owned land or public right-of-way without the permission of the City of Isanti; unless said tree, bush, vine, shrub, and/or ground cover was planted within the public right-of-way by the adjacent property owner, pursuant to City Code.
 - 2. Street trees, which are located in the public right-of-way or boulevard that die of disease, insects, or natural disaster may be removed by the City. The City shall have the right to remove trees within the boulevard, so as to protect the public health, safety, and welfare.

The City is not responsible for ongoing maintenance and replacement of trees planted within the boulevard by private parties.

- C. No person shall intentionally damage, cut, carve, transplant, or remove any public tree; attach any rope, wire, nails, advertisements, or other contrivance to any public tree; allow any gaseous liquid, or solid substance which is harmful to such trees to come into contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any public tree.
- D. Each tree shall be planted a minimum of five (5) feet from the public right-of-way.

ARTICLE 10. PARK DEDICATION

Subdivision 1. Intent.

The City Council recognizes that it is essential to the health, safety, and general welfare of the citizens of the City of Isanti that the character and quality of the natural environment be of major importance in the planning and development of the City, both now and into the future. The preservation of land for public use as parks (active and passive), recreational facilities, playgrounds, trails, wetlands, natural and scenic areas, and public open spaces; are essential for maintaining a healthful and desirable environment for the citizens of the community. The City must provide these amenities, to not only present residents, but future residents that may choose to live, work, and recreate within the community. It is recognized by the City Council that the need for these amenities and natural areas are directly related to the density and intensity of population and development permitted within the City. Increased population, intensity of uses, and the types of development permitted result in greater demands for these types of amenities and facilities. To disregard these principles would result in the deterioration of public spaces, facilities, and the natural environment; which would diminish the quality of life that residents have come to expect within the community.

Subdivision 2. Park Land Dedication Requirements.

- A. As a prerequisite to subdivision approval, subdividers shall dedicate land for parks, playgrounds, public open spaces and trails and/or shall make a cash contribution to the city's park fund and trail fund as provided by this section.
- B. The park and recreation committee shall recommend to the city council the land dedication and cash contribution requirements for proposed subdivisions. Land dedication shall be consistent with the 2008 Comprehensive Plan and 2030 update and the Parks, Trails, and Open Space Plan.
- C. If the property being subdivided was previously subdivided, a credit will be given for similar requirements satisfied in conjunction with the previous subdivision.
- D. Land area conveyed or dedicated to the city shall not be used in calculating density requirements of the city zoning ordinance and shall be in addition to and not in lieu of open space requirements for planned unit developments.
- E. Where private open space for park and recreation purposes is provided in a proposed subdivision, such areas may be used for credit, at the discretion of the city council, against the requirement of dedication for park and recreation purposes, provided the city council finds it is in the public interest.
- F. The city, upon consideration of the particular type of development, may require larger or lesser parcels of land to be dedicated if the city determines that present or future residents would require greater or lesser land for park and playground purposes.
- G. In residential plats either a cash donation equal to fifteen (15) percent of the fair market value of the undeveloped property or fifteen (15) percent of the gross land being platted or a combination thereof shall be conveyed to the City.

- H. In plats other than residential plats, either a cash donation equal to ten (10) percent of the fair market value of the undeveloped property or ten (10) percent of the gross area of land being platted or a combination thereof shall be conveyed to the city.
- I. In lieu of a park land donation, the city may require an equivalent cash donation based upon average undeveloped land value in the city. The cash dedication requirement shall be established annually by the city council.
- J. In lieu of a trail donation, trail construction, or trail easement dedication, the city may require a cash donation for the trail system. The cash dedication requirement shall be established annually by the city council.
- K. The city may elect to receive a combination of cash, land, and development of the land for park use. The fair market value of the land the city wants and the value of the development of the land shall be calculated. That amount shall be subtracted from the cash contribution required by subsection (k) above. The remainder shall be the cash contribution requirement.
- L. "Fair market value" shall be determined as of the time of filing the final plat in accordance with the following:
 - 1. The city and the developer may agree as to the fair market value, or
 - 2. The fair market value may be based upon a current appraisal submitted to the city by the subdivider at the subdivider's expense.
 - 3. If the city disputes such appraisal the city may, at the subdivider's expense, obtain an appraisal of the property by a certified real estate appraiser, which appraisal shall be conclusive evidence of the fair market value of the land.
- M. Planned developments with mixed land uses shall make cash and/or land contributions in accordance with this section based upon the percentage of land devoted to the various uses.
- N. One hundred percent (100%) of the park and trail cash contribution shall be paid immediately upon approval and execution of the Development Agreement.
- O. The cash contributions for parks and trails shall be deposited in either the city's park and recreation development fund or multipurpose pedestrian trail fund and shall be used only for park acquisition or development and trail acquisition or development.
- P. Wetlands, ponding areas and drainage ways accepted by the city shall not be considered in the park land and/or cash contribution to the city.
- Q. Subdividers of land abutting streets that have been designated in the city's comprehensive plan for the installation of a trail shall be required to dedicate the land for the trail to the city and construct the trail.

Subdivision 3. Determination of Land to be Dedicated.

- A. Land to be dedicated shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access and location.
- B. When a proposed park, playground, recreational area, school site or other public ground has been indicated in the city's official map or comprehensive plan and is located in whole or in part within a proposed plat, it shall be designated as such on the plat and shall be dedicated to the appropriate governmental unit.

- C. Land dedication shall be selected based upon the policies and recommendations provided within the Comprehensive Plan. Active parkland areas shall be exclusive of wetlands, slopes exceeding twelve (12) percent, ponding areas, or other features unsuitable for active park development. The City may accept natural open space or passive parks containing unique natural environmental features as part of the parkland dedication. Selection of park land for dedication shall be at the discretion of the City Council based upon the policies and recommendations of the Comprehensive Plan and Comprehensive Park, Trails, and Open Space Plan. The City Council may vary from these requirements if a development demonstrates unique attributes sufficient for parks and open space included in the development.
- D. Lands to be dedicated shall not be located in drainage ways, floodplains, or ponding areas after the site has been developed.

Subdivision 4. Land in Excess of Dedication Requirements.

Where land requested for public use exceeds the amount legally and reasonably required by the City and the developer will not dedicate the additional amount, the City may consider an option or purchase of said additional amount of land.

Subdivision 5. Standards for Accepting Dedication of Land.

In addition to all the other requirements of this Section, all land to be dedicated to satisfy the park dedication requirements shall meet the following standards:

- A. The area dedicated shall meet the needs of the City as identified within the Comprehensive Plan and Comprehensive Parks, Trails, and Open Space Plan;
- B. The applicant, prior to Final Plat Approval, deliver to the City Attorney an Abstract of Title or Registered Property Abstract for all land to be dedicated, evidencing good marketable title without liens or encumbrances of any kind. It shall have a marketable title, free and clear of any mortgages, liens, encumbrances, assessments and taxes. The conveyance documents shall be in a form acceptable to the City;
- C. The required conveyance of land to be dedicated and any payment of cash equivalency in lieu of land dedication shall be made prior to filing of the final plat or granting of final approval;
- D. The removal of trees, topsoil, storage of construction equipment, burying of construction debris, or stockpiling of surplus soil on dedicated land is strictly forbidden without the written approval of the City.

Subdivision 6. Required Improvements to Dedicated Lands.

- A. Applicants shall provide finished grading and ground cover for all park, playground, and public open spaces within their development contract; and,
- B. Where dedicated park areas fall outside a developer's plat or subdivision, the developer shall establish monumental irons on all dedicated park properties for the purpose of identifying park boundaries. The developer shall also provide a certificate of survey, prepared by a registered land surveyor to the park and recreation department.

ARTICLE 11. REQUIRED IMPROVEMENTS

Subdivision 1. Dedication of Land or Contribution in Cash for Public Purposes.

In every plat or subdivision the developer may be required to dedicate land or make cash contributions for public streets, easements for sewers, electric, gas, water facilities, storm water drainage, holding ponds and similar utilities and improvements.

Subdivision 2. Required Improvements.

- A. The subdivider shall submit engineering plans and specifications satisfactory to the city for all required improvements, as listed or as specified in this chapter. These improvements must be initiated within one (1) year of final plat approval and completed within two (2) years.
- B. The following public improvements are required in every plat:
 - 1. All subdivision boundary corners, block and lot corners, road intersection corners and points of tangency and curvature shall be marked with durable iron or steel monuments meeting the minimum requirements of state law. The city may, when a subdivision is essentially complete, require a development to have the plat re-staked to replace the original monuments destroyed or obliterated during the construction process.
 - 2. As a rule, the surface water discharge rate from the subdivision is to be retained at the predevelopment rate for a 2-year, 24 -hour; 10-year, 24-hour; and 100-year, 24-hour rain events through the use of surface water detention/retention facilities or other appropriate means as approved by the city engineer. All stormwater requirements are outlined within the Stormwater Management Ordinance.
 - 3. Every street shall have an adequate sub-base and shall be improved with a bituminous or concrete surface in accordance with the design standards specified by the city for urban or rural sections. Except in areas where lot widths exceed one hundred (100) feet or topography or tree cover dictates otherwise, grading shall provide for easy installation of sidewalks.
 - 4. Concrete curb and gutter shall be required for all urban street sections.
 - 5. Sidewalks and trails shall be required, in accordance with the standards presented herein.
 - 6. The subdivider shall be required to provide a connection to the public water system for every lot in the subdivision.
 - 7. Street lighting shall meet the following requirements:
 - a. Street lighting type and design shall be approved by the city prior to installation.
 - b. 100w High Pressure Sodium (HPS) lights shall be placed at intersections, cul-de-sacs and a maximum of 300 feet in-between.
 - c. All County Road intersections require a 150w HPS light.
 - d. All commercial lighting shall consist of 250w HPS lights. Total cut-off lighting fixtures (i.e. shoebox design) shall be used in commercial areas.
 - 8. If available, public sanitary sewer main and service connections shall be approved by the city engineer and installed to serve all lots in the subdivision.
 - 9. A system that will adequately accommodate the surface water runoff within the subdivision, as required by this chapter, shall be provided.
 - 10. Street signs of standard design approved by the city shall be installed at each street intersection before building permits will be issued. Regulatory signs shall be installed as required.
 - 11. Where any proposed plat adjoins a natural lake, pond, river or stream, including streams which flow only intermittently, the city may require that a strip of land running along all sides thereof which are contiguous to such lake, pond or stream, be dedicated to the city for public use, or subject to a perpetual easement in favor of the city for the purpose of protecting its hydraulic efficiency and natural character and beauty.
 - 12. All utility lines for telephone, cable tv, internet and electrical service shall be placed underground or where this is not feasible shall be placed in rear lot line easements when carried on overhead poles.

- C. Prior to the city signing the final plat and prior to the construction of any improvements, the developer shall provide the city with an irrevocable letter of credit or cash escrow to insure that all improvements required by this chapter will be installed and paid for at no expense to the City. For improvements to be installed by the developer, the developer is obligated to install and complete all such improvements at his own expense and under the supervision and inspection of the city. For improvements which the city agrees to install, the developer shall pay the cost of such improvements through payment of special assessments. As security to the city for installation of the improvements or the payment of the special assessments, the developer shall be required to file a cash escrow or an irrevocable letter of credit in an amount and form acceptable to the city to cover the cost of all public improvements and special assessments. All financial sureties shall be from a financial institution that is FDIC insured.

ARTICLE 12. REPEAL

Isanti Ordinance No. 254, as amended, entitled “An Ordinance Establishing Rules and Regulations of Plats and the Installation of Streets and Other Improvements Establishing Procedures for the Approval and Recording of Plats, and Regulating Subdivisions”, is hereby repealed as of the effective date of this Ordinance No. 536

ARTICLE 13. EFFECTIVE DATE

Isanti Ordinance No.536 shall take effect upon its adoption and publication in the City’s Official Newspaper.

Adopted by the Isanti City Council this ____ day of _____ 2020.

Attest:

Mayor Jeff Johnson

Katie Brooks Human Resources/City Clerk

Public Hearing Date: 10.20.20
Publication Date:
Effective Date:

City of Isanti

Check Register - Mayor/Council Approval
Check Issue Dates: 10/21/2020 - 10/21/2020

Page: 1

Oct 21, 2020 01:26PM

Report Criteria:

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City of Isanti

Check Register - Mayor/Council Approval
Check Issue Dates: 10/26/2020 - 10/29/2020

Page: 1

Oct 29, 2020 09:35AM

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10/20	10/29/2020	54691	44	PHILLIPS WINE & SPIRITS INC	609-20200	9,209.40
10/20	10/29/2020	54692	2551	POLLARD WATER	101-20200	87.45
10/20	10/29/2020	54693	12	POSTMASTER	101-20200	120.00
10/20	10/29/2020	54694	2985	PROGRAPHICS	101-20200	731.80
10/20	10/29/2020	54695	2406	QUALITY FLOW SYSTEMS INC	602-20200	1,560.00
10/20	10/29/2020	54696	2827	RATWIK, ROSZAK & MALONEY, P.A.	101-20200	3,839.75
10/20	10/29/2020	54697	2341	RED BULL DISTRIBUTION	609-20200	173.00
10/20	10/29/2020	54698	2625	RESULTS TITLE	601-20200	190.80
10/20	10/29/2020	54699	2613	Servion Title	601-20200	78.76
10/20	10/29/2020	54700	2396	SOUTHERN GLAZERS OF MN	609-20200	10,888.49
10/20	10/29/2020	54701	2554	SPECIALTY SOLUTIONS	101-20200	1,449.76
10/20	10/29/2020	54702	1442	ST. LOUIS MRO INC	101-20200	50.00
10/20	10/29/2020	54703	2834	SUN MECHANICAL, INC.	101-20200	8,139.32
10/20	10/29/2020	54704	2598	T.A.SCHIFSKY & SONS INC.	101-20200	212.29
10/20	10/29/2020	54705	2441	TACTICAL SOLUTIONS	101-20200	220.00
10/20	10/29/2020	54706	2793	TEAM LABORATORY CHEMICAL, LLC	602-20200	4,262.50

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
10/20	10/29/2020	54707	1290	THE AMBLE GROUP	101-20200	24.78
10/20	10/29/2020	54708	626	THE WINE COMPANY	609-20200	668.00
10/20	10/29/2020	54709	2544	TIERNEY BROTHERS, INC	101-20200	3,479.28
10/20	10/29/2020	54710	2990	USI INSURANCE SERVICES, LLC	609-20200	6,500.00
10/20	10/29/2020	54711	2984	UTILITY LOGIC	601-20200	121.78
10/20	10/29/2020	54712	42	VIKING COCA-COLA BOTTLING CO	609-20200	204.95
10/20	10/29/2020	54713	4	WATSON CO INC	609-20200	3,998.85
Grand Totals:						<u>884,806.09</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Report Criteria:

Report type: Summary

Check.Type = {<>} "Adjustment"

City of Isanti

Gross Payroll	95,292.72
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Social Security & Medicare	5,171.74
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Public Employees Retirement	10,423.76
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Total City Expense	<u>110,888.22</u>
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Pay Date	10/30/2020
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Pay Period	22 (10/11-10/24/20)
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RESOLUTION 2020-XXX

**ACCEPTING LIQUOR STORE CLERK III LETTER OF RESIGNATION FOR
DANYETTE PHELPS**

WHEREAS, Liquor Store Clerk III, Danyette Phelps has submitted a letter of resignation to the Liquor Store Manager, John Jacobi on October 25th, 2020; and,

WHEREAS, the effective date of this resignation is October 31st, 2020; and,

WHEREAS, Danyette Phelps is leaving employment in good standing;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Isanti, Minnesota, to hereby approve as follows:

1. That the resignation of Danyette Phelps is hereby accepted effective October 31st, 2020.
2. That Human Resources/City Clerk and Liquor Store Manager are hereby directed to fill the position.

This Resolution is hereby approved by the Isanti City Council this 4th day of November 2020.

Attest:

Mayor Jeff Johnson

Katie Brooks
Human Resources/City Clerk



Memo for Council

To: Mayor Johnson and Members of the City Council
From: City Administrator Josi Wood
Date: November 4, 2020
Subject: Resolution to Approve Survey

Background:

The City Council is voting whether or not to approve the purchase of land for a new municipal liquor store at the November 4th meeting. If the purchase is approved, Staff requests to conduct a survey of the property identified as 16.029.2100 and 16.029.2400 in the amount, not to exceed, \$5000.00. The funding source is identified as Fund 609-16500. The benefits to completing a survey prior to ownership is to show possible encroachments, easements, and potential issues that may need to be resolved.

Request:

Staff is requesting action on this item.

Attachments:

- Resolution 2020-XXX
- Bolton and Menk Fee Proposal

RESOLUTION 2020-XXX

APPROVING SURVEY OR PARCELS IDENTIFIED AS 16.029.2100 and 16.029.2400

WHEREAS, the City is interested in purchasing the property identified as tax ID number 16.029.2100 and 16.029.2400 for use as a new municipal liquor store location; and,

WHEREAS, a survey should be completed to show potential encroachment, easement or other possible issues that should be cleared prior to purchase; and,

WHEREAS, Bolton and Menk, Inc. has submitted a fee proposal in the amount, not to exceed, \$5000.00 to complete the survey; and,

NOW, BE IT HEREBY RESOLVED by the City Council of the City of Isanti, Minnesota that a survey is in the best interest of the City and to accept the proposal from Bolton and Menk, Inc. in the amount, not to exceed, \$5000.000 with funding identified as Fund 609-16500.

This Resolution is hereby approved by the Isanti City Council this 4th day of November, 2020.

Attest:

Mayor Jeff Johnson

Katie Brooks
Human Resources/City Clerk



Real People. Real Solutions.

7533 Sunwood Drive NW
Suite 206
Ramsey, MN 55303-5119

Ph: (763) 433-2851
Fax: (763) 427-0833
Bolton-Menk.com

MEMORANDUM

Date: October 28, 2020
To: Honorable Mayor Johnson and Members of the City Council
City of Isanti
From: Jason W Cook, P.E.
City Engineer
Subject: Surveying Services Proposal to Complete Liquor Store Property Survey
City of Isanti, MN

Bolton & Menk, Inc. is pleased to present this proposal for surveying services for the topographic survey of the future liquor store site.

In order to keep the proposed schedule on track a site survey is needed as soon as feasible to verify the site conditions and determine the limits of the buildable area.

The proposed scope of survey services will include the following:

- Survey the existing site conditions
- Determine right-of-way limits
- Determine property lines
- Determine easement lines
- Create existing surface of the site in AutoCAD
- Create base linework in AutoCAD

We propose to complete the described scope of work for an hourly, not to exceed, fee of \$5,000.

Thank you for the opportunity to present this proposal. Please contact me at (763) 200-2444 if you have any questions or need additional information.

RESOLUTION 2020-XXX

OFFERING THE POSITION OF BUILDING OFFICIAL TO STEVEN THORP

WHEREAS, the City Council of the City of Isanti is required to approve all new employees; and,

WHEREAS, the City Council approved to advertise and accept applications to fill a full-time, exempt, Building Official position with full benefit package; and,

WHEREAS, the wage scale is \$33.78- \$42.36 per hour; and,

WHEREAS, Steven Thorp is selected as the most qualified candidate for the open Building Official position; and,

WHEREAS, the candidate's offer is contingent on successfully passing a background investigation and reference check;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Isanti, Minnesota, as follows:

1. That Human Resources has offered the Building Official position to Steven Thorp and that he is eligible to start in that position on or after November 4th, 2020.
2. That Steven Thorp must successfully pass a background and reference check as required as a condition of the offer before starting.
3. That Steven Thorp shall start at Step 6 of the wage scale at \$85,134.40 annually, \$40.93 per hour.
4. That Steven Thorp will bank 3 weeks' vacation and accrue at year 2 in the current Personnel Policy.
5. That Human Resources is directed to complete all required documentation for the completion of employment offer and place a copy of this resolution in the employee's personnel file for future reference.

This Resolution is hereby approved by the Isanti City Council this 4th day of November 2020.

Attest:

Mayor Jeff Johnson

Katie Brooks
Human Resources/City Clerk

**CITY OF ISANTI
PARKS, RECREATION, AND CULTURE BOARD MEETING MINUTES
October 27, 2020**

Call to Order: Aaron Zdon - Chair called the meeting to order at 6:00 p.m.

Roll Call: Members Present: James Witte, Aaron Zdon, Council Member Jimmy Gordon, Michael Becker

Staff Present: Jenny Garvey - Parks, Recreation and Culture Manager

Motion to approve the agenda motioned by Witte, seconded by Gordon with modification of swearing in new board member. Motion passed 3-0

2. Meeting Minutes: Motion by Witte; second by Gordon to approve meeting Minutes from August 25, 2020. Motion passed 4-0.

3. Public Hearing: Dan Balk – 411 Hillock St NE – came to request for the city to add pickleball lines to existing tennis courts, in particular Mattson tennis courts. Mike Mueller resident of Cambridge also came to speak about pickleball, and is President of the Cambridge Area Pickleball Assc, a non-profit group which promotes healthy living, with 140 members, and has several areas in Cambridge and Isanti that they can play indoor and outdoor. Pickleball is played on a court surface and is similar to tennis, however the court itself is smaller and a different net and equipment is used. 20x44 is the court size, other outdoor courts in the surrounding area have line for pickleball use. Zdon asked how many people in the league and that the board has discussed this in the past. Witte asked if there has been push back regarding to the different lines on the courts and any confusion regarding playing. Mueller replied that in Cambridge there are dedicated courts for pickleball, at this area there is not. Zdon asked for clarification of what is preferred, and Balk reiterated that they are interested in having lines on a court for practice. Zdon stated that Whisper Ridge is one option to add lines or to add at other court areas. Witte added that we would have to consider resurfacing Whisper Ridge. Zdon stated that this is something that the board has discussed and will have to make some decisions in the very near future and what the future of that area will be. Mueller added that 4 courts can be on a tennis court, if they are placed sideways on the tennis court. Gordon asked the cost of adding lines or courts to, Mueller added that it was about \$11,000 which involved new courts and lines. He was not aware what the cost of just adding lines would be to a court. Mueller added that Cambridge added the courts into their street project. Balk added that the lines would be a narrow line to be added, a temporary tape option that could be added. Zdon and Witte added that is something that we can look into. Zdon asked if Balk was familiar with Whisper Ridge and added that parking is very limited and only on street parking is available. Zdon would like to see Mattson as the option. Mueller added that Badminton court lines is the same as pickleball court lines. Motion by Witte for staff to research further on the pickleball court option at either Mattson or Whisper Ridge, seconded by Becker. Motion passed: 4-0

4. New Development Concept Review – Garvey reviewed that a new housing development is being proposed on the east side of Hwy 65, just northeast of the Arts and Science Middle School off of Cajima and 7th Ave NE. The developer met with city staff and has provided a preliminary concept for the PRC board to review, in particular to the park area. The attachments include the proposed park areas for this preliminary proposed development. This is being brought to the PRC Board in the very early steps in the process for review. Garvey added that staff's recommendation is to not accept the land for park dedication and a fee credit. Staff views this land as unusable for the city. Garvey added asked does the PRC Board accept recommending the land/area's as part of their Park Dedication within this new proposed housing development? Garvey added that when a new development is added to the city an option is for park dedication land or a fee based on each lot in

that development, which is \$1,500 per lot, and in this development of about 160 lot could be about \$224,000 in park dedication fund fees. Garvey added that the two areas being proposed, the larger area of about 12 acres is wetland area and the almost 3 acres is unknown at this time as staff has not gone to this area to view. Zdon asked for clarification on the area and that the current Academy Park is just to the south of this development and just east of the Arts and Science Middle School. Zdon also added that he would not want to accept this land area, especially if they are wetland, and that we would put a park in the north area of the development and close to an existing park and this size development to have some type of park. Zdon asked staff to remind all what Park dedication funds can be used for. Garvey added that the funds can be used for anything new, it cannot be used on any maintenance or existing, anything that is new, land acquisitions or capital improvements. It can be used for capital improvement and purchasing new land. Zdon asked what the balance of the Park dedication fund amount was... Garvey was not sure what the balance was at and didn't want to provide something that was incorrect. Zdon asked if the new Legacy development was platted years ago. Garvey added that the development fees would be current as they are just adding those now. Gordon added that staff is suggesting that staff is recommending to not accept either of these parcels and asked for reiteration. Garvey added that the park dedication fee is \$1,500 per lot and with this potentially to be about \$224,000 with the approximate 160 lots vs the land being proposed for park area. Gordon added that does the north area to be used for the park, and Zdon added that he didn't want to offset the fees provided over the land. Witte asked about the pond areas within the proposal and specific areas they would like to see a park area. Zdon reiterated that he would rather have the fee's over the land area being proposed so we could build them a park. Motion by Gordon to not accept the land in exchange for the fees, seconded by Witte. Motion passed 4-0.

5. Fir Street Update- Garvey explained that at the July 28 meeting staff reviewed an update on this item and that staff has been able to gather more information from the state on these two parcels. After further information gathering from the state it has been determined that the city has 15 years from the 2015 purchase to have these parcels as a completed park. The planning process will need to continue and staff will bring this back to a future meeting for more detailed planning, and it was brought to the board in 2018 and will revamp it at a future meeting and will discuss this at that time. Zdon added that this area could use park dedication funds for this park.

6. Sledding Hill Rules Signage- Garvey reviewed that the sledding hill was completed in October by Public Works in Bluebird Park. Staff had researched other communities' rules and the League of Mn Cities signage rules and has included a draft rule sign. Staff is recommending to have two signs back to back be installed on an existing 4x4 post close to the flag in the northwest corner of the park, which would be adjacent to the sledding hill. One sign would face the street corner and one sign would face the hillside. The draft rules are as follows: 1. Users assume risk of injury, 2. Adults must supervise children, 3. Use caution, 4. Be considerate of others, 5. Do not sled when icy, 6. Do not alter sledding hill and 7. Sled in designated areas only. The sign would be about 18" by 18". Witte asked about combining rule 3 and 4. Becker added that something should be added about horseplay. Witte added sledding prohibited when icy as an option and walk up the side of the hill. Witte added would the hill be open during daylight hours only. Zdon added that during park hours. Garvey added that it would be open during park hours, but it is not lite. Witte added to have it as during daylight hours only. Gordon added that its dark after 5. Witte asked about the type of items to sled with and asked about ski's or snowboard. Are we allowing that? Gordon and Zdon added why not, Zdon stated we would be snowboarding down the hill. Zdon added to watch up the hill, for people coming down the hill. Some type of language to add. Gordon reiterated that the side of the hill verbiage was good and asked if this was run by the city attorney. Garvey added that it was run by League of Mn Cities and past city attorney, but has not by the new attorney, and Gordon

added that it may not be necessary. Witte added about the alterations and adding to that more. Zdon added that the signs need to be made quickly. Zdon agreed to combine 3 and 4 to walk on side and watch those coming down type of language and to add at bottom Have Fun, the most important rule for a sledding hill and Gordon agreed to add it. Witte asked about parking close by. Motion by Witte, seconded by Becker to adjust rules and to combine 3 and 4, walk alongside hill and to have fun. Motion passed 4-0.

7. Tree Plan- Update- Garvey reviewed that staff was able to research and find the original Bluebird Park development plans along with the tree plan that was started and then stopped in 2009, as a result of the economy at that time. The tree plan was just for Bluebird Park and did not include any of the other city parks. The PRC board discussed the Bluebird Park tree plan again in 2015, which they approved staff to move forward with again for Bluebird Park by contacting a college student or arborist to assist with this project. There was also direction to accept donated trees from a local business to be used for parks. A few trees are still at PW growing but not quite ready to be transplanted to a park and they are still small. A plan has not been developed. Staff will continue to work on developing a plan, along with budget/costs and bring this item back to the board in 2021 for further direction and attached was the original tree plan and there are some areas that were crossed off on the plan for trees that were planted and many trees that were planted did not survive.

8. Department Updates – Garvey reviewed that Curious Creatures was held on September 15 at Isanti Hills Neighborhood Park with 15 kids with a Back to School theme and on October 6 17 kids at Isanti Community Center with a Police/Fire theme the police department send two officers to talk about safety and hand out goodie bags to the kids and the fire department dropped off goodie bags with fire hats for staff to hand out as they couldn't make it. The last Street Dance was held September 12 with The Farmer's Daughters. The event went well with about 400 in attendance, which was lower than expected with the Rum River National Race in town, but the pandemic health issue that surrounds us I feel is still affecting attendance for events. The dog park has the new plaque in place for the donation from the Rotary Club of Cambridge & Isanti. Garvey continued that Bluebird Park had the tunnel piece that was damaged earlier in the summer replaced, along with Rum River Meadows swing bracket replaced. The swings are back up. Isanti Family Farmers Market is done for the season as of September 25. Staff conducted a short wrap up meeting after the last day and the vendors mentioned they enjoyed the season and did well, especially consider how 2020 has been. Family Day was September 27 at Legacy Park with self-guided nature hikes, smores and a photo booth were the day's events. We also had a prize drawing this year with items that were from the medallion hunt we had an overwhelming response from. C-I Hockey Assc. (Jumping Jack's, Wintergreens and Pizza Pub gift certificate) – value \$150; Coborn's Marketplace - \$50 gift certificate; CMK Financial Services gift basket – value \$60; Connexus Energy gift basket - value \$100; Isanti Physical Therapy massage gift certificate – value \$80; Rockstad and Co. Relics & Wares gift basket – value \$35. Thank you to these generous local businesses/organizations for supporting our community. Staff handed out 60 tickets to people coming to the Family Day event. Three prizes remain to be picked up, those not picked up by the November 1 deadline, will be drawn at the upcoming movie nights. The community garden closed up October 18 for the season. Sunflowers were planted this past summer and will remain in the garden until next spring for birds and animals to enjoy a meal during the winter months. Our upcoming events are; sledding hill grand opening TBD, Movie Nights will be limited to 15 families until restrictions update on November 6 – The Mighty Ducks 2, December 11 – The Polar Express along with Santa Visit 5-6:45pm and limited to 25 families for the timing with amount of families we can accommodate in that time frame. The Candy Cane Flashlight Hunt will be Sunday December 13 from 5-6:30pm at

Legacy Park; Curious Creatures for November 10 – Gobble, Gobble and December 8 – Santa Fun at Isanti Community Center. Witte asked when the dock would be removed as he noticed it last week when he was there and Garvey added that it was removed late last week.

9. Tobacco Free Policy Review – Garvey reviewed that the City Council adopted Resolution No. 2013-158, which established a Tobacco Free Park Policy. The Council had approved that all youth playground areas, picnic shelters or park buildings, and organized sporting areas, complexes, and facilities located on City-owned park land be included under the policy. A copy of the Resolution and policy has been attached. All city parks and grounds have the specific tobacco free signs or parks signage that states no tobacco use or no tobacco products. Ordinance 295 went in to affect in 2014 which states Smoking on municipal property prohibited. No person shall smoke a cigarette, cigar, pipe or other lighted tobacco-related device, or use a nicotine or lobelia delivery device or other electronic delivery device, or chew or otherwise use tobacco within any municipally owned building or municipally owned vehicle, within or without the City of Isanti municipal limits. The Ordinance will supersede the policy. Staff is requesting for the PRC board to review the policy and provide staff direction of any changes they see are needed and does the PRC Board want to include language that covers parking lots or other specific areas to the ordinance? Gordon and Zdon discussed that the parking lot does not need to be included into the language and should be left as is and technically the parking lot is included in the current language as its written. Motion by Witte and seconded by Becker to approve the Tobacco Free Policy as it is written and not changes.

Adjournment: Motion by Gordon, second by Witte to adjourn the October 27, 2020 meeting of the Parks, Recreation and Culture Board. Motion passed 4-0, meeting adjourned at 6:53 p.m.



Respectfully Submitted
Jenny Garvey
Parks, Recreation and Culture Manager