



AGENDA
CLEARWATER PLANNING COMMISSION MEETING
MONDAY, APRIL 21, 2025

- 1. Call to Order and Pledge of Allegiance: 7:00 p.m.**
- 2. Approval of Agenda**
- 3. Approval of Minutes from March 17, 2025 Regular Meeting**
- 4. Discussion - Proposed Ordinances**
 - a. Shipping Containers**
 - b. Mobile Food Units and Food Carts**
 - c. Development Security**
- 5. Next Meeting Date**
 - a. Monday, May 19, 2025 at 7:00 p.m.**
- 6. Adjournment**

**CLEARWATER PLANNING COMMISSION
REGULAR MEETING MINUTES
MARCH 17, 2025**

1. Call to Order and Pledge of Allegiance: 7:00 p.m

- Chair Schindele called the Clearwater Planning Commission meeting to order Monday, March 17, 2025, at 7:00 p.m. in the Council Chambers. The Pledge of Allegiance was recited. Members present were Schindele, Mol, Schwinghammer, Scott, and Thomes. A quorum was present. Other attendees included City Administrator Annita Smythe and Community Development Specialist Kimberlie Gramsey.

2. Oaths of Office

- Thomes was sworn in by Administrator Smythe.

3. Selection of Officers

- **MOTION** by Scott to retain Schindele as Chair, seconded by Schwinghammer, all voted aye. **MOTION CARRIED.**
- **MOTION** by Scott to nominate Mol as Vice-Chair, seconded by Thomes, all voted aye. **MOTION CARRIED.**

4. Approval of Agenda

- Scott requested to add discussion of property 430 Main Street to the agenda as item 9.
- **MOTION** by Scott to approve Agenda with the addition of item 9, seconded by Schwinghammer, all voted aye. **MOTION CARRIED.**

5. Approval of Minutes from September 16, 2024 Regular Meeting

- **MOTION** by Scott to approve the minutes from September 16, 2024 as presented, seconded by Schwinghammer, all voted aye. **MOTION CARRIED.**

6. Review By-laws

- Members reviewed the by-laws and did not request any changes.

7. Comprehensive Plan Project

- Administrator Smythe reviewed the comprehensive plan cost estimates which Trottier compiled. Smythe stated cost will depend on the level of updates. If wanting to update sections, the price would be lower than rewriting the whole comprehensive plan.
- Schwinghammer would like to see the EDA Housing study included. Smythe stated the city also has transportation and trail plans that are drafted and should be added.
- Smythe stated the goals in the comprehensive plan still apply in sections and there are other sections that need updating. Smythe recommended saving money by the Planning Commission as a group getting together for workshops to make suggestions for sections of the plan and hiring a consultant to bring it all together and update statistics.
- Scott suggested Staff work on reviewing and organizing what can be done internally and what needs to be updated by an outside consultant.
- Schwinghammer agrees that the whole plan does not need to be redone.
- Staff agreed to work on a template of what sections need to be updated, items we already have documentation for and sections that a consultant will need to address.

8. Discussion – Proposed Ordinances

a. Shipping Containers

(This was considered out of order.)

- Smythe stated the packet information was suggested language that Trottier created.
- Discussion on whether Planning Commission wants shipping containers in residential areas.
- Schwinghammer stated he would be in agreement with a temporary shipping container for a month for moving purposes but would be opposed to long term structures.
- Smythe requested members read through the red text and send suggestions to staff with changes that can be compiled and discussed at a future meeting.
- Scott stated he would like to make a suggestion that commercial areas not have shipping containers.

b. Mobile Food Units and Food Carts

- Vern questioned ordinance 18-143 section a. stating if they have a state license for 21 days a city license is not needed. Smythe stated there is contradictory language in the ordinance which is why it is being addressed. Requesting verification if the city wants all carts to have a city permit.
- The ordinance also states a mobile food unit or food cart may only operate in commercial and industrial zoning districts then refers to residential property guidelines. Smythe stated she would like verification if allowed in residential property.
- Agreement on allowing Mobile Food Units and Food Carts in residential property under the circumstances listed in Sec. 18-144 section a.
- Smythe stated currently no city license is necessary if they operate 21 days or less with a state license.
- Scott stated a city license should be required. Other Members expressed concern about the staff burden and compliance.
- Smythe suggested requiring no city license for under 21 days but requiring that vendor provides a copy of their state license and insurance to the city. Then the city will have a record of who the licensed party is and their insurance.
- Staff will bring back amended ordinance for review.

c. Development Security

- Smythe stated the financial guarantees listed in two sections are not consistent. Staff also had a complaint from a developer that the guarantee requirements are too onerous. Seeking input from Planning Commission on whether to have a formula or have an amount set by the city council.
- Scott questioned if staff have checked with other cities regarding financial guarantees.
- Staff will check with other cities to see if they use a formula or actual set amounts.

9. 430 Main Street

- Scott asked the status of the condemnation requested by the city council.
- Smythe explained that a petition for condemnation was started after which the property owner reached agreement with the city to make repairs. The city agreed to suspend condemnation so long as the property owner was actively addressing the concerns. There has been no additional progress by the owner since last summer and no reports to the city even though staff have reached out several times. The city attorney has now been authorized to proceed with the court filing after a February 15, 2025 was missed with no response from the property owner.

10. Next Meeting Date

a. Monday, April 21, 2025 at 7:00 p.m.

- The board is scheduled to meet Monday, April 21, 2025, at 7:00 p.m.

11. Adjournment

- **MOTION** to adjourn by Thomes, seconded by Scott, all voted aye. **MOTION CARRIED.** Meeting adjourned at 7:53 p.m.

ATTEST

APPROVED

Annita M. Smythe
City Administrator/Zoning Administrator

William "Bud" Schindele
Planning Commission Chair

DRAFT

Possible definitions:

Portable Storage Unit shall mean a storage unit or container designed, constructed or reconstructed to be capable of movement via towing, hauling, attachment o a vehicle from one site to another and designed to be used without a permanent foundation for the storage or shipment of household goods, wares, building materials or merchandise. Portable storage units shall include semi-trailers, cargo or shipping containers, and similar units which are used primarily for storage rather than transport.

Temporary Outdoor Storage Container: A portable storage unit that does not have a permanent foundation or footing and which includes cargo containers, portable storage containers, and bulk solid waste containers. Such structures shall not be considered a building. A temporary storage structure may include a self-storage container that is delivered to and retrieved from a home or business for long term off-site or on-site storage. Temporary outdoor storage containers shall be permitted for a maximum of one hundred and twenty (120) days.

Sec. 117-1037. Outside storage/display.

(a) *Generally.*

- (1) Passenger automobiles and trucks not currently licensed by the state, or which are incapable of movement under their own power due to mechanical deficiency, which are parked or stored outside for a period in excess of 96 hours, and all materials stored outside in violation of city ordinances are considered refuse or junk and shall be disposed of pursuant to city regulations.
- (2) Any accumulation of refuse not stored in containers which comply with this Code, or any accumulation of refuse, including car parts, which has remained on a property for more than one week is hereby declared to be a nuisance and may be abated by order of the zoning administrator, as provided by state statutes and this Code. The cost of abatement shall be recovered in accordance with the applicable provisions of this Code.

(b) *Residential zoning districts.*

- (1) All personal property shall be stored within a building or fully screened so as not to be visible from adjoining properties and public streets, except for the following:
 - a. Play and recreational facilities.
 - b. Stacked firewood for the burning supply of the property resident.
 - c. Construction and landscaping materials or equipment, if these are used or intended for use on the premises within a period of 12 months.
 - d. Agricultural equipment and materials, if these are used or intended for use on the premises within a period of 12 months.
 - e. Off-street parking of licensed passenger automobiles and personal or commercial vehicles of less than 12,000 pounds gross vehicle weight rating (GVWR) in designated driveway or parking area, surfaced in compliance with section 117-1164.
 - f. Recreational vehicles and equipment.

(2) *Temporary Outdoor Storage Containers.*

(c) *Commercial, public/institutional and industrial zoning districts.*

- (1) *Outside storage/display.* Exterior storage and display shall be governed by the respective zoning district in which such use is located.

- (2) *Additional standards.* All exterior storage shall be screened so as not to be visible from adjoining properties and public streets except for the following:
 - a. Merchandise being displayed for sale in accordance with zoning district requirements.
 - b. Materials and equipment currently being used for construction on the premises.
 - (3) *Parking of commercial vehicles.* Up to three commercial vehicles such as delivery and service trucks up to 12,000 pounds gross vehicle weight rating (GVWR) may be parked without screening if such vehicles relate to the principal use. Construction equipment, trailers, and vehicles over 12,000 pounds gross vehicle weight rating (GVWR) shall require screening in compliance with article VIII of this chapter.
- (d) *All zoning districts.*
- (1) Except for temporary construction trailers and mobile services operated by public service agencies (i.e., bookmobile, bloodmobiles, etc.) as allowed by the city, and trailers parked in a designated and improved loading area, no vehicle may be used for office, business, industrial manufacturing, testing, or storage of items used with or in a business, commercial or industrial enterprise, unless otherwise approved by the zoning administrator.
 - (2) The city council may order the owner of any property to cease or modify open storage uses including existing uses, provided it is found that such use constitutes a threat to the public health, safety, convenience, or general welfare.
- (e) *Portable Storage Units.*
- (1) *Permitted locations and prohibitions.*
 - a. Residential Districts.
 - 1. Portable storage units may not be permanently placed, stored or used on any residential property. Units with alterations, such as cosmetic or structural changes made for the container to appear more like an accessory building or structure, are not allowed permanently on residential property.
 - 2. A portable storage unit may be temporarily placed, stored or used for storage on residential properties for moving purposes for up to one month in a 12-month period. Only one portable storage unit per residential property is allowed and is subject to the standards within this section and the respective zoning district.
 - 3. A portable storage unit may be temporarily placed, stored or used for storage on residential properties for construction or renovation purposes provided all required permits are obtained for the project, the project remains in compliance, and the portable storage unit is removed from the lot upon completion of the project. Use is subject to the standards within this section and the respective zoning district.
 - b. Commercial, Industrial, and Institutional Districts. Portable storage units shall be allowed subject to the standards within this section and the respective zoning district.
 - (2) *Standards.* The following standards shall apply to portable storage units in all zoning districts.
 - a. No portable storage units shall be modified, retrofitted or used on-site for any purpose other than storage. Portable storage units shall not be provided with refrigeration, heating, electricity or plumbing for the purpose of human habitation or to conduct commercial activities.
 - b. All portable storage units shall be stored in a secure fashion with doors that are fully closed.
 - c. All portable storage units shall be placed on a bituminous or concrete surface.
 - d. Portable storage units shall not be stacked on one another.

- e. No portable storage unit may be placed on public right of way, block a public sidewalk or be placed in a location that does not comply with the requirements of section 117-1035.
- f. Portable storage units shall be maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, or other holes or breaks, always.
- g. Portable storage units that become unsound, unstable or otherwise dangerous shall be immediately repaired or removed from the property where kept, subject to the city's requirements. The city shall provide notice to the owner of the property where the cargo container is located of any condition in violation of this section. After notice to the property owner, any cargo container stored or kept in a manner deemed a dangerous condition and a public nuisance as determined by the city may be immediately removed by the city. Any cost or expense associated with the removal shall be the responsibility of the property owner where the cargo container is located.

(3) Current violations; time to comply.

- a. Portable storage units located on residential property prior to the effective date of this chapter are considered illegal.
- b. All property owners within the city shall have 12 months from the effective date of this chapter to bring the properties, which currently portable storage units that are in violation of the terms of this chapter, into full compliance with the provisions of this section.

(Zoning Ord., § 16.12)

Sec. 18-144. - Conditions of licensing.

A mobile food unit or food cart may only operate if compliant with the following:

(a) *Locations.* A mobile food unit or food cart may only operate in the locations set forth in this subpart. A mobile food unit or food cart may operate in commercial, industrial or residential zoning districts, with the written consent of the private property owner and must be placed on either concrete or bituminous unless otherwise approved by the city. When operations occur on private residential property, mobile food unit or food cart sales may only be for catering purposes (such as a private graduation party or wedding) and may not be open for sales to the general public. A mobile food unit or food cart may only operate in a city park or on city property with the prior written approval of the city; additional permits may be required for such operations.

ARTICLE V. - MOBILE FOOD UNITS AND FOOD CARTS

Footnotes:

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Editor's note— Ord. No. 2017-05, § 1, adopted Dec. 11, 2017, set out provisions intended for use as art. V, §§ 18-118—18-122. Inasmuch as there were already provisions so designated, the provisions have been included as art. V, §§ 18-141—18-145.

Sec. 18-141. - Purpose.

This article is designed to permit the reasonable use of mobile food units while preventing any adverse consequences to residents, businesses and public property.

(Ord. No. 2017-05, § 1, 12-11-2017)

Sec. 18-142. - Definitions.

The following words and terms when used for this license shall have the following meanings unless the context clearly indicates otherwise.

Food cart means a food and beverage service establishment that is a non-motorized vehicle that is self-propelled by the operator.

Mobile food unit means:

- (1) A self-contained food service operation, located in a motorized, wheeled or towed vehicle, that is readily movable without disassembling and that is used to store, prepare, display, or serve food intended for individual portion service; or
- (2) A mobile food unit as defined in Minn. Stats. § 157.15, subd. 9.

(Ord. No. 2017-05, § 1, 12-11-2017)

Sec. 18-143. - License requirement.

- (a) *Type of license.* An annual license allows mobile food unit or food cart operations in the city for any number of days over 21 days during any calendar year. A mobile food unit or food cart operating 21 days or less shall follow state and county regulations. No city license is necessary to operate for 21 days or less in any calendar year.
- (b) *License fees.* Fees for annual licenses are set forth in the city's fee schedule.
- (c) *License application requirements.* It is unlawful for any person to operate a mobile food unit or a food cart in the city without first obtaining a license from the city. An application for a license shall be filed, along with the required fee, with the city clerk. The applicant must be the owner of the

mobile food unit or food cart. The application shall be made on a form supplied by the city and shall contain information requested by the city, including the following:

- (1) Name of the owner and operator, if different than the owner, of the mobile food unit or food cart and permanent and temporary home and business addresses;
- (2) The applicant's full legal name, date of birth, and driver's license number;
- (3) A description of the nature of the business, the goods to be sold and the license plate number and description for any motorized or unmotorized vehicle to be used in conjunction with the activity;
- (4) A phone number and email address of the applicant, with a designation of a preferred mailing address for notices related to the license;
- (5) The name, address and contact information for the commissary with which the mobile food unit or food cart is affiliated, if applicable;
- (6) A certificate of insurance by an insurance company authorized to do business in the State of Minnesota, evidencing the following forms of insurance:
 - a. Commercial general liability insurance, with a limit of not less than \$1,000,000.00 each occurrence. If such insurance contains an annual aggregate limit, the annual aggregate limit shall be not less than \$2,000,000.00.
 - b. Automobile liability insurance with a limit of not less than \$2,000,000.00 combined single limit. The insurance shall cover liability arising out of any auto, including owned, hired and non-owned vehicles;
 - c. Food products liability insurance, with a limit of not less than \$1,000,000.00 each occurrence;
 - d. Public liability insurance, with a limit of not less than \$1,000,000.00 each occurrence;
 - e. Property damage insurance, with a limit of not less than \$1,000,000.00 each occurrence;
 - f. Workers compensation insurance (statutory limits) or evidence of exemption from state law; and
 - g. The city shall be endorsed as an additional insured on the certificate of insurance and the umbrella/excess insurance if the applicant intends to operate its mobile food unit or food cart on public property.
- (7) The certificate of insurance must contain a provision requiring notification be sent to the city should the policy be cancelled before its stated expiration date.
- (8) Written consent of each private property owner from which mobile food unit or food cart sales will be conducted;
- (9)

If the mobile food unit or food cart will be located on city property or public right-of-way, a signed statement that the licensee shall hold harmless the city and its officers and employees, and shall indemnify the city and its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license;

(10) A copy of each related license or permit if applicable issued by Wright County/Stearns and the State of Minnesota required to operate a mobile food unit or food cart; and

(11) A copy of the applicant's state sales tax ID number.

(Ord. No. 2017-05, § 1, 12-11-2017)

Sec. 18-144. - Conditions of licensing.

A mobile food unit or food cart may only operate if compliant with the following:

(a) *Locations.* A mobile food unit or food cart may only operate in the locations set forth in this subpart. A mobile food unit or food cart may only operate in commercial and industrial zoning districts, with the written consent of the private property owner and must be placed on either concrete or bituminous unless otherwise approved by the city. When operations occur on private residential property, mobile food unit or food cart sales may only be for catering purposes (such as a private graduation party or wedding) and may not be open for sales to the general public. A mobile food unit or food cart may only operate in a city park or on city property with the prior written approval of the city; additional permits may be required for such operations.

(b) *Performance standards.* A mobile food unit or food cart licensee is subject to the following performance standards:

(1) The applicable license fee shall be paid and a site plan will be approved by the planning and zoning commission.

(2) A mobile food unit or food cart shall be operated in strict compliance with the laws, rules and regulations of the United States, State of Minnesota, Wright County and the City of Clearwater.

(3) Wastewater may not be drained into city storm water drains.

(4) A mobile food unit or food cart shall provide and maintain at least one clearly designated waste container for customer use per each food cart or mobile food unit. The operator of a mobile food unit or food cart is responsible for daily removal of trash, litter, recycling and refuse. Public trash cans shall not be used to dispose of waste generated by the operation. The operator shall provide a garbage receptacle with a tight-fitting lid. The receptacle shall be easily accessible for customer use, and located within five feet of the unit.

(5)

A mobile food unit must provide a power supply that is screened from public view and that complies with pertinent city noise regulations. Alternate power sources may be approved during site plan approval.

- (6) A mobile food unit or food cart may operate between 7:00 a.m. and 10:00 p.m. and must not create any unnecessary noise, disturbances or disrupt public traffic or safety in any way. An exemption to hours may be authorized by city council on a per event basis.
 - (7) A mobile food unit or food cart may have a maximum footprint of 300 square feet unless otherwise approved by the city.
 - (8) Operators must clean around their mobile food unit or food cart at the end of each day and the mobile food unit or food cart must be kept in good repair and have a neat appearance.
 - (9) A mobile food unit or food cart operator must be licensed by the Minnesota Department of Health and proof of the Minnesota Department of Health licensing must be provided and posted on the mobile food unit or food cart.
 - (10) A mobile food unit or food cart must comply with any applicable fire department food truck requirements.
 - (11) An out of service mobile food unit or food cart stored within the city must comply with all applicable zoning ordinance requirements.
 - (12) A mobile food unit or food cart may operate on private property in any residential zoned districts for a "one-time" event for catering purposes only.
 - (13) A mobile food unit or food cart may not operate within 100 feet from the public entrance to any restaurant and/or any portion of a restaurant's outdoor dining area during that restaurant's hours of operation unless the licensee obtains written permission from the restaurant owner/manager.
 - (14) A mobile food unit or food cart may not operate in city-owned parking lots, except those parking lots adjacent to or inside a city park with the approval of a special event permit.
- (c) *Non-transferable license.* A mobile food unit or food cart license is non-transferable. Proof of license shall be displayed at all times in the mobile food unit or food cart.
- (d) *Practices prohibited.* It is unlawful for any person engaged in the business of a mobile food unit or food cart operation to do any of the following:
- (1) Call attention to that licensee's business by crying out, blowing a horn, ringing a bell, loud music or by any loud or unusual noise, or by use of any amplifying device;
 - (2) Fail to display proof of license and produce valid identification when requested;
 - (3) Leave a mobile food unit or food cart unattended or at an authorized location outside allowed hours of operation;
 - (4) Operate the mobile food unit or food cart in or on public sidewalks or trails;

- (5) Allow a mobile food unit or food cart to remain on the property of another when asked to leave;
- (6) Obstruct the ingress or egress from commercial buildings during the building hours of operation;
- (7) Claim endorsements by the city; or
- (8) Conduct business in any manner as to create a threat to the health, safety, and welfare of a specific individual or the general public.

(Ord. No. 2017-05, § 1, 12-11-2017)

Sec. 18-145. - Suspension or revocation of a license.

A license issued pursuant to this article may be suspended by the city if the licensee has violated the terms of this article, or is otherwise conducting business in such a manner as to constitute a breach of the peace, fraudulent conduct, or any other conduct that is prohibited by local, state or federal laws or regulations. Falsification of information required for a license is also grounds for denial, suspension or revocation of a license. The license shall be automatically revoked if the licensee does not file an appeal pursuant to this section. When taking action on any license issued under this section, the city shall provide the licensee with verbal or written notice of the violation. The notice shall inform the licensee of its right to be heard before the city council. The notice shall also inform the licensee that the license shall be automatically revoked if no appeal is filed within 21 days of the date of the notice by the city. Verbal notice shall be confirmed within five days by a mailed written notice to the licensee. The city council shall not conduct a hearing on a suspension or revocation unless a request is made by the next city council meeting. No city council resolution or other notice calling for a hearing shall be required.

(Ord. No. 2017-05, § 1, 12-11-2017)

Sec. 113-249. Payment; city-developer agreement; financial guarantee.

- (a) *Payment.* The required improvements to be furnished and installed by the developer are to be furnished and installed at the sole expense of the developer and at no expense to the public. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the city council may make a provision for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same, or the city council may choose to pay the increased cost and assess for improvements when future development takes place. In such case the developer will be required only to pay for such portions of the whole cost of said improvements as it will represent the benefit to the property within the subdivision. However, when such improvements are made at the request of a developer and are not determined to be a benefit to the city due to the timing and/or location of the improvements, the city may opt not to provide for any 'city cost' and the development will be 100 percent responsible for such costs without reimbursement, regardless of potential future benefit to the city or other property owners.
- (b) *Petition for city to install.* As an alternative to the provisions of subsection (a) of this section, the owner of the property included in a preliminary plat may petition the city to install certain improvements as designated by the city engineer required by the plat or an attachment thereto. Said petition shall be in accordance with Minn. Stats. ch. 429. The city council reserves the right to reject any or all petitions and refuse to order the project improvements through the city.
- (c) *City-developer agreement.* Prior to the installation of required improvements and prior to approval of the final plat, the developer shall enter into a contract with the city requiring that the developer furnish and construct said improvements at his expense and in accordance with plans and specifications to be designed or approved by the city engineer. The city/developer contract shall stipulate at a minimum the type and extent of the improvements to be constructed, the cost of construction, the construction time schedule, the city's authority to inspect the construction and the amount of the escrow deposit performance bond, warranty bond and labor and material bond to be furnished. Publicly funded improvements, state aid routes, and chapter 429 assessed projects shall be designed and inspected by the city engineer.
- (d) *Financial guarantees.* With the execution of the city-developer agreement, providing that the developer will construct the required improvements for the plat at his expense, the owner or developer, as the case may require, shall furnish a corporate completion bond, with good and sufficient sureties thereon, or a cashier's check, escrow account or irrevocable letter of credit in favor of the city in an amount equal to 125 percent of the estimated cost construction, to include construction, engineering, legal, fiscal and administrative, as approved by the city, of providing and installing all required improvements. Such bond, escrow, or letter of credit shall be in the form approved by the city attorney, shall be conditioned upon the approval of the final plat and shall be further conditioned as to guarantee the actual completion and installation of such required improvements within a specified period of time from the date of final plat approval. In order to guarantee and secure the correction of any defect in material or workmanship furnished for such improvements, latent in character, and not discernible at the time of final inspection or acceptance by the city, or any damage to such improvements by reason of a settling of the ground, base or foundation thereof, the city will require that for a period of two years after final acceptance of the required improvements by the city, the proponent shall maintain a bond, escrow account or irrevocable letter of credit, in the amount of 100 percent of the construction costs of the in-place improvements which will be owned and maintained by the city. If during that two-year period any such defects develop, the deposit in escrow, bond, or letter of credit may be applied by the city for any amounts incurred to correct such defects.

(Ord. No. 7.10, § 7.10-6-16, 12-3-2007)

Sec. 117-172. Performance agreement and financial guarantee.

Following the approval of the site plan required by this chapter and before issuance of a building permit, the applicant shall guarantee to the city, as may be applicable, the completion of all private exterior amenities as shown on the approved site plan and as required by the site plan approval. This guarantee shall be made by means of a site improvement performance agreement and a financial guarantee as provided below:

- (1) The applicant shall execute the site improvement performance agreement on forms provided by the city. The agreement shall be approved as to form and content by the city attorney and shall define the required work and reflect the terms of this division as to the required guarantee for the performance of the work by the applicant.
- (2) The required work includes, but is not limited to, private exterior amenities such as landscaping, private driveways, parking areas, recreational fields structures or buildings, drainage systems, water quality ponds, wetland mitigation, wetland buffers, erosion control, curbing, fences and screening, and other similar facilities. The required work shall also include all aspects of a tree preservation plan and reforestation plan, if applicable.
- (3) A financial guarantee shall be submitted with the executed site performance agreement as provided herein:
 - a. Financial guarantees acceptable to the city include cash escrow; an irrevocable letter of credit; or other financial instruments which provide equivalent assurance to the city and which are approved by the zoning administrator.
 - b. The term of the financial guarantee shall be for the life of the site improvement performance agreement, and it shall be the responsibility of the applicant to ensure that a submitted financial guarantee shall continue in full force and effect until the zoning administrator shall have approved and accepted all of the work undertaken to be done and shall thereby have released the guarantee or reduced the amount of the guarantee as provided in this division.
 - c. When any instrument submitted as a financial guarantee contains provision for an automatic expiration date, after which the instrument may not be drawn upon, notwithstanding the status of the site performance agreement or of the required work, the expiration date shall be October 31; further, it shall be the responsibility of the applicant to notify the city in writing, by certified mail, at least 60 days in advance of the expiration date of the intention to renew the instrument or to not renew the instrument. If the instrument is to be renewed, a written notice of extension shall be provided 30 days prior to the expiration date; if the instrument is not to be renewed, and has not been released by the zoning administrator, another acceptable financial guarantee in the appropriate amount shall be submitted at least 30 days prior to the expiration. The term of any extension shall be approved by the zoning administrator. Upon receipt of an acceptable substitute financial guarantee, the zoning administrator may release the original guarantee.
 - d. The amount of the financial guarantee shall be established by the zoning administrator based upon an itemized estimate of the cost of all required work. A cash deposit or irrevocable letter of credit shall be in the amount of 100 percent of the approved estimated cost. The amount of any other approved financial instrument shall be determined by the zoning administrator.
 - e. The applicant may submit a separate financial guarantee for that portion of the required work consisting solely of landscaping improvements with another financial guarantee for all other exterior amenities and improvements which comprise the work.
- (4) The time allowed for completion of the required improvements shall be set out in the site improvement performance agreement. The agreement and the financial guarantee shall provide for

forfeiture to the city to cure a default or reimburse the city the cost of enforcement measures. As various portions of such required work are completed by the applicant and approved by the city, the zoning administrator may release such portion of the financial guarantee as is attributable to such completed work. Landscaping improvements shall not be deemed complete until the city has verified survivability of all required plantings through one winter season which is defined for the purpose of this division as the period of October 31 through April 30.

- (5) The applicant shall notify the city in writing when all or a portion of the required improvements have been completed in accordance with the approved plan and may be inspected. Upon receipt of such notice, the zoning administrator shall be responsible for the inspection of the improvements to determine that the useful life of all work performed meets the average standards for the particular industry, profession, or material used in the performance of the work. Any required work failing to meet such standards shall not be deemed to be complete and the applicant shall be notified in writing as to required corrections. Upon determination that the work has been completed, including the winter season survivability of all landscape improvements, a notice of the date of actual completion shall be given to the applicant and appropriate action to release or to reduce the amount of the financial guarantee shall be taken by the zoning administrator.

(Zoning Ord., § 10.09; Ord. No. 02-2007, § 10.08, 6-4-2007)

Subd. 9. Payment City/Development Agreement, Financial Guaranty.

- A. Payment. The required improvements to be furnished and installed by the subdivider-developer, which are listed and described in this Section; are to be furnished and installed at the sole expense of the subdivider-developer and at no expense to the public. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the City Council may make a provision for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same, or the City Council may choose to pay the increased cost and assess for improvements when future development takes place. In such case the subdivider-developer will be required only to pay for such portions of the whole cost of said improvements as it will represent the benefit to the property within the subdivision.
- B. City/Developer Agreement. Prior to the installation of required improvements and prior to approval of the Final Plat, the subdivider-developer shall enter into a development agreement with the City requiring that the subdivider-developer furnish and construct said improvements at his or her expense and in accordance with plans and specifications to be approved by the City Engineer. The City/Developer contract shall stipulate the type and extent of the improvements to be constructed, the cost of construction, the construction time schedule, the City's authority to inspect the construction and the amount of the escrow deposit performance bond, warranty bond and labor and materialman bond to be furnished.

As an alternative to paragraph (a) above, the owner of the property included in a Preliminary Plat may petition the City to install certain improvements required within and/or to the Plat. Said petition shall be in accordance with Minnesota Statutes Chapter 429. The City Council reserves the right to reject a petition and refuse to order the project through the City. Any petitioner for improvements to the City must be received by January 1st each year for improvements requested during the year. Otherwise, the City may refuse to construct said improvements until the following year.

- C. Financial Guarantees. With the execution of the Development Agreement, providing that the developer will construct the required improvements for the Plat at his expense, the owner or developer, as the case may require, shall furnish a corporate completion bond, with good and sufficient sureties thereon, or a cashier's check, escrow account or irrevocable letter of credit in favor of the City in an amount equal to 125% of all costs, to include construction, engineering, legal, fiscal and administrative, as

estimated by the City, of providing and installing all required improvements. Such bond, escrow, or letter of credit shall be in the form approved by the City Attorney, shall be conditioned upon the approval of the Final Plat and shall be further conditioned as to guarantee the actual completion and installation of such required improvements within a specified period of time from the date of Final Plat approval. In order to guarantee and secure the correction of any defect in material or workmanship furnished for such improvements, latent in character, and not discernible at the time of final inspection or acceptance by the City or any damage to such improvements by reason of a settling of the ground, base or foundation thereof, the City will require that for a period of twelve (12) months after final acceptance of the required improvements by the City, the proponent shall maintain a bond, escrow account or irrevocable letter of credit, in the amount of 100% of the construction costs of the in-place improvements which will be owned and maintained by the City. If during that 12 month period any such defects develop, the deposit in escrow, bond, or letter of credit may be applied by the City for any amounts incurred to correct such defects.

- D. Additional Escrow. The subdivider-developer shall be required to deposit with the City a cash escrow in an amount determined by the City to ensure that the subdivider-developer will keep public streets and property free from soil, earth or debris resulting from the construction work by the subdivider-developer during the course of construction in the development. The subdivider-developer shall also be required to deposit a cash escrow in an amount determined by the City to ensure compliance with the protective covenants. The City may draw down the cash escrows as needed to recover any costs incurred due to the subdivider-developer's default.

Subd. 10. Construction Plans and As-Built.

- A. Construction plans for the required improvements conforming in all respects to the standards of the City and the applicable Ordinances, shall be prepared at the subdivider-developer expense by a professional engineer who is registered in the State of Minnesota. Such plans together with a quantity of construction items shall be submitted to the City Engineer for approval.
- B. Upon the engineer's Certificate of Compliance, the subdivider-developer shall be required to furnish the City with as-built drawings prepared by a Registered Engineer showing the improvements as-built or in-place. As-built drawings shall be provided on reproducible mylar media.

Subd. 11. Pedestrian Transportation System.

SECTION 1109: REQUIRED IMPROVEMENTS

§ 1109.01 Required Improvements.

Subd. 1. All of the required improvements to be installed under the provisions of this chapter shall be done in accordance with any and all city standards, specifications, and requirements, and shall be approved by and be subject to the inspection of the City Engineer. All of the city's expenses incurred as the result of the required improvements shall be paid by the applicant either directly, indirectly, or by reimbursement to the city. Required improvements are as follows.

1. Monuments.

a. Official monuments, as designated and adopted by the county surveyor's office or approved by the County District Court for use as judicial monuments, shall be set at corners or angle points on the outside boundary of the final plat or in accordance with a plan as approved by the City Engineer.

b. Monuments shall also be placed at each point at which a lot line intersects a wetland boundary with a maximum spacing of 200 feet. These monuments shall be permanent and shall clearly state the purpose of the monument upon its face.

c. Pipes or steel rods shall be placed at each lot corner.

d. All United States, state, county, or other official benchmarks, monuments or triangular stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat.

2. Street Improvements.

a. The right-of-way, including the subgrade, shall be graded pursuant to plans approved by the city.

b. Pursuant to the standards and specifications for street construction as approved by the City Council, the following shall be accomplished.

i. All streets shall be improved.

ii. All streets to be surfaced shall be of an overall width in accordance with such standards and specifications.

iii. Curb and gutter shall be installed.

c. The portion of the right-of-way outside the area surfaced shall be sodded or riprapped by the developer if deemed necessary by the city.

d. Street signs and traffic control devices of standard design and street lighting fixtures, all as approved by the City Council, shall be installed at each intersection or such other location as the Council requires.

3. Sanitary Sewers and Water Facilities. Sanitary sewers and water facilities shall be installed by the city in accordance with the standards and specifications as provided for in the Engineering Design Standards, as may be amended, and shall be subject to the approval of the City Engineer.

4. Trees and Boulevard Sodding. Trees and boulevard sodding shall be planted in conformance with City Engineering Design Standards and specifications.

5. Utility Lines. Telephone, electric, gas service, and/or other public utility lines are to be placed underground in accordance with the provisions of all applicable city ordinances.

6. Erosion and Sediment Control.

a. Erosion and siltation control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to and maintained during development.

b. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.

c. When soil is exposed, the exposure shall be for the shortest feasible period of time.

d. Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the developed area. The soil shall be restored to a depth of four inches and shall be of a quality at least equal to the soil quality prior to development.

e. In addition, all erosion and sediment control shall be conducted in accordance with subsection 1107.08.

7. Mailbox Units. Mailbox units, as recommended by the United States Postal Services and approved by the City Engineer, shall be installed. All development plans shall include the requirements of the City Engineer for cluster box units. The final plat will not be released until the city is provided with a maintenance declaration, subject to the review and approval of the City Engineer, for the responsibility and cost to maintain the cluster box units, and no certificate of occupancies shall be issued until the city is provided with recording information.

Subd. 2. Development Contact. Prior to commencing grading or the installation of any required improvements and prior to approval of the final plat, the developer shall enter into a written development contract with the city requiring the developer

to furnish, construct, and complete said grading and improvements in accordance with plans and specifications and usual agreement conditions and/or pay appropriate costs for improvements or other costs associated with the plat. Further, the contract shall provide for the development of any restrictions, covenants, easements, signage, park or open space requirements, or other conditions of the approved preliminary plat and provide for the proper execution, recording or other action required. Approval of the development contract shall be by City Council resolution.

1. For a project involving a phasing plan, the initial development contract shall allow for grading, wetland mitigation, and installation of storm water management facilities on the entire site included in the approved preliminary plat. Such work may begin after approval of the preliminary plat but only after approval, execution, and recording of the development contract and payment of financial securities. Such work must comply with the approved grading plan.
2. The construction of streets, facilities for sanitary sewer and water, and other improvements beyond grading, wetland, and storm water facilities shall not begin until approval of a final plat. Each subsequent phase shall require a separate development contract for improvements beyond those covered in previous contracts. Improvements in each phase shall not begin until the final plat for that phase is approved and the development contract for the phase is approved, executed, and recorded.
3. The initial development contract (for grading) may address construction of streets and facilities for sanitary sewer and water for the first phase and list the financial securities and other requirements. However, the contract shall stipulate that the work on these improvements shall not begin until approval of the final plat for the first phase and the provision of all financial securities by the developer.
4. Each approved and executed development contract shall be recorded. Each contract shall require that it is to be binding upon the developer, his, her, or their heirs, personal representative, and assigns. It shall stipulate that:
 - a. All improvements called for in the plat, or in any supplementary contracts, must be complete within the time specified by the city; and
 - b. No private construction shall be conducted on any lots in the plat or filing of applications for building permits for said construction on said lots, until all improvements required under the city regulations for the proposed subdivision have been made or arranged in a manner provided for in this section.
5. The development contract shall include provisions for construction work inspection by the city and assurance that the developer will conform with current testing requirements and quality control procedures of the city. The developer shall provide documentation from a qualified testing laboratory and/or registered professional engineer that all improvements have been constructed in accordance with the requirements of the approved plans and specifications.
6. The development contract shall require the developer to provide a certification from a registered land surveyor or engineer that the land included in the plat has been graded in conformance with the approved grading plan prior to the issuance of building permits.
7. The development contract shall require the developer to provide a financial security in the amount of 125% of the engineer's estimate and ensure payment of fees related to the subdivision.
8. A time schedule for completion of the work shall be determined by the city upon recommendation of the City Engineer after consultation with the developer and shall be reasonable in relation to the work to be done, the seasons of the year, and proper coordination with construction activity in the subdivision.
9. The development contract shall include action remedies in the event of default, including:
 - a. The city may complete the improvements by contract or force and obtain reimbursement of its costs from the posted security deposit; and
 - b. The city reserves the right to withhold building permits for violation of any terms of the development contract.
10. The development contract shall require, when a plat includes an area of 100 year flood, as indicated on the flood insurance rate map of the Federal Emergency Management Agency (FEMA), an application for a letter of map amendment (LOMA) or letter of map revision (LOMR) shall be submitted to FEMA, and a copy furnished to the city, prior to the issuance of any building permits in the platted area. The development contract may include financial security to ensure the preparation of the FEMA application.

Subd. 3. The city reserves the right to install all or any part of the improvements required under the provisions of this chapter pursuant to M.S. Chapter 429, as it may be amended from time to time, and no applicant, developer, owner, or subdivider shall install any such improvement unless otherwise authorized to do so by the city.

DEVELOPMENT PROCEDURES

The City of Maple Lake is pleased that you have chosen our City as an area for your development. This outline is intended to provide guidance as to the procedures to be followed for your proposed development.

1. **Agreement and Escrow.** The City requires that proposed developers enter into an agreement with the City in which the developer agrees to reimburse the City for its costs incurred in considering the development. This would include, but not be limited to, legal fees, engineering fees, planning fees, and other consultants' fees. **The City also requires an escrow deposit of \$2,500.00.** This deposit is held in escrow and will be used to pay the fees outlined above.

2. **Informational Meeting.** The City requires that you attend a consultant meeting to discuss your plans informally with City staff. Typically, the City Clerk, Zoning Administrator, City Attorney, City Engineer, City Planner, and City Economic Developer are present at that meeting. The meeting is intended to allow you to present your ideas to the City and to receive information which will be helpful to you as you proceed. You are encouraged to avail yourself of the advice and assistance of the City's consultants and staff at this point in order to save time and effort and to facilitate the approval of the concept plan and preliminary plat for your project

3. **Concept Plan.** A concept plan is a generalized plan of a proposed subdivision indicating lot layouts, streets, park areas, and water and sewer systems.

a) **Presentment to City Staff.** The City requires that a concept plan be submitted to its consultants prior to presentment to the City Planning Commission. The City must receive 14 copies of the concept plan at least 21 days prior to a Planning Commission Meeting so that it can be reviewed and commented on by the consultants. Please be aware that if the consultants suggest substantial changes to the concept plan, it may be advisable to submit a revised concept plan to City staff prior to submitting one to the Planning Commission.

b) **Presentment to the City Planning Commission.** The concept plan will be submitted to the City Planning Commission for their review and recommendation. The City Planning Commission meets on the 2nd Wednesday evening of the month. A recommendation may be made at that time or the matter may be tabled to allow further time for review and consideration. Please note that the Planning Commission only makes a recommendation to the Council. The City Council will vote to approve or deny the plan.

c) **Presentment to the City Council.** The Planning Commission's recommendation will be conveyed to the City Council at the 2nd Council Meeting of the month. Action may be taken at that time or the matter may be tabled to allow further time for review and consideration.

4. **Preliminary Plat.** Upon receipt of concept plan approval, a preliminary plat must be prepared. A preliminary plat is a map, drawing, or chart indicating the proposed layout of the subdivision. The preliminary plat must include setbacks, lot dimensions, width of right of ways, etc. The Preliminary Plat must comply with the provisions of the zoning ordinance. Variances are not appropriate. If circumstances make compliance with the zoning ordinance difficult, a PUD is recommended.

a) **Presentment to City Staff.** The City requires that the preliminary plat be submitted to its consultants prior to presentment to the City Planning Commission. The City must receive 14 copies of the preliminary plat at least 21 days prior to a Planning Commission Meeting so that it can be reviewed and commented on by the consultants. Please be aware that if the consultants suggest substantial changes to the preliminary plat, it may be advisable to submit a revised preliminary plat to City staff prior to submitting one to the Planning Commission.

b) **Presentment to the City Planning Commission.** The preliminary plat will be submitted to the City Planning Commission for their review and recommendation. A recommendation may be made at that time or the matter may be tabled to allow further time for review and consideration. Please note that the Planning Commission only makes a recommendation to the Council. The City Council will vote to approve or deny the plan.

c) **Presentment to the City Council.** The Planning Commission's recommendation will be conveyed to the City Council at the 2nd Council Meeting of the month. Action may be taken at that time or the matter may be tabled to allow further time for review and consideration.

6. **Development Agreement.** After preliminary plat approval has been received, City and Developer will enter into a Development Agreement which will outline various issues including but not limited to completion dates, park dedication, payment of assessments, and letters of credit.

7. **Final Plat.** A final plat is a final map, drawing, or chart indicating the layout of the subdivision and if approved is recorded with the County Recorder.

a) **Presentment to the City Planning Commission.** The final plat will be submitted to the City Planning Commission for their review and

recommendation. A recommendation may be made at that time or the matter may be tabled to allow further time for review and consideration. Please note that the Planning Commission only makes a recommendation to the Council. The City Council will vote to approve or deny the plan.

b) Presentment to the City Council. The Planning Commission's recommendation will be conveyed to the City Council at the 2nd Council Meeting of the month. Action may be taken at that time or the matter may be tabled to allow further time for review and consideration.

8) Recording the Final Plat. If the Final Plat and Development Agreement are approved by the City Council, the Developer shall record the Final Plat and Development Agreement in the Office of the County Recorder within 60 days after the date of approval. If not recorded within 60 days after the date of approval, the approval of the Final Plat shall be considered void unless the Developer requests an extension, in writing, and receives approval from the City Council. The Developer shall, immediately upon receipt of the recorded documents from the County Recorder, furnish the City Clerk with a print of the Final Plat showing evidence of the recording. No building permits or improvements, except those specifically permitted by the Development Agreement, shall be issued for construction of any structure on any lot or other construction activities in said plat until the City has received evidence of the plat being recorded by the County Recorder.

§ 152.101 CONSTRUCTION IMPROVEMENTS.

(A) (1) No final plat shall be approved by the City Council without first receiving a report from the City Engineer certifying that the improvements described herein, together with the agreements and documents required herein, meet the minimum requirements of all applicable ordinances.

(2) Drawings showing all improvements as built shall be filed with the City Clerk.

(B) No final plat shall be approved by the City Council on land subject to flooding or containing poor drainage facilities and on land which would make adequate drainage of the streets and lots impossible. However, if the subdivider agrees to make improvements which will, in the opinion of the City Engineer, make the area completely safe for residential occupancy and provide adequate street and lot drainage and conform to applicable regulations of other agencies such as the U.S. Corps of Engineers or the Department of Natural Resources, the final plat of the subdivision may be approved.

(C) In addition, the plats may not be approved if the cost of providing municipal services to protect the floodplain area would impose an unreasonable economic burden upon the city.

(D) As a condition of final plat approval, the development agreement shall make provision in the manner hereinafter set forth for the installation, at the sole expense of the subdivider, of such improvements as shall be required by the city, which improvements may include, but are not limited to items included in division (G) below. The installation of said improvements shall be in conformity with city approved construction plans and specifications and all applicable city standards and sections of this code. The subdivider shall not commence with construction of improvements until financial assurances are provided as contained in the development agreement.

(E) Developer installed improvements.

(1) No owner or subdivider shall be permitted to start work on any improvements without providing the city a financial security, in a form acceptable to the city and consistent with city ordinance or policy as adopted by the City Council, guaranteeing the improvement will be installed in accordance with all laws, rules, regulations, and policies as approved by the city. The amount of the financial security shall be 125% of the engineer's estimate of the total cost of the improvements to be installed, as verified by the City Engineer and set forth in the development agreement. In the event the required improvements are not completed within the specified timeline, all amounts held in the development agreement as security may be drawn upon by the city and applied by the city to the cost of completing the required improvements. If the available securities are not sufficient to complete the required improvements, the necessary additional cost to the city shall be assessed against the subdivision.

(2) Securities may be reduced from time to time prior to improvement acceptance upon submission of formal request by the owner or subdivider. No reduction of security shall be authorized unless the improvements associated with the reduction request have been inspected by the city and found to be in compliance with this chapter and satisfactory evidence of contractor payment has been provided.

(3) Prior to any public improvement being accepted by the city, the owner or subdivider shall post a maintenance bond or other security in a form acceptable to the city naming the city as obligee in an amount deemed appropriate by the City Council to insure the maintenance of the improvements for a period of 24 months from the date of acceptance or approval by the city.

(4) The owner or subdivider shall continue to be responsible for defects, deficiencies, and damage to improvements during development of the subdivision. No inspection approval of release or reduction of funds from the security as to any component or category shall be deemed to be city final approval of the improvements or otherwise release the owner or subdivider of its obligation relating to the completion of the improvement within the final subdivision until a release on all improvements and maintenance is issued by the City Council declaring that all improvements have in fact been constructed as required.

(5) The applicant shall provide to the city grading and utility as-built drawings of all improvements.

(6) The owner or subdivider engaged in the development of lands and properties may request city participation in the payment of the costs of certain improvements. City participation shall be negotiated with the subdivider and established by the City Council pursuant to entering into a development agreement. The Council shall on a case-by-case basis determine infrastructure impact on areas outside the subdivision. City required oversizing of infrastructure beyond the appropriate standard residential or commercial equivalent shall be eligible for funding by the city. Source of city funding shall not be a determinate of financial participation.

(7) Nothing in this section shall prohibit or prevent the city from establishing a fee, charge, or assessment against the subsequent subdivider/developers which benefit from the prior improvements for the purpose of maintaining or upgrading the public improvements.

(8) All of the required improvements to be installed under the provisions of this subchapter shall be inspected during the course of their construction by the City Engineer. All of the inspection costs pursuant thereto shall be paid by the owner or subdivider in the manner prescribed in § 152.100(C).

(9) The city shall have the right to install any or all of the required improvements as it may elect and upon such terms and conditions as it may deem appropriate under the circumstances.

(F) City installed improvements.

(1) Any person desiring to have improvements installed may request the city to install the improvements, if the request is accompanied by a written petition signed by 100% of the landowners pursuant to M.S. Ch. 429, as it may be amended from time to time, and a waiver of assessment appeal. Acceptance of the request shall be discretionary on the part of the City Council, based on the benefit to the property owners, and subject to the following conditions and as authorized by state law.

(2) (a) Prior to the making of such required improvements, the City Council shall require the owner or subdivider to pay to the city an amount equal to a minimum of 25% and up to 100% of the estimated total cost of the improvements, including not only construction but all indirect costs.

(b) The actual percentage to be determined by the city in each case based on its review of the following:

1. The financial background of the developer;
2. The normalcy of the unit charge for putting in the improvement;
3. An evaluation of the cost recovery potential through the sale of the land;
4. The likelihood of success of the development; and
5. Developer default on any outstanding assessment payment in the past 12 months.

(3) This payment must be made to the city prior to the City Council adopting the resolution ordering the project.

(4) If approved by the City Council, the city may cause the improvements to be made and special assessments for all costs of the improvements to be levied on the benefitted land, except any land which is or shall be dedicated to the public. The total project cost, less the deposit, will be assessed 100% against the benefitted property payable in not more than ten annual installments with interest at a rate of at least 1.5% (rounded up to the nearest 0.25%) over the rate paid on bonds issued to finance the improvements or, if financed internally, over the then equivalent rate the city determined it would have to pay on bonds issued at that time; provided, however, at the entire assessment balance outstanding against a given parcel is to be paid in full prior to the issuance of a certificate of occupancy permit for principal use of new construction on that parcel or within 180 days after a building permit for new construction is issued, whichever comes first.

(5) Water, sanitary sewer, and storm sewer lateral lines shall be assessed 100% against the benefitted property within the proposed subdivision. These assessments shall be made on a residential housing unit basis.

(6) Water, sanitary, and storm sewer trunk fees will be due at the time of platting or in cases where properties have already been platted, applicable trunk fees will be collected at such time a new building permit is issued.

(7) (a) The cost of constructing permanent streets, including curb and gutter, will be 100% assessed against benefitted property based on front footage. Corner lots shall be assessed for frontage only with no charge made for the long side lot footage. Costs resulting from intersections and side lot footage shall be included in the total amount to be assessed and apportioned over the net assessable footage.

(b) In the case of odd-shaped lots, the footage shall be measured at the building setback line; however, in no event shall the assessable footage be less than the minimum lot width as required by the city.

(8) In the event a building permit is applied for prior to completion of installation of the improvements, an escrow payment to the city shall be deposited in an amount equal to 125% of the estimated total assessment.

(9) Upon completion of the project and determination of the actual cost to be assessed, any overcharge will be refunded and any additional cost will be due the city within 30 days of notification of the additional cost. If, for any reason, subsequent to having made the advance payment to the city the developer should withdraw from the project, the city is entitled to retain an amount equal to the city's cost related to the project to that time, and the balance shall be refunded to the developer.

(10) At the request of the owner or subdivider, the city may agree to spread all of the assessments against the subdivision on a per lot or residential housing unit basis rather than on the various methods set forth in divisions (F)(5), (F)(6), or (F)(7) above.

(11) In all cases, the procedure for local improvements prescribed in M.S. Ch. 429, as it may be amended from time to time, shall be followed.

(12) The requirements of this subchapter are intended to be compatible with the assessment policy in this division (F).

(G) Minimum improvements.

(1) It is hereby the policy of the city to, as soon as practicable after the approval of the proposed plat, require the installation of all of the following improvements within the subdivision.

(2) In addition to those below, additional improvements may be required by development agreement:

- (a) Trunk and lateral sanitary sewer;
- (b) Trunk and lateral water main;
- (c) Storm drainage facilities;

- (d) Stormwater maintenance;
- (e) Streets;
- (f) Concrete curb and gutter;
- (g) Street traffic control devices;
- (h) Lot grading;
- (i) Trail development;
- (j) Sidewalk development;
- (k) Electricity (within one-fourth mile);
- (l) Natural gas (within one-fourth mile);
- (m) Communications (within one-fourth mile);
- (n) Water shut-off boxes;
- (o) Street striping and signing;
- (p) Streetlights;
- (q) Landscaping;
- (r) Monuments;
- (s) As-built plans; and
- (t) Easement and deeds