

City Council Meeting

Wednesday, July 5, 2023 6:00 PM

Agenda

Pledge of Allegiance

1 Approve or Amend Agenda

2 Sheriff's Report

3 Consent Agenda

Those items on the Council Agenda which are considered routine or noncontroversial are included as part of the Consent Agenda. Unless a Councilmember specifically requests that an item on the Consent Agenda be removed and considered separately, items on the Consent Agenda are considered under one motion, second and vote. Any item removed from the consent agenda shall be placed at the end of General Business.

3.1 June 20, 2023, Council Meeting Minutes

3.2 Approval of Fund Transfer and Claims Listing

4 Open Forum

The public forum is intended to afford the public an opportunity to address concerns to the Council. The public forum will be no longer than 30 minutes in length and each presenter will have no more than five (5) minutes to speak. Topics of discussion are restricted to local governmental topics rather than private or political agendas. The Council may discuss but will not take formal action on public forum presentations.

5 Presentation(s)

6 Public Hearing(s)

7 General Business

7.1 Resolution 2023-19: Approving Variance for Perkins on Carrbridge Court

7.2 Ownership and Maintenance of Trails

7.3 Resolution 2023-20: Ranch at Credit River 2nd Addition Trail Variance

7.4 Adult Use Cannabis and Low Dose THC Products Discussion

7.5 Request for Proposals for Architect Services for a Government Center

8 Approval of Claims Listing

9 Staff and Council Member Updates

9.1 2024 Budget Process

10 Adjourn



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: July 5, 2023

SUBMITTED BY: Karen Donovan, Clerk

ITEM TYPE: Minutes

AGENDA SECTION: Consent Agenda

SUBJECT: June 20, 2023, Council Meeting Minutes

SUGGESTED ACTION: Approve June 20, 2023, Council Meeting Minutes

ATTACHMENTS:
[Jun 20, 2023 Council Mtg Minutes.pdf](#)

City Council Meeting

Tuesday, June 20, 2023, 6:00 PM

Minutes

Members attended: Mayor Kostik, Council Members Lawrence, Saterbak, Zanto

Members absent: Council Member Schommer

Others attending: Engineer Nelson, Attorney Ruppe, City Administrator Reynolds, Finance Director Hill, Clerk Donovan

Mayor Kostik opened the June 20, 2023, Council Meeting with the Pledge of Allegiance

1 **Approve or Amend Agenda**

Mayor Kostik requested to add "Sheriff's Report" as Item 4.

Motion to approve the Agenda as Amended: Lawrence

Second: Zanto

Motion Passed: 4-0

2 **Consent Agenda**

Those items on the Council Agenda which are considered routine or noncontroversial are included as part of the Consent Agenda. Unless a Councilmember specifically requests that an item on the Consent Agenda be removed and considered separately, items on the Consent Agenda are considered under one motion, second and vote. Any item removed from the consent agenda shall be placed at the end of General Business.

2.1 Approve June 5, 2023, Council Meeting Minutes

2.2 Approval of Fund Transfer and Claims Listing

2.3 City Administrator Conference Attendance

Motion to approve the Consent Agenda as presented: Lawrence

Second: Saterbak

Motion Passed: 4-0

3 **Open Forum**

The public forum is intended to afford the public an opportunity to address concerns to the Council. The public forum will be no longer than 30 minutes in length and each presenter will have no more than five (5) minutes to speak. Topics of discussion are restricted to local governmental topics rather than private or political agendas. The Council may discuss but will not take formal action on public forum presentations.

- Tina Mischka – 16331 Creekwood Dr. Welcomed New Administrator Cathy Reynolds. Expressed concern with the City Administrator attending a conference in Austin, TX.

4 Sheriff's Report

Deputy Pherson gave a summary of the activity for May. Medical calls and alarms were the majority of calls. Three Rivers has brought on seasonal presence to help with security at Cleary Lake.

Night to Unite – Information is on the website. The Sheriff will work with the council on the neighborhoods that sign up.

A Safety Camp will again be held on August 13 from 1-4pm. at Cleary Lake. Deputy Strack is coordinating and is working on bringing in additional equipment used by the department for display.

Casey Addition is looking at bringing in food trucks again.

5 Presentation(s)

6 Public Hearing(s)

7 General Business

7.1 Approval of CSTS mowing contractor.

City Administrator Reynolds reviewed the quotes which were received from two companies to mow CSTS areas: Minnesota Sodding Co and Minnesota Native Landscape.

Minnesota Sodding has historically been the contractor for Credit River. Council Member Lawrence, City Administrator Reynolds, and Tyler Gagner from NSU met with Minnesota Native Landscaping at sites to verify equipment and mowing. City Administrator Reynolds recommends Minnesota Native due to the lower quote which is approximately \$18,000 in savings. Minnesota Native Landscaping can start next week.

The council discussed equipment used and special care and protection of mounds at the CSTS sites.

Tyler Gagner from NSU has previously used Minnesota Native Landscape.

Motion to approve Minnesota Native Landscape to mow the CSTS sites with a quote of \$20,770: Lawrence

Second: Saterbak

Motion passed: 4-0

7.2 Consider Proposal for Preliminary Design of CSAH 44 Sanitary Sewer and Water Connection

Engineer Nelson reviewed the proposal for the preliminary design for the CSAH 44 sanitary and water connection. This will be complex due to the number of entities needed

to coordinate including property owner, the mining pit operators, the City of Savage, Scott County Highway Department, and the Metropolitan Council.

Discussion was held on how the costs would be covered and recouped. This will come out of the general fund and is a budgeted expenditure.

Discussion on timeline, staff involvement and project management. Engineer Nelson stated that City Administrator Reynolds will be involved in meetings. The goal for completion of the proposal is by the end of 2023.

Motion to approve the proposal for the preliminary design of CSAH 44 Sanitary Sewer and water Connection not to exceed \$25,000. Saterbak
Second: Lawrence
Motion Passed: 4-0

8 Approval of Claims Listing

9 Council Member Liaison Updates and Council Member Reports

- Council Member Lawrence advised ditch mowing is being done.
- Council Member Saterbak reminded the community about the upcoming neighborhood meetings which all residents are welcome to attend. Information is posted on the website.

10 Adjourn

Hearing no further business Mayor Kostik requested a motion to adjourn.

Motion to adjourn the June 20, 2023, City Council Meeting at 6:34pm: Zanto
Second: Lawrence
Motion Passed: 4-0



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: July 5, 2023

SUBMITTED BY: Dominique Hill, Finance

ITEM TYPE: Check Summary

AGENDA SECTION: Consent Agenda

SUBJECT: Approval of Fund Transfer and Claims Listing

BACKGROUND: Invoices are processed for approval by the Council at each Council meeting.

FINANCIAL IMPACT: The total for the claims is \$119,572.14.

SUGGESTED ACTION: Approval of Fund Transfer of \$100,000 from Savings to Checking.
Approval of Claims total of \$119,572.14.

ATTACHMENTS:
[Check Summary July 5, 2023.pdf](#)
[Transfer Request for July 5, 2023.pdf](#)

City of Credit River - Check Summary July 5, 2023

	Check#	Vendor	Date	Amount	Comments
Old National Bank	11855	BOND TRUST SERVICES	05-Jul-23	\$35,832.50	Bond Interest payments
	11856	CHORES AND MORE BY HEIDI INC	05-Jul-23	\$95.00	Cleaning 6/27/23
	11857	CINTAS	05-Jul-23	\$102.60	City Rugs cleaning 6/27/23
	11858	DAKOTA ELECTRIC ASSOCIATION	05-Jul-23	\$72.15	Intersection Lighting - Act 200010080625
	11859	FINANCE & COMMERCE, INC.	05-Jul-23	\$323.28	Upgrades to MHSP Wastewater Treatment
	11860	HAKANSON ANDERSON ASSOC INC	05-Jul-23	\$14,322.98	General Engineering
	11861	MARKS BOBCAT SERVICE, INC.	05-Jul-23	\$2,350.00	City Mowing
	11862	NATURAL SYSTEMS UTILITIES MN	05-Jul-23	\$23,077.34	CSTS Operator
	11863	PRIOR LAKE HEATING & AC	05-Jul-23	\$245.00	AC Repairs
	11864	SCOTT COUNTY ACCOUNTING DEP	05-Jul-23	\$23,650.00	Treated Salt - 1st Half Salt 2023-215 Tons
	11865	SOUTHWEST NEWSPAPERS	05-Jul-23	\$156.30	Publication Upgrades MHSP
	500565e	Bi-Weekly ACH	30-Jun-23	\$12,698.03	Bi weekly payroll
	1000345e	EFTPS	29-Jun-23	\$4,043.65	FICA 6.2 -
	1000346e	MINNESOTA REVENUE MW5	29-Jun-23	\$738.15	State WH
	1000347e	PERA	29-Jun-23	\$1,799.23	PERA
	1000348e	VISA COMMUNITY CARD	29-Jun-23	\$20.93	Office Depot - Administrator Name plate
	1000349e	Old National	29-Jun-23	\$45.00	Bank Fees
				<u>\$119,572.14</u>	

Transfer Request for July 5, 2023

Beginning Bank Balance	203,448.25
Outstanding Check	-50,294.08
Outstanding Deposit	0.00
Claims tonight	-119,572.14
Net Balance	<u>33,582.03</u>

Transfer from Savings to Checking	70,000.00
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Checking Balance	103,582.03
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Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: July 5, 2023

SUBMITTED BY: Cindy Nash, Planning

ITEM TYPE: Agenda Report

AGENDA SECTION: General Business

SUBJECT: Resolution 2023-19: Approving Variance for Perkins on Carrbridge Court

BACKGROUND: See attached memo.

SUGGESTED ACTION: The planning commission recommended approval of the variance.

ATTACHMENTS:

[Resolution Approving Variance Carrbridge.pdf](#)
[Council Memo Variance Perkins June2023.pdf](#)
[223007-SURVEY 62823.pdf](#)
[Conceptual Road Layout.pdf](#)

**CITY OF CREDIT RIVER
SCOTT COUNTY, MINNESOTA
RESOLUTION NO. 2023-19**

**A RESOLUTION APPROVING A VARIANCE TO PERMIT A HOME TO BE
DEVELOPED ON A PROPERTY WITHOUT PLATTING AND THAT DOES NOT
CONTAIN THE MINIMUM FRONTAGE REQUIRED ON A PUBLIC ROAD**

WHEREAS, Glen and Alisha Perkins (the “Applicant”) submitted an application for a variance for certain real property located in the City of Credit River, legally described as follows:

That part of the South 429.00 feet of the SE 1/4 of Section 33, Township 114, Range 21, Scott County, Minnesota, described as follows: Beginning at a point on the South line of said SE ¼ distant 568.50 feet West of the Southeast corner of said SE 1/4; thence West along said South line a distance of 609.75 feet; thence northerly parallel with the West line of said SE 1/4 of the SE 1/4 to the North line of said South 429.00 feet; thence East parallel with said South line to its intersection with a line bearing North (as measured at right angles) from the point of beginning; thence South along said line a distance of 429.00 feet to the point of beginning.

(the “Subject Property”); and

WHEREAS, the Planning Commission of the City did on June 15, 2023, conduct a public hearing in relation to the Applicant’s request for a variance; and

WHEREAS, the Planning Commission of the City did on June 15, 2023 recommend approval of the variance to the City Council; and

NOW, THEREFORE, BE IT RESOLVED, the City Council has considered the proposed application for a variance and it makes the following *findings of fact*:

Review Process

1. Following appropriate published and mailed notice, a public hearing was held by the Planning Commission on June 15, 2023.
2. The Planning Commission, following receipt of public comments and deliberation on the proposed Application, recommended approval of the Application at their June 15, 2023 meeting.

3. These findings and resolutions are based upon the Staff Memo dated June 29, 2023, the applicant's narrative, building plans and survey, and all documents referenced in the Staff Memo, the recommendation of the City Planning Commission, and such additional information and documentation which is presented to the City Council on July 5, 2023 will be the subject of a separate list prepared by the City Planner following the July 5, 2023 meeting.

Subject Property Zoning

1. The property is currently zoned Rural Residential.
2. The Zoning Ordinance contains the following requirements for which a variance is being requested:
 - a. Section 35-3 (1.). Platting Required. No building shall be constructed on unplatted property, except for the addition of accessory structures or additions to existing buildings.
 - b. Section 35-3 (4.) Lot Width Minimum. One hundred fifty (150) feet shall be maintained at the front setback line and extending to the location of the principal structure. In addition, the lot must have one hundred feet of frontage on a road improved to current city standards.

BE IT FURTHER RESOLVED, the City Council makes the following findings relative to the standards contained in Section 2-3-1 of the City of Credit River's Zoning Ordinance:

1. Ordinance Requirement: Granting of the variance will not be in conflict with the Comprehensive Plan.
Finding: The Comprehensive Plan encourages the logical extension of roads and infrastructure. In this case, it is unknown if those extensions will be needed or warranted given the use of the properties as cellular towers.
2. Ordinance Requirement: Exceptional, unique, or extraordinary circumstances apply to the property which do not generally apply to other properties in the same zoning district or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since the enactment of this Ordinance have had no control.
Finding: The property is bordered on the east and north by Homeowner's Association property that cannot be developed as future lots and roads. The properties bordering the Subject Property that would be the ones that a road would extend into are cellular towers, the longer-term use of which is unknown. Preservation of right of way will secure the possibility of extension, but allowing this circumstance to occur without installing a road will result in less disruption to the area in the event that no extension is ever necessary.
3. Ordinance Requirement: The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
Finding: The conditions of the variance provide an alternative way to meet the intent of

the ordinance while not meeting the literal provisions. Requiring the extension of the road to ensure that this property has sufficient frontage would disrupt the area, move the cul-de-sac to a new location, and would not be needed if there is never any way to extend the road in the future to other properties. The proposal to preserve right of way secures future opportunities while providing the applicant with the ability to utilize their property in a manner similar to adjacent properties at this time.

4. Ordinance Requirement: That the special conditions or circumstances do not result from the actions of the applicant.

Finding: Neither the applicant nor their predecessors did nothing to cause the current situation.

5. Ordinance Requirement: That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district.

Finding: The conditions of the variance provide an alternative way to meet the intent of the ordinance while not meeting the literal provisions in a unique situation where the future is less certain due to the future use of property used by cellular towers. There is no special privilege being granted to them that is being denied to others.

6. Ordinance Requirement: The variance requested is the minimum variance which would alleviate the practical difficulty.

Finding: This is the minimum variance, and conditions included within the variance mitigate for the loss of the immediate extension of the road.

7. Ordinance Requirement: The variance would not be materially detrimental or will not essentially alter the character of the property in the same zoning district.

Finding: Leaving the status quo with respect to the existing road configuration of Stonebridge Court is less disruptive to the neighborhood.

8. Ordinance Requirement: Economic considerations alone do not constitute practical difficulties.

Finding: There were no economic considerations as the basis for the decision.

BE IT FURTHER RESOLVED, the Variances from the platting requirement and road frontage minimum are approved subject to the following conditions:

1. Right of way shall be reserved in an easement to the City for the future extension of Carrbridge Court in a location and width determined by the City Engineer.
2. The property owner shall pay to the City an amount equal to the estimated assessment other property owners paid for the 2021 street improvement.

3. The applicant shall enter into an overweight permit agreement acceptable to the City Attorney that addresses damage to City roads.
4. In order to access the proposed home, the owner shall submit an application for a driveway permit and enter into an encroachment agreement acceptable to the City. The applicant shall construct a driveway at their sole expense from the current terminus of Carrbridge Court. At such time as Carrbridge Court is extended, the driveway within the right-of-way shall be removed. Any changes required to the property owner's driveway to connect to the new road shall be installed at property owner's sole expense.
5. At such time that Carrbridge Court is extended, the Subject Property shall have only one driveway onto Carrbridge Court.
6. The property owners shall construct the stormwater improvements and driveway culvert as shown in the Certificate of Survey and Grading/Drainage Plan prepared by Jacobson Engineers and Surveyors dated June 28, 2023. A grading as-built survey showing how these features were constructed shall be provided to the City prior to the release of the NDPES escrow.
7. This variance shall expire one (1) year from the date of issuance if the variance is not utilized.

Adopted and approved by the City Council of the City of Credit River effective on the 5th day of July, 2023.

Approved:

Chris Kostik, Mayor

Attested:

Karen Donovan, City Clerk

C:\Users\cnash\Dropbox\Credit River\Developments\Variance\Carrbridge\2023 Variance\Resolutions\Resolution Approving
Variance Carrbridge.doc

Collaborative Planning, LLC

Memorandum

Meeting Date: June 29, 2023

To: Credit River City Council

From: Cindy Nash, AICP, EDFP

RE: Variance – PID # 049330050

Description

Glen and Alisha Perkins have applied for a new variance to construct a home on their property (PID # 049330050). In 2021 a variance was granted, but by ordinance the variance expired after one year when a building wasn't constructed. The owners are now ready to build a house and have reapplied for a variance for a substantially similar project as previously reviewed.

The property is not addressed and is zoned Rural Residential. It is generally located at the southern terminus of Carrbridge Court and contains approximately 6 acres.



The purpose of the variance is to permit a home to be constructed on unplatted property and without having the minimum frontage required on a public road. Relevant sections of the Zoning Ordinance are:

1. Section 35-3 (1.). Platting Required. No building shall be constructed on unplatted property, except for the addition of accessory structures or additions to existing buildings.
1. Section 35-3 (4.) Lot Width Minimum. One hundred fifty (150) feet shall be maintained at the front setback line and extending to the location of the principal structure. In addition, the lot must have one hundred feet of frontage on a road improved to current city standards.

When a property is platted, lots are created and the extension of public infrastructure to serve those lots occurs as per the terms of a development agreement. Various items are reviewed and

considered, including but not limited to the suitability of septic systems to serve a parcel, surface water management, and the extension of roads and other utilities. The Developer pays for the cost of the improvements constructed.

When the Stonebridge neighborhood was developed, it was intended that Carrbridge Court would be extended in the future through the Subject Property. As such, the cul-de-sac existing at its current terminus is a temporary cul-de-sac with portions of the cul-de-sac located on lots adjacent to it.

During the November 2020 hearing on the 2021 overlay project that included Carrbridge Court, the subject property was not included in the benefiting properties as it was not buildable as a lot and would first need to be platted.

The subject property is bordered by cellular towers to the south and west and HOA land to the north and east.



The most likely future extensions of Stonebridge Court would be to the south and west of this parcel, onto properties that are currently occupied by cell towers as shown in the attachment prepared by Engineer Nelson named “Conceptual Road Layouts”. It is unknown if these sites can or will redevelop in the future as satellite and other technologies evolve, so the reservation of right-of-way to serve those properties is recommended to ensure that access can be provided in the future.

If the property were platted, the City’s Subdivision Ordinance would require the platting and construction of an extension of Carrbridge Court at this time, with a new cul-de-sac installed in a location on the Subject Property.

A survey showing the possible location of the home and a future right of way were provided by the applicant. Both are included in the packet.

Recommendation

The Planning Commission recommended approval of the variance, subject to conditions and based on the findings contained in the resolution.

REVISIONS 		PROJ. NO: 223007 DRAWN: GDJ CHECKED: GDJ SCALE: AS SHOWN FIELD BOOK: A DATE: 2-6-23	I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer and Land Surveyor under the laws of the State of Minnesota. Signature:  License No: 23189 Print Name: GRANT D. JACOBSON Date: 06/28/23	JACOBSON ENGINEERS & SURVEYORS jacobson@gsurvey.com 21029 HERON WAY (952) 469-4328 LAKEVILLE, MN 55044 FAX (952) 469-4624	PREPARED FOR: Alisha and Glen Perkins Cambridge Court Lakeville, MN 55044	CERTIFICATE OF SURVEY AND GRADING/DRAINAGE PLAN	PERKINS RESIDENCE LAKEVILLE, MN	SHEET NO. C-1 1 JUN. 28, 23 23007
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**CARRBRIDE VARIANCE
CONCEPT PLAN OF AREA**

- 10 Foot Contours
- Concept Road Layout
- NWI
- Parcels
- Community Boundary

0 125 250 Feet





Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	July 5, 2023
SUBMITTED BY:	Cindy Nash,Planning
ITEM TYPE:	Agenda Report
AGENDA SECTION:	General Business
SUBJECT:	Ownership and Maintenance of Trails
BACKGROUND:	Credit River currently has a small trail network consisting of trails that are either within County road right-of-way or within existing neighborhoods that were planned as part of Open Space Developments with amenities that included trail networks that are owned and maintained by HOAs. The Comprehensive Plan identifies "local" trails particularly connecting to future and existing park features, and the Subdivision Regulations then assist in implementing that vision by requiring the construction of those trails as development occurs. During discussions related to Ranch of Credit River Second Addition and the YellowStone of Credit River, there has been discussion regarding the following items: 1. Should trails be owned by the City or by HOAs? If owned by HOAs the public is not afforded access to the trail. 2. Should trails be maintained by the City or by HOAs? Developers are concerned that the trails are proposed to be public trails but be required to be maintained by the HOAs. While trail segments will predominantly be used by those in close proximity to those segments and thus would typically live within those neighborhoods, there was concern related to the liability of non-owners utilizing the trails as well as the equity of requiring a subset of residents to pay for maintenance of an item intended for public use. While the City currently does not have any trail maintenance responsibilities, there are also ongoing discussions with Scott County related to the maintenance of the County trails located within the City due to existing County policy. Depending on the outcome of those discussions, the City may need to develop a trail maintenance policy and budget expenditures related to trails regardless of the discussion

related to the "local" trails that is the subject of this discussion.

FINANCIAL IMPACT:

The financial impact related to the ownership and maintenance of trails is largely related to the specific annual operations and maintenance policy that is adopted. If the City selects Option A below, then we would provide guidance to the developers of the two incoming plats accordingly to plan for City owned trails to be accommodated within their project, and a future agenda item containing a maintenance policy would be added to an agenda for City Council discussion and consideration.

SUGGESTED ACTION:

ALTERNATIVES:

Staff recommends Option A below.

Option A: Plan that trail segments constructed to meet the requirements of the City ordinances be owned by the City via either easements or fee/dedication ownership. Similarly plan for their ongoing ownership and maintenance. Future trails that are integral to planned developments that offer amenities not available or conducive to the public as a whole may be required to be owned and maintained by an HOA.

Option B: Continue to require that trails be owned and maintained by HOAs, even when they are part of a network providing for cross-neighborhood connectivity. In this situation, anticipate continued discussion and requests by developers to eliminate the trails from their proposed neighborhoods. If this is the desired path it may also be advisable to remove planned local trail segments from the Comprehensive Plan as even if they are developed they may not be accessible to public outside of a given HOA.

ATTACHMENTS:



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: July 5, 2023

SUBMITTED BY: Cindy Nash, Planning

ITEM TYPE: Agenda Report

AGENDA SECTION: General Business

SUBJECT: Resolution 2023-20: Ranch at Credit River 2nd Addition Trail Variance

SUGGESTED ACTION:

ATTACHMENTS:

[Variance Resolution 2023-20 Trails Ranch 2nd.pdf](#)
[Council Memo Variance Ranch 2nd June2023.pdf](#)
[S1167-42 PRELIMINARY PLAT 4-4-23.pdf](#)

**CITY OF CREDIT RIVER
SCOTT COUNTY
STATE OF MINNESOTA**

RESOLUTION NO. 2023-20

**A RESOLUTION DENYING A VARIANCE RELATED TO A TRAIL IN RANCH OF
CREDIT RIVER SECOND ADDITION**

WHEREAS, the City of Credit River is a Minnesota Municipal Corporation, duly organized and authorized to conduct its affairs under the laws of the State of Minnesota; and

WHEREAS, William A. Feldman, (the “Developer”) is the owner of certain real property located in the City of Credit River, State of Minnesota, (the “Subject Property”) legally described as follows:

The East Half of the Northeast Quarter (E1/2 of NE1/4) of Section 29, Township 114, Range 21.

And

Also including the East Half of the East Half of the Southeast Quarter (E1/2 of E1/2 of SE1/4) of Section 29, Township 114, Range 21, EXCEPTING therefrom that part platted as TERRITORY FIRST ADDITION.

and

Outlot A, THE RANCH OF CREDIT RIVER, according to the recorded plat thereof, Scott County, Minnesota.

and

The South sixty-six (66) feet of that part of the Southwest Quarter (SW1/4) of Section 28, Township 114, Range 21, lying West of the West line of Lot 2, Block 1, Zweber Acres, as extended, Scott County, Minnesota.

WHEREAS, the Developer has requested approval of a variance to permit the developer to not install a trail as required by the Subdivision Regulations and as shown in the Comprehensive Plan; and

WHEREAS, the Planning Commission of the City did on June 15, 2023, conduct a public hearing in relation to the Applicant’s request for a variance; and

WHEREAS, the Planning Commission of the City did on June 15, 2023 recommend denial of the variance to the City Council; and

NOW, THEREFORE, BE IT RESOLVED, the City Council has considered the proposed application for a variance and it makes the following **findings of fact**:

Review Process

1. Following appropriate published and mailed notice, a public hearing was held by the Planning Commission on June 15, 2023.
2. The Planning Commission, following receipt of public comments and deliberation on the proposed Application, recommended denial of the Application at their June 15, 2023 meeting.
3. These findings and resolutions are based upon the Staff Memo dated June 29, 2023, the applicant's narrative, and all documents referenced in the Staff Memo, the recommendation of the City Planning Commission, and such additional information and documentation which is presented to the City Council on July 5, 2023 will be the subject of a separate list prepared by the City Planner following the July 5, 2023 meeting.

Subject Property Zoning

1. The property is currently zoned Rural Residential.

Comprehensive Plan

1. The Future Parks and Trails Map of the City's Comprehensive Plan identifies a trail connecting from the Territory neighborhood through the Subject Property to a search area for a future park located north of RANCH OF CREDIT RIVER.

Subdivision Regulations

1. The Subdivision Regulations require the following:
 - a. **Sidewalks and Trails.** Required sidewalks and trails shall be installed at the time a street is constructed. (Sub Regs. 945.020 Subd. 18)
 - b. A sidewalk or trail shall be installed along all arterial and collector roadways consistent with the Town's Comprehensive Plan. In urban areas, sidewalks shall be installed on one side of all local streets and shall extend to the turnaround portion of a cul-de-sac street. Construction of both sidewalks and trails shall be as specified in the City's Engineering Design Standards. (Sub Regs. 945.030 Subd. 1)
 - c. **Trails.** Project proponents shall be responsible for developing and constructing at their sole expense a pedestrian circulation system subject to town approval which connects to existing trail and sidewalk systems and is designated to interconnect the land being subdivided to the balance of the community. Trails

shall be provided in a manner that connects with existing or proposed trails as generally shown in the comprehensive plan, as amended from time to time. At the discretion of the City Council, trails may be either publicly or privately owned and maintained. (Sub Regs. 955.020 Subd. 2)

2. The plans prepared by the Applicant do not meet the requirements of the Subdivision Regulations as the trail is not provided for within the preliminary plat.

BE IT FURTHER RESOLVED, the City Council makes the following findings relative to the standards contained in Section 2-3-1 of the City of Credit River's Zoning Ordinance:

1. Ordinance Requirement: Granting of the variance will not be in conflict with the Comprehensive Plan.
Finding: This variance is in conflict with the Comprehensive Plan as it shows a trail on this property connecting the existing Territory trails and a park search area.
2. Ordinance Requirement: Exceptional, unique, or extraordinary circumstances apply to the property which do not generally apply to other properties in the same zoning district or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since the enactment of this Ordinance have had no control.
Finding: There are no unique circumstances except that the City currently has a limited trail network in the City.
3. Ordinance Requirement: The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
Finding: Not applicable.
4. Ordinance Requirement: That the special conditions or circumstances do not result from the actions of the applicant.
Finding: The applicant is asking to delay or remove the construction of a trail, so the actions are a result of the applicant's request and preferred design of the neighborhood.
5. Ordinance Requirement: That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district.
Finding: If this variance is granted, there will not be a way in the future to connect a trail between the existing trail system and the future park. Even if land is preserved for a trail system, it will be difficult to install a trail system into a neighborhood after the fact as directly impacted property owners will typically feel that it changes their property after the fact. When a trail is installed up front, the community is typically more accepting of the trail, and they tend to be quite frequently used. Granting the variance would provide the Developer with a cost savings that other Developers that must comply with that ordinance would not obtain.
6. Ordinance Requirement: The variance requested is the minimum variance which would alleviate the practical difficulty.

Finding: There is no practical difficulty that has been noted by the applicant other than that they do not want the trail.

7. Ordinance Requirement: The variance would not be materially detrimental or will not essentially alter the character of the property in the same zoning district.

Finding: Granting the variance would not alter the character of the area but would be materially detrimental to the City's ability to install a trail later.

8. Ordinance Requirement: Economic considerations alone do not constitute practical difficulties.

Finding: Economic considerations are the predominant basis for the variance. It would reduce current costs to the developer and HOA.

BE IT FURTHER RESOLVED, the City Council makes the following findings relative to the practical difficulties standards:

1. The proposed use is not a reasonable manner that is not permitted by the zoning ordinance. The City via its Comprehensive Plan has determined that trails are a valuable public amenity and the granting of this variance would impose a gap in a planned local trail segment.
2. The plight of the landowner is not due to circumstances unique to the property not created by the landowner. The circumstances are due to the applicant's desire to not include a trail within this neighborhood, as well as their desire to not have the trail owned and maintained by the HOA.
3. If granted, the variance would alter the essential character of the local trail connection, but not necessarily alter the character of the Ranch neighborhood. The development would look similar to some other rural residential neighborhoods that have no pedestrian connections.
4. Economic considerations alone are the basis for the proposed variance. The applicant does not desire to have the trail be maintained by the HOA established for this neighborhood, nor do they wish to construct it.

THIS SPACE LEFT INTENTIONALLY BLANK.

NOW, THEREFORE, BE IT RESOLVED the variance is hereby denied based on the findings recorded in this Resolution.

Adopted by the City Council of the City of Credit River on a vote of ____ ayes and ____ nays effective on the 5th day of July, 2023.

Chris Kostik, Mayor

Attested:

Karen Donovan, City Clerk

Collaborative Planning, LLC

Memorandum

Meeting Date: June 29, 2023

To: Credit River City Council

From: Cindy Nash, AICP, EDFP

RE: Ranch of Credit River 2nd Addition – Variance related to need to install trail

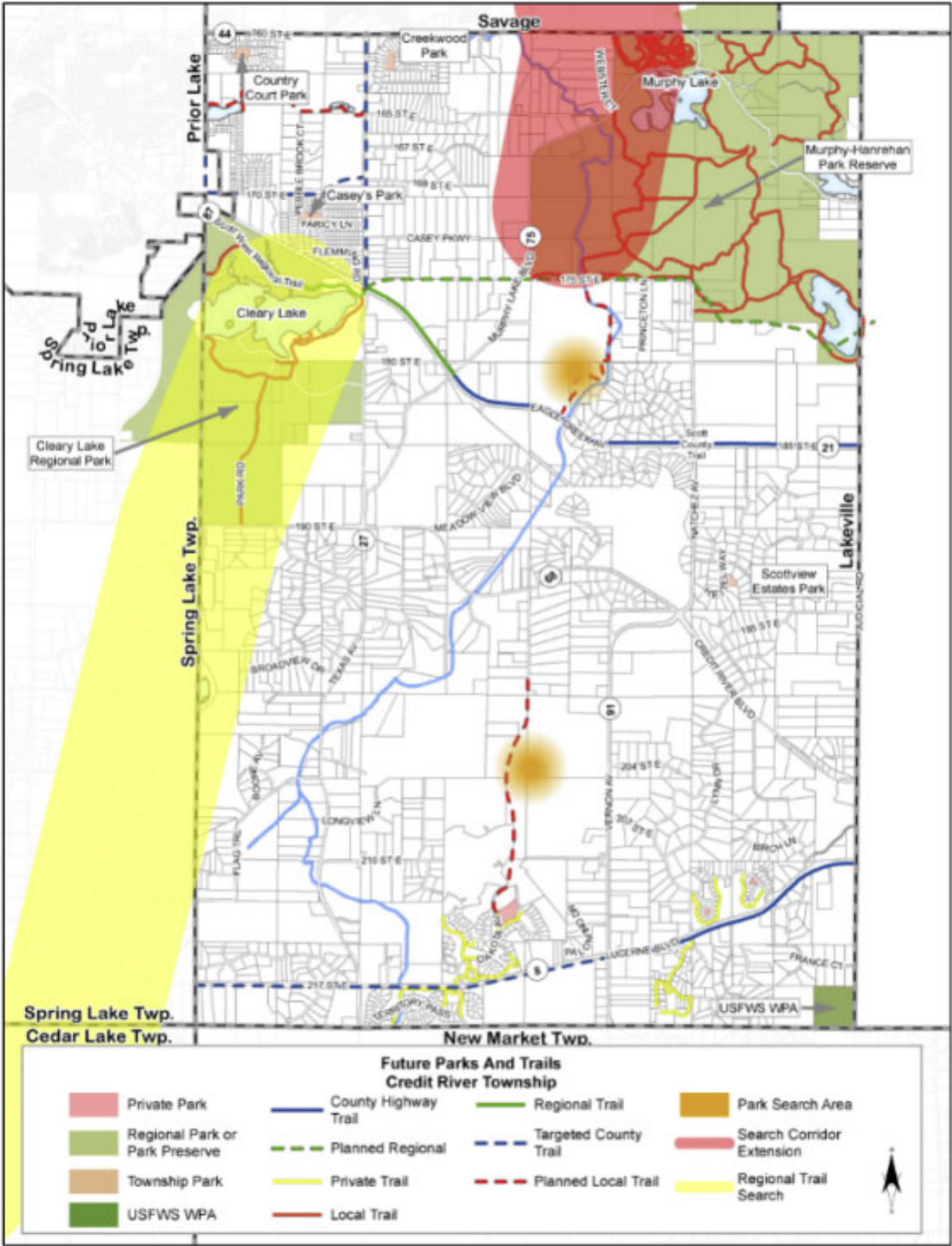
Description

The Ranch of Credit River 2nd Addition received preliminary plat approval in May from the City Council. One of the conditions of approval was the following:

Developer shall provide a trail as discussed in the Staff Memo that shall be constructed at Developer's sole expense and shall be maintained by the Homeowners Association, unless determined differently by the City at the time of approval of the final plat. The location and composition of the trail shall be subject to the approval of the City.

The Developer was not interested in constructing a trail and having an HOA maintain that trail. This is in conflict with the City's subdivision ordinance which requires the following:

1. **Sidewalks and Trails.** Required sidewalks and trails shall be installed at the time a street is constructed. (Sub Regs. 945.020 Subd. 18)
2. A sidewalk or trail shall be installed along all arterial and collector roadways consistent with the Town's Comprehensive Plan. In urban areas, sidewalks shall be installed on one side of all local streets and shall extend to the turnaround portion of a cul- de-sac street. Construction of both sidewalks and trails shall be as specified in the City's Engineering Design Standards. (Sub Regs. 945.030 Subd. 1)
3. **Trails.** Project proponents shall be responsible for developing and constructing at their sole expense a pedestrian circulation system subject to town approval which connects to existing trail and sidewalk systems and is designated to interconnect the land being subdivided to the balance of the community. Trails shall be provided in a manner that connects with existing or proposed trails as generally shown in the comprehensive plan, as amended from time to time. At the discretion of the City Council, trails may be either publicly or privately owned and maintained. (Sub Regs. 955.020 Subd. 2)
4. **When applied.** Compliance with this Section shall be completed either as a condition to approval of a subdivision or prior to issuance of a building permit, whichever



occurs earliest. Completion of certain components (such as installation of trails) may be delayed until a date determined acceptable to the City and included within the developer's agreement provided that adequate financial security in a form acceptable to the City Attorney is furnished by the project proponent to the City. (Sub. Regs. 955.020 Subd. 3)

The proposed trail would be adjacent to Proposed Road A in the preliminary plat (included in the packet). The City's Comprehensive Plan identifies a trail through this property (see map on previous page). This trail would connect from the existing trails in Territory in the south, to a new future park that has been identified for property adjacent to this plat. The City previously worked with this developer on concept planning the layout of his development including a location for a future park when adjacent property may be developed in the future.

The developer indicated during the City Council meeting that the trail could be constructed at a later time in the right of way, and that he didn't want to construct it and didn't want the HOA to maintain it. There was also concern expressed that the trail wouldn't connect anywhere at this time.

It is relevant to note that at this time the City currently does not have any city trails that it maintains. The existing trails in Territory are maintained by the HOA, while the ones adjacent to County roads are maintained by the County. However, the County and City are in discussions regarding potential future City maintenance of the trails adjacent to the County roads. During discussion on this topic at the City Council meeting, the Council discussed that it is not set up to maintain trails at this time. While the City doesn't have a maintenance policy for trails at this time, it could potentially establish a maintenance policy that provided little to no maintenance (no snow plowing of trails) to decrease annual operation costs if it chose to accept trails as a City improvement.

When development occurs, it is common to develop trails and other infrastructure at the time of development even if there are currently stubs or dead ends to things, with the bigger picture that over time these items will connect. An example of this currently occurs with streets where a stub of a street may not directly serve anyone but it is existing and ready to connect to a road on the next property whenever that road may be developed.

It is challenging to install infrastructure such as sidewalks and trails into a neighborhood after the homes have been constructed. Even though there would be land preserved for a trail, property owners typically begin considering the area between the property line and the curb of the street as part of their front yard. While some may appreciate a separated pedestrian/bicycle corridor, others will perceive the installation as a loss of yard space. Trails and sidewalks are frequently installed in areas that do not provide full connection between destinations, with the knowledge that over time those connections will be completed as other developments occur or as roads are reconstructed.

Criteria for Granting Variances

A variance from the provisions of the Zoning Ordinance may be issued to provide relief to the landowner where the Ordinance imposes practical difficulties to the property owner in the

reasonable use of this land. No use variances may be issued.

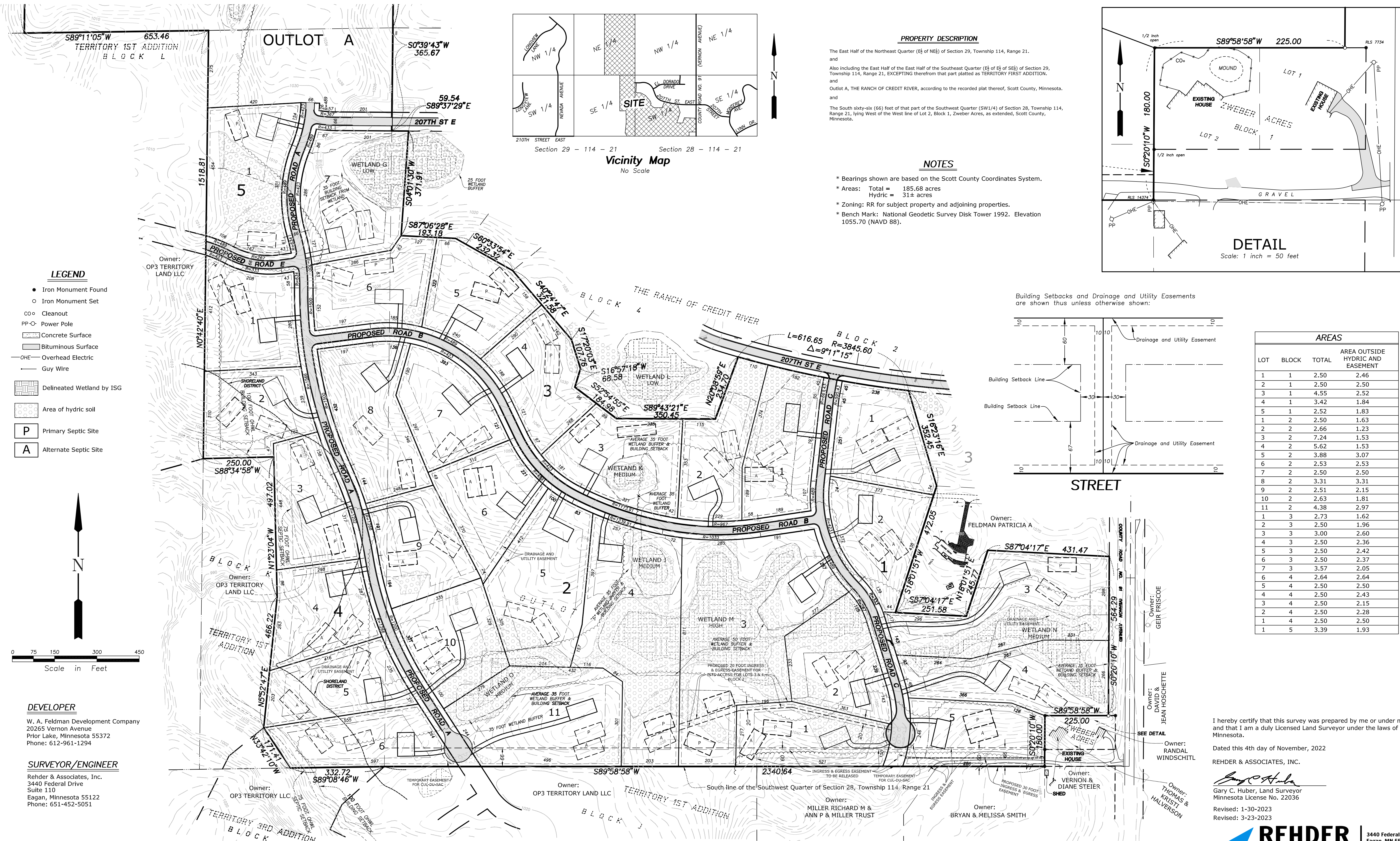
A Variance may be granted only where practical difficulties exist and upon making the following findings:

1. Granting of the variance will not be in conflict with the Comprehensive Plan.
The Comprehensive Plan shows a trail on this property connecting the existing Territory trails and a park search area.
2. Exceptional, unique, or extraordinary circumstances apply to the property which do not generally apply to other properties in the same zoning district or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since the enactment of this Ordinance have had no control.
There are no unique circumstances except that the City currently has a limited trail network in the City.
3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
Not applicable.
4. That the special conditions or circumstances do not result from the actions of the applicant.
The applicant is asking to delay or remove the construction of a trail.
5. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district.
If this variance is granted, there will not be a way in the future to connect a trail between the existing trail system and the future park. Even if land is preserved for a trail system, it will be difficult to install a trail system into a neighborhood after the fact as directly impacted property owners will typically feel that it changes their property after the fact. When a trail is installed up front, the community is typically more accepting of the trail and they tend to be quite frequently used.
6. The variance requested is the minimum variance which would alleviate the practical difficulty.
There is no practical difficulty that has been noted by the applicant other than that they do not want the trail.
7. The variance would not be materially detrimental or will not essentially alter the character of the property in the same zoning district.
Granting the variance would not alter the character of the area but would be materially detrimental to the City's ability to install a trail later.
8. Economic considerations alone do not constitute practical difficulties.
Economic considerations are the predominant basis for the variance. It would reduce current costs to the developer and HOA.

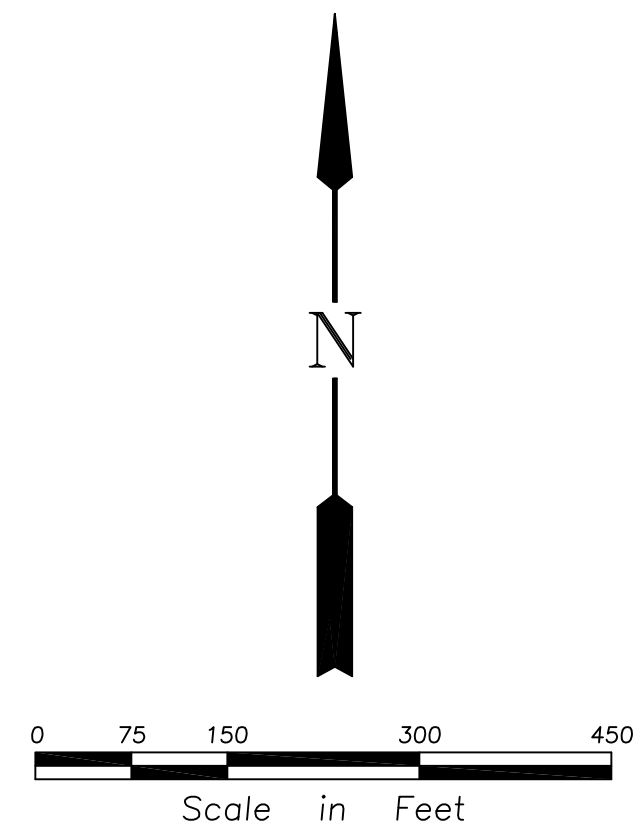
Recommendation

The Planning Commission recommended denial of the variance due to the factors listed above and the information contained within this staff memo. However, they did also recommend that the City Council have a policy level discussion related to public versus private ownership and maintenance.

Preliminary Plat of:
THE RANCH OF CREDIT RIVER SECOND ADDITION



Preliminary Plat of:
THE RANCH OF CREDIT RIVER SECOND ADDITION

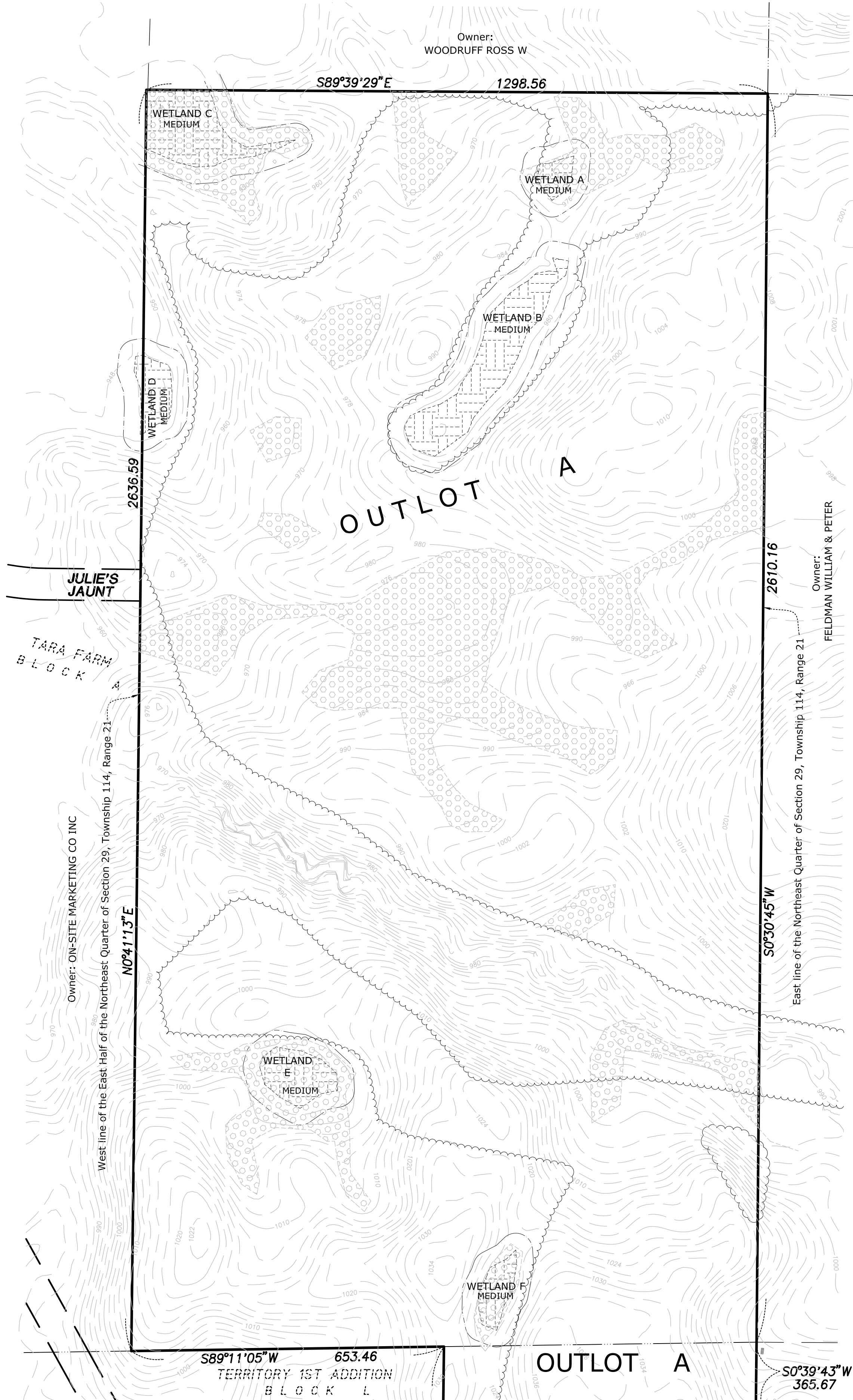


DEVELOPER

W. A. Feldman Development Company
20265 Vernon Avenue
Prior Lake, Minnesota 55372
Phone: 612-961-1294

SURVEYOR/ENGINEER

Rehder & Associates, Inc.
3440 Federal Drive
Suite 110
Eagan, Minnesota 55122
Phone: 651-452-5051



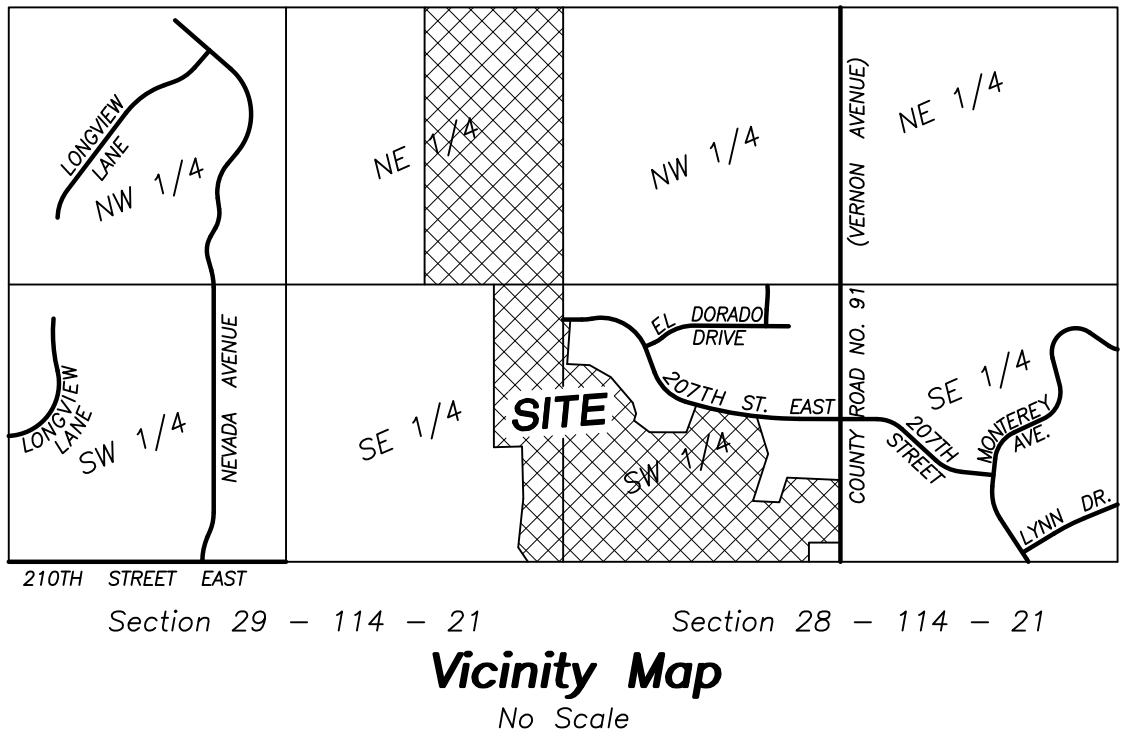
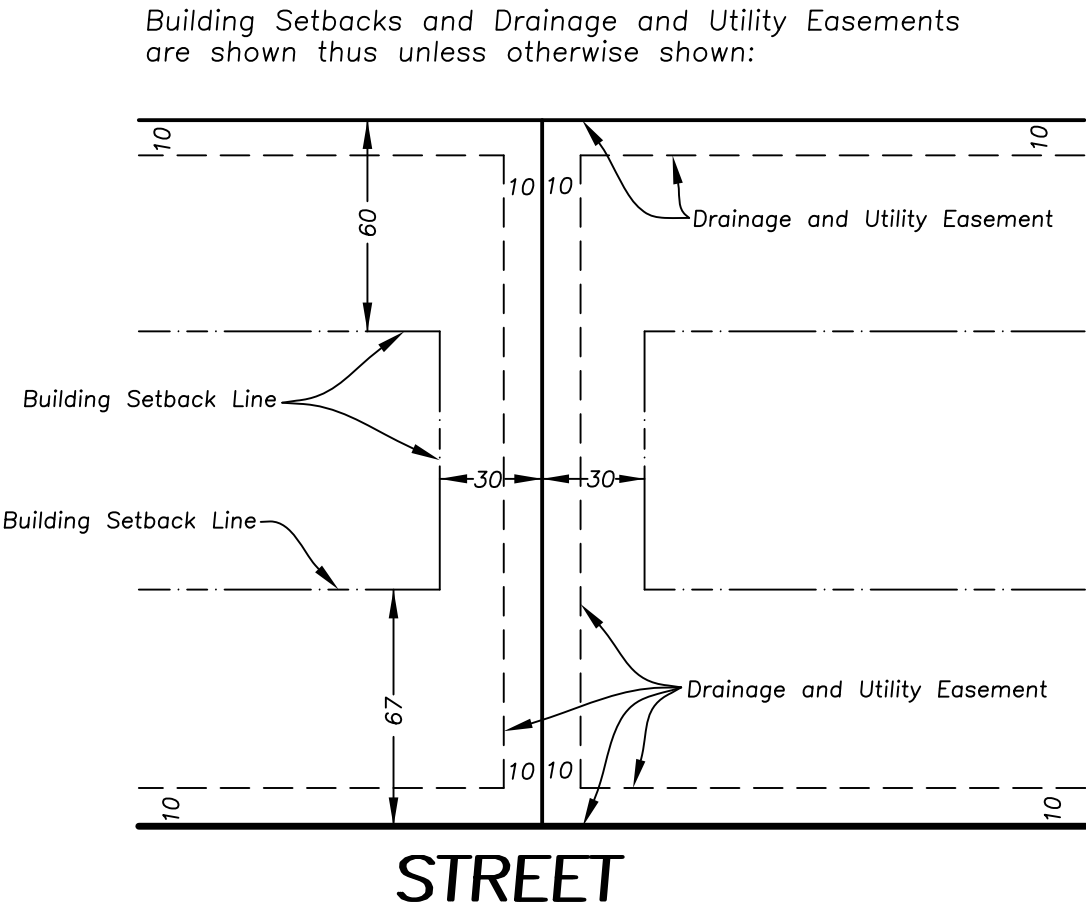
NOTES

* Bearings shown are based on the Scott County Coordinates System.
* Areas: Total = 185.68 acres
Hydric = 31± acres
* Zoning: RR for subject property and adjoining properties.
* Bench Mark: National Geodetic Survey Disk Tower 1992. Elevation 1055.70 (NAVD 88).

LEGEND

- Iron Monument Found
- Iron Monument Set
- CO- Cleanout
- PP-○ Power Pole
- Concrete Surface
- Bituminous Surface
- OHE- Overhead Electric
- Guy Wire
- Delineated Wetland by ISG
- Area of hydric soil
- P Primary Septic Site
- A Alternate Septic Site

AREAS			
LOT	BLOCK	TOTAL	AREA OUTSIDE HYDRIC AND EASEMENT
1	1	2.50	2.46
2	1	2.50	2.50
3	1	4.55	2.52
4	1	3.42	1.84
5	1	2.52	1.83
1	2	2.50	1.63
2	2	2.66	1.23
3	2	7.24	1.53
4	2	5.62	1.53
5	2	3.88	3.07
6	2	2.53	2.53
7	2	2.50	2.50
8	2	3.31	3.31
9	2	2.51	2.15
10	2	2.63	1.81
11	2	4.38	2.97
1	3	2.73	1.62
2	3	2.50	1.96
3	3	3.00	2.60
4	3	2.50	2.36
5	3	2.50	2.42
6	3	2.50	2.37
7	3	3.57	2.05
6	4	2.64	2.64
5	4	2.50	2.50
4	4	2.50	2.43
3	4	2.50	2.15
2	4	2.50	2.28
1	4	2.50	2.50
1	5	3.39	1.93



I hereby certify that this survey was prepared by me or under my direction and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 4th day of November, 2022

REHDER & ASSOCIATES, INC.

Gary C. Huber, Land Surveyor
Minnesota License No. 22036

Revised: 1-30-2023
Revised: 3-23-2023

REHDER & ASSOCIATES, INC.
Civil Engineers & Land Surveyors

3440 Federal Drive, Suite 110
Eagan, MN 55122
Telephone: 651-452-5051
www.rehder.com



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: July 5, 2023

SUBMITTED BY: Cathy Reynolds, Administrator

ITEM TYPE: Motion

AGENDA SECTION: General Business

SUBJECT: Adult Use Cannabis and Low Dose THC Products Discussion

BACKGROUND: The Minnesota legislature enacted a law in 2022 that legalized the sale and consumption of certain edible cannabinoid products (THC products). In response to this legislation, the city adopted an interim ordinance on August 1, 2022 that provided a moratorium on the sale, testing, manufacturing and distribution of THC products in order to protect the public health, safety and welfare of its residents. This moratorium is due to expire on July 31, 2023.

During the 2023 legislative session the legislature passed additional legislation regarding recreational adult use marijuana. This legislation creates an Office of Cannabis Management charged with enforcing and organizing a regulatory system for the cannabis industry. The legislation envisioned that it would take the Office of Cannabis Management until January 2025 to get the appropriate regulations and systems in place to manage this industry. With that in mind, the legislation allows local governments to adopt an interim ordinance prohibiting the operation of a cannabis business inside its jurisdiction for the purpose of protecting the planning process and the health, safety, and welfare of its residents. The interim ordinance is allowed to be in place until January 1, 2025.

Council should have a discussion on how they would like to proceed with these two interrelated items so appropriate ordinances can be drafted and brought back for council action. In preparation for this discussion, a draft ordinance is attached that would address the low dose THC products and establish a business license and regulatory framework for individuals seeking to sell these products inside city limits. An ordinance of this nature will need to be reevaluated as the Office of Cannabis Management sets up their structure as the licensing for these business is to be included in what they do. Ordinances similar to the attached draft have been adopted, or are

looking to be adopted, by many communities on this topic.

Most communities in Scott County are planning to adopt an interim ordinance on the recreational marijuana until January 1, 2025 as allowed by the legislation. If council would want to follow this approach an interim ordinance will be drafted and a public hearing will need to be held on the ordinance.

FINANCIAL IMPACT:

None.

SUGGESTED ACTION:

Staff is recommending that council have a discussion on these items and provide direction on how they would like to proceed so the appropriate ordinances can be prepared and brought back to council for approval.

ATTACHMENTS:

[Draft THC Products License Ordinance.pdf](#)

[Recreational Marijuana 7.5.2023.pdf](#)

**CITY OF CREDIT RIVER
SCOTT COUNTY
STATE OF MINNESOTA**

ORDINANCE NO. _____

AN ORDINANCE TO REGULATE TETRAHYDROCANNABINOL PRODUCTS

THE CITY COUNCIL OF THE CITY OF CREDIT RIVER HEREBY ORDAINS AS FOLLOWS:

SECTION 1. PURPOSE AND INTENT.

The purpose of this Ordinance is to regulate the sale of any legalized adult-use product that contains tetrahydrocannabinol and that meets the requirements to be sold for human or animal consumption under Minn. Stat. §151.72, also known as “THC Products” for the following reasons:

- A. By enacting 2022 Session Law Chapter 98, Article 13, the Minnesota Legislature amended Minn. Stat. §151.72 to allow the sale of certain products containing tetrahydrocannabinol, also known as “THC”.
- B. The new law does not prohibit municipalities from adopting and enforcing local ordinances to regulate THC product businesses including, but not limited to, local zoning and land use requirements and business license requirements.
- C. The National Academies of Science, Engineering, and Medicine note that the growing acceptance, accessibility, and use of THC products, including for medical purposes, have raised important public health concerns, while the lack of aggregated knowledge of cannabis-related health effects has led to uncertainty about the impact of its use.
- D. The City recognizes the danger THC use presents to the health, welfare, and safety of youth in Credit River.
- E. The Minnesota Legislature recognized the danger of THC product use among the public at large by setting potency and serving size requirements.

- F. The Minnesota Legislature recognized the danger of THC product use among youth by prohibiting the sale of any product containing THC to those under the age of 21, requiring that edible THC products be packaged without appeal to children and in child-resistant packaging or containers.
- G. State law authorizes the Board of Pharmacy to adopt product and testing standards in part to curb the illegal sale and distribution of THC products and ensure the safety and compliance of commercially available THC products in the state of Minnesota
- H. The City has the opportunity to be proactive and make decisions that will mitigate this threat and reduce exposure of young people to the products or to the marketing of these products and improve compliance among THC product retailers with laws prohibiting the sale or marketing of THC products to youth.
- I. A local regulatory system for THC product retailers is appropriate to ensure that retailers comply with THC product laws and business standards of the City of Credit River to protect the health, safety, and welfare of our youth and most vulnerable residents.
- J. A requirement for a THC product retailer license will not unduly burden legitimate business activities of retailers who sell or distribute THC products to adults but will allow the City of Credit River to regulate the operation of lawful businesses to discourage violations of state and local THC Product-related laws.
- K. In making these findings and enacting this ordinance, it is the intent of the Credit River City Council to ensure responsible THC product retailing, allowing legal sale and access without promoting increases in use, and to discourage violations of THC Product-related laws, especially those which prohibit or discourage the marketing, sale, or distribution of THC products to youth under 21 years of age.

SECTION 2. DEFINITIONS.

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **EXCLUSIVE LIQUOR STORE.** An establishment that meets the definition of exclusive liquor store in Minn. Stat. § 340A.101, subd. 10.
- B. **LICENSED PRODUCT OR THC PRODUCT.** Any product that contains more than trace amounts of tetrahydrocannabinol and that meets the requirements to be sold for human or animal consumption under Minn. Stat. §151.72, as may be amended from time to time. Licensed product does not include medical cannabis as defined in Minn. Stat. §152.22, Subd. 6, as may be amended from time to time, excluding “medical cannabis” as defined by Minn. Stat. §152.22, Subd. 6, as the same may be amended from time to time.
- C. **MOVEABLE PLACE OF BUSINESS.** Any form of business operated out of a kiosk, truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address storefront or other permanent type of structure authorized for sales transactions.
- D. **SALE.** Any transfer of goods for money, trade, barter, or other consideration.
- E. **SCHOOL.** Any public or private elementary, vocational, or secondary school, or a public or private college or university.
- F. **SELF-SERVICE MERCHANDISING.** Open displays of licensed products in any manner where any person has access to the licensed products without the assistance or intervention of the licensee or the licensee’s employee. Assistance or intervention means the actual physical exchange of the licensed product between the customer and the licensee or employee.
- G. **THC.** Is the acronym for tetrahydrocannabinol, the principal psychoactive constituent of cannabis.
- H. **VENDING MACHINE.** Any mechanical, electric, or electronic, or other type of device that dispenses licensed products upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the licensed product.

SECTION 3. LICENSE.

- A. **License Required.** No person shall sell or offer to sell any licensed product within the City without first having obtained a license to do so from the City.
- B. **Application.** An application for a license to sell licensed products shall be made on a form provided by the City. The application shall contain the full name and date of birth of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the City deems necessary. A business applicant, at the time of application, shall furnish the City with a list of all persons that have an interest of five percent or more in the business. The list shall name all owners and show the interest held by each, either individually or beneficially for others. It is the duty of each business licensee to notify the City Administrator in writing of any change in ownership in the business. If the City Administrator determines that an application is incomplete, the City Administrator shall return the application to the applicant with notice of the information necessary to make the application complete. Upon receipt of a completed application, the City Administrator shall forward the application to the Scott County Sheriff's Office to conduct a criminal background check. Upon completion of the background check, the City Administrator shall forward the application to the City Council for action at its next regularly scheduled City Council meeting.
- C. **Action.** The City Council may either approve or deny the application for a license, or it may delay action for a reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the City Council approves the license, the City Administrator shall issue the license to the applicant. If the City Council denies the license, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal. Appeals of any decision must be made within thirty (30) days of the denial. If a license application is denied, the earliest an applicant may reapply is 12 months from the date the license is denied.
- D. **Term.** All licenses issued under this Ordinance shall expire on December 31 of each year.

E. **Revocation or Suspension.**

1. Any license issued under this Ordinance may be revoked or suspended as provided in this Ordinance.
2. If a license is mistakenly issued or renewed to a person or a business, it shall be revoked upon the discovery that the person or business was ineligible for the license under this Ordinance and the City shall provide the person or business with a notice of revocation, along with information on the right to appeal.
3. Any change in the ownership or control of a licensed business shall be deemed equivalent to a transfer of the license, and any such license shall be revoked 30 days after any such change in ownership or control unless the licensee has notified the Council of the change in ownership by submitting a new license application for the new owners, and the City Council has approved the transfer of the license by appropriate action. Any time an additional investigation is required because of a change in ownership or control of a business, the licensee shall pay an additional investigation fee to be determined by the City. The City may at any reasonable time examine the transfer records and minute books of any business licensee to verify and identify the owners, and the City may examine the business records of any other licensee to the extent necessary to disclose the interest which persons other than the licensee have in the licensed business. The City Council may revoke any license issued upon its determination that a change of ownership of a licensee has resulted in the change of control of the licensed business so as materially to affect the integrity and character of its management and its operation, but no such action shall be taken until after a hearing by the City Council on notice to the licensee.

F. **Transfers.** All licenses issued under this Ordinance shall be valid only on the premises for which the license was issued and only for the person or business to whom the license was issued. The transfer of any license to another location, business, or person is prohibited.

G. **Display.** All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

- H. **Renewals.** The renewal of a license issued under this article shall be handled in the same manner as the original application. The request for a renewal shall be made at least 30 days but no more than 60 days before the expiration of the current license.
- I. **Issuance as Privilege and Not a Right.** The issuance of a license issued under this article is a privilege and does not entitle the license holder to automatic renewal of the license.

SECTION 4. ELIGIBILITY AND BASIS FOR DENIAL OF LICENSE.

A. Eligibility.

1. *Moveable Place of Business.* No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this article.
2. *Eligible Businesses.* Licenses shall only be issued to the following entities:
 - (a) Vendors selling primarily tobacco, tobacco related products or THC products.
 - (b) Restaurants selling prepared food which also have an alcohol license.
 - (c) Vendors selling primarily CBD products.
 - (d) Vendors selling primarily vitamins, health-related supplements, and skin care products.
3. *Exclusive Liquor Store.* No license shall be issued to an exclusive liquor store as defined in Minn. Stat. § 340A.101, subd. 10.
4. *Proximity to Schools.* No license shall be issued for a premises within 1,000 feet of any school. The distance is to be measured from the closest point of the property the school is located on to the closest side of the structure within which the licensed product is be sold.
5. *Proximity to Certain Establishments.* No license shall be issued for a premises within 500 feet of any daycare, residential treatment facility, or an attraction within a public park that is regularly used by

minors, including a playground, or athletic field. The distance is to be measured from the closest point of the property to the closest side of the structure within which the licensed product is be sold.

6. *Delinquent Taxes and Charges.* No license shall be granted or renewed for operation on any premises on which taxes, assessments, utility charges, service charges, or other financial claims of the City are delinquent and unpaid. In the event an action has been commenced pursuant to the provisions of Minn. Stat. Ch. 278, as it may be amended from time to time, questioning the amount or validity of taxes, the City Council may, on application by the licensee, waive strict compliance with this paragraph. No waiver may be granted, however, for taxes or any portion thereof which remain unpaid for a period exceeding one year after becoming due.
7. *Zoning Compliance.* No license shall be granted or renewed for operation on any premise where the sale of THC Products would be in violation of the City's Zoning Ordinance.
8. No entity shall be issued a license to sell THC Products on municipally owned property.

B. Grounds for Denial. Grounds for denying the issuance or renewal of a license under this Ordinance include, but are not limited to, the following:

1. The applicant is under the age of 21 years.
2. The applicant is prohibited by Federal, State, or other local law, ordinance, or other regulation from holding a license.
3. The applicant has been convicted within the past five years for any violation of a Federal, State, or local law, other ordinance, provision, or other regulation relating to the licensed products.
4. The applicant has had a license to sell licensed products suspended or revoked during the 12 months preceding the date of application, or the applicant has or had an interest in another premises authorized to sell licensed products, whether in the City or in another jurisdiction, that has had a license to sell licensed products suspended or revoked during the same time period, provided the

applicant had an interest in the premises at the time of the revocation or suspension, or at the time of the violation that led to the revocation or suspension.

5. The applicant is a business that does not have an operating officer or manager who is eligible pursuant to the provisions of this Ordinance.
6. The applicant is the spouse of a person ineligible for a license pursuant to the provision of Section 4.B.2 or Section 4.B.3 of this Ordinance or who, in the judgment of the City Council, is not the real party in interest or beneficial owner of the business to be operated, under the license.
7. The applicant fails to provide any information required on the application or provides false or misleading information. Any false statement on an application, or any willful omission of any information called for on such application form, shall cause an automatic refusal of license, or if already issued, shall render any license issued pursuant thereto void and of no effect to protect the applicant from prosecution for violation of this Ordinance, or any part thereof.

SECTION 5. PROHIBITED ACTS.

A. In general.

1. No person shall sell or offer to sell any licensed product:
 - a. By means of any type of vending machine.
 - b. By means of self-service merchandising.
 - c. By any other means, to any other person, or in any other manner or form prohibited by state or other local law, ordinance provision, or other regulation.
 - d. That is not in the original packaging with labeling in compliance with labeling requirements of Minn. Stat. §151.72, subd. 5, as may be amended from time to time.

- e. At an establishment that also possesses an on-sale liquor license unless such establishment has a combined on-sale and off-sale liquor license.
 - 2. No person shall sell or offer for sale a product containing THC that does not meet all the requirements of Minn. Stat. §151.72, subd. 3., as may be amended from time to time.
- B. **Legal Age.** No person shall sell any licensed product to any person under the age of 21.
- 1. *Age Verification.* Licensees shall verify by means of government issued photographic identification that the purchaser is at least 21 years of age.
 - 2. *Signage.* Notice of the legal sales age and age verification requirement must be posted prominently and in plain view at all times at each location where licensed products are offered for sale. The required signage, which will be provided to the licensee by the City, must be posted in a manner that is clearly visible to anyone who is making a purchase or is considering making a purchase.
- C. **Samples Prohibited.** No person shall distribute samples of any licensed product free of charge or at a nominal cost.
- D. **Use of False Identification.** It shall be a violation of this Ordinance for any person to attempt to disguise their true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of person.
- E. **Unlawful Purchases.** It shall be unlawful for any person who is under the age of 21 years to purchase any licensed product.

SECTION 6. ADDITIONAL REQUIREMENTS.

- A. **Storage.** All licensed products shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public.

- B. Training.** If training classes are available for employees within a 25-mile radius relating to compliance with sales to customers, all employees of a licensed premises shall attend training within two weeks of beginning employment at the licensee's establishment or the earliest available class if no training classes are offered within said two-week period.

SECTION 7. RESPONSIBILITY.

All licensees are responsible for the actions of their employees in regard to the sale, offer to sell, and furnishing of licensed products on the licensed premises. The sale, offer to sell, or furnishing of any licensed product by an employee shall be considered an act of the licensee. Nothing in this section shall be construed as prohibiting the City from also subjecting the employee to any civil penalties that the City deems to be appropriate under this ordinance, state or federal law, or other applicable law or regulation.

SECTION 8. VIOLATIONS AND PENALTY.

- A. Criminal Penalty.** A violation of this Ordinance shall be a misdemeanor. Nothing in this Ordinance prohibits the City from seeking prosecution as a misdemeanor for an alleged violation of this Ordinance.
- B. Administrative Penalty.** If a licensee or an employee of a licensee is found to have violated this article, the licensee shall be charged an administrative penalty as follows:
1. *First Violation.* The City Council may impose a civil fine of \$500.00 and/or suspend the license for not less than 1 day.
 2. *Second Violation Within 36 Months.* The City Council may impose a civil fine of \$1,000.00 and/or suspend the license for not less than 3 consecutive days.
 3. *Third Violation Within 36 Months.* The City Council may impose a civil fine of \$1,000.00 and/or revoke the license for at least one year.
- C. Administrative Penalty Procedures.** No penalty shall take effect until the licensee has received notice (served personally or by mail) of the alleged violation and of the opportunity for a hearing before the City Council, and such notice must be in writing and must provide that a right to a hearing before the City Council must be requested within 10 business days of

receipt of the notice or such right shall terminate. All fines shall be paid within 30 days of imposition via mailing or personal service of such written notice by the City.

- D. Revocation.** In addition to any other penalty imposed under this Ordinance, any license issued under this section may be revoked by the City Council for a violation of any provision of this Ordinance if the licensee has been given a reasonable notice and an opportunity to be heard.
- E. Appeal.** Any appeal of the decision of the City Council to impose a civil penalty must be made within thirty (30) days of the decision of the City Council.

SECTION 9. LICENSE FEE.

No license shall be issued under this Ordinance until the appropriate license fee shall be paid in full. The fee for a license under this article may be amended from time to time by the City Council. The annual fee for a THC license shall be \$250.00 per calendar year, payable at the time of submission of an application for a license. License fees for licenses issued for part of a year shall be prorated as a percentage of the year the license will be in effect. No portion of such license fees shall be refundable.

SECTION 10. EFFECTIVE DATE.

This Ordinance shall take effect upon its passage and publication according to law.

ADOPTED by the City Council of the City of Credit River this ____ day of _____, 2023.

Chris Kostik, Mayor

ATTEST:

Karen Donovan, City Clerk



Recreational Marijuana and Low Dose THC Edibles

Cathy Reynolds, City Administrator

July 5, 2023



Background – Low Dose Edible THC Products

- 2022 Legislation passed legalizing the sale of edible cannabinoid products containing less than 3% Tetrahydrocannabinol (THC).
- August 1, 2022 the City Council adopted an interim ordinance (2022-03) which established:
 - a moratorium on the sale, testing, manufacturing, and distribution of THC products in order to protect the public, health, safety, and welfare of its residents.
 - Provided time to study the issue to determine if changes to city ordinances were needed to appropriately address the topic.
 - The interim ordinance is in effect until July 31, 2023.



Background – Recreational Marijuana

- 2023 Legislation passed legalizing adult-use cannabis.
 - Legalizes the possession, use, manufacturing, and sale of certain cannabis products in the state.
 - Creates an Office of Cannabis Management charged with enforcing and organizing a regulatory system for the cannabis industry.
 - Possession, use and home growth are legal beginning August 1, 2023
 - Legal sales are expected to begin in January 2025.



Local Government Roll

- Local governments may not prohibit the possession, transportation, or use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp derived consumer products authorized under the law.
- Local governments may adopt reasonable restrictions on the time, place and manner of operation of a cannabis business. May prohibit within:
 - 1000 feet of a school
 - 500 feet of a daycare, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground, or athletic field.



Local Government Roll – Cont

- Review applications for compliance with zoning regulations
- Register cannabis retail businesses
- May limit retail registrations to no fewer than one registration for every 12,500 residents
 - If the County has one active registration for every 12,500 residents a city or town within the county is not obligated to register a cannabis business.
- Conduct compliance checks
- May adopt an interim ordinance prohibiting the operation of a cannabis business for the purpose of protecting the planning process and the health, safety, and welfare of residents.
 - May be effective until January 1, 2025.
 - This interim ordinance may not be used to extend the previous interim ordinance on the low dose edible THC products.



Staff Recommendation

- Low Dose THC products
 - Adopt an ordinance requiring a business license for the sale of low dose THC products (THC edible products)
- Recreational Marijuana
 - Adopt an interim ordinance prohibiting the operation of a cannabis business within city limits to be effective until January 1, 2025.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: July 5, 2023

SUBMITTED BY: Cathy Reynolds, Administrator

ITEM TYPE: Motion

AGENDA SECTION: General Business

SUBJECT: Request for Proposals for Architect Services for a Government Center

BACKGROUND:

The council has discussed the need for a government center that would include a city hall and a public works facility to house city equipment and tools. The city has started looking at property to build a facility on, but we also need to start looking at our needs and design for a facility. In order to do this staff has prepared a RFP for architect/engineer services. The RFP sets out two phases for the project.

Phase one of the project would be a space needs analysis and conceptual design process. At a base level we are discussing a city hall with offices for staff, council chamber, and meeting rooms. The public works space will need to be designed to house not only the grader that the city currently owns, but also the equipment and tools that the city will need as we develop public works services to serve the community. Additional items like a salt storage shed will need to be discussed as we look at public works services moving forward. The architect will work with the city to define these spaces and build a conceptual design. Through these processes we will also start the development of the budget estimate and see how the space needs impact the cost estimate. At the conclusion of phase I work we should have defined our space needs, have a conceptual design, and a cost estimate for the building.

Phase two of the project will further refine the design and drawings needed to construct the building and take us through project bidding and construction administration.

At this point staff is seeking council approval on posting the RFP. If approved, the RFP would be posted by the end of the week with proposals due on Monday, August, 7, 2023. Proposal reviews and company interviews would then be conducted with an anticipated date

of August 21 for a recommendation to come to council for approval.

The earliest possible time for construction to start beginning the process today will be in 2025. This will be impacted by design timeline, long lead time procurement items, finalizing the location, and the financing for the facility.

FINANCIAL IMPACT:

The 2023 budget includes \$100,000 for design work for a new facility.

SUGGESTED ACTION:

Staff recommends that the council approve posting the Request for Proposals (RFP) for architect services for the design of a Government Center.

ALTERNATIVES:

The city could decide to hold on releasing the RFP and complete the space needs analysis and design work at a later date.

ATTACHMENTS:

[City Hall A-E RFP.pdf](#)

[Cost Proposal - City Hall RFP.pdf](#)

Credit River Government Center

Request for Proposal (RFP) for Architect/Engineer (AE) Services

July __, 2023

Section One: General Information

The City of Credit River ("City") requests proposals for Architectural and Engineering ("AE") services. AE to evaluate space needs and provide conceptual design, schematic design, design development, construction documents and construction administration services for a new government center inclusive of a city hall and public works facility. Specific responsibilities are outlined in this Request for Proposal. This document will be available on the City's website at <https://www.creditriver-mn.gov/home>.

Your proposal is due Monday, August 7, 2023 at 2:00 PM.

The City is evaluating sites for the possible location of the facility. The Project will be master planned to accommodate all or portions of the following uses: city hall offices, council chambers, conference rooms, community room, public works facility, salt storage facility. The design must be able to expand to accommodate future growth of services of this newly incorporated city.

Preliminary Project Schedule

The project is anticipated to be broken into the following steps:

- **Step One:** Review and analyze space needs and develop concept design.
- **Step Two:** Schematic Design, Design Development, Construction Documents and Construction Administration. (Schedule to be determined)

The AE will need City Council approval prior to proceeding to Step 2.

Throughout this RFP, reference to AE is assumed to include the AE and any other firm and/or personnel that the AE has elected to partner with for purposes of the project. AE will be responsible for all communications, contracting, payment, and other matters with partner firms and personnel selected by AE.

1.2 Selection Process & Timeline

AE selection is expected to track the following schedule but may be revised if necessary.

RFP Release Date	Friday, July 7, 2023
RFP Questions Due	Thursday, July 20, 2023, 4:00 PM
RFP Questions Answered (posted on City's website)	Wednesday, July 26, 2023, 4:00 PM
Deadline for RFP Proposal Submissions (delivered to City)	Monday, August 7, 2023, 2:00 PM
Interviews Conducted (anticipated date) *	Week of August 14, 2023
Anticipated Notice to Proceed	August 22, 2023

***Proposed AE personnel who attend the interview must be the same key personnel who will be in charge of the project from program review through project completion.**

1.3 Contact/ Requests for Clarification

Prospective responders may direct inquires/ questions in writing to:

Cathy Reynolds via email: cityadmin@creditriver-mn.gov

All questions are due no later than 4:00 PM on Thursday, July 6, 2023. Responses to the questions will be posted on City's website at <https://www.creditriver-mn.gov/home>

The contact person listed above is the only individual who can be contacted about the project before proposals are submitted. Other means of communication or contact may disqualify the submitting firm.

1.4 Response Delivery

RFP responses must be delivered as follows no later than Monday, August 7, 2023, at 2:00 PM.

Proposals submitted after the 2:00 PM deadline will be declined.

Hard Copies to:

Submit three hard copies of all response documents to:

City of Credit River
Attn: Cathy Reynolds
18985 Meadow View Blvd
Prior Lake, MN 55372

Electronic copies to:

Cathy Reynolds via email: cityadmin@creditriver-mn.gov

**** Note the specific format and page limitations requirements outlined in 3.1****

Section Two: City Provided Services and Required AE Services

2.1 Construction Delivery Method and Other City Provided Services

The City intends to use a CM as advisor (CMa) construction delivery method. The CMa will be engaged for preconstruction and construction services including cost and schedule estimating, bidding to subcontractors and day-to-day construction management.

2.2 AE Services

City intends to contract AE services under an AIA Document Standard Form Agreement.

Phase 1: Space Needs Analysis and Conceptual Design

- a. Participate in space requirement meetings with the City Administrator, Finance Director, and other designated participants to determine the most favorable balance between shared work areas, private workstations, and private offices, conference rooms and meeting space, and council chambers, as well as public works garage space.
- b. The assessment should consider space design to accommodate anticipated growth and future expansion.
- c. Tour and examine other city hall and public works facilities as needed to assist with space needs and concept design development.
- d. Review proposed property locations and conduct municipal code and zoning reviews and advise City on related requirements and review/approval processes and timelines.

- e. Conduct property due diligence including geotechnical, survey, utility capacity, wetlands, etc as needed to advise on property requirements related to proposed facility siting.
- f. Present final report and recommendations.

Project Cost Estimating and Schedule Support

- a. Provide conceptual designs and related specifications as needed to support construction cost estimating work by CMA.
- b. Assist CMA and City with preparation of a project cost model based on preliminary design results, plus results of property evaluation work.
- c. Assist with development of preliminary master design and construction schedule.
- d. Provide presentation quality drawings of conceptual design including a site plan, floor plans and color interior and exterior renderings.
- e. Provide 3-D conceptual image(s).
- f. Assist with project budget development.

Present Findings

Participation, as requested, in the presentation of a consolidated report to the City Council outlining conceptual design and space needs findings.

Phase 2: Schematic, Design Development, Construction Drawings and Administration

AE Basic Services are expected to include the following conditions, as well as periodic meetings with City, and CMA to review project design and to help ensure compliance with the budget including value engineering efforts.

Schematic Design

- a. Work with CMA throughout the Schematic Design process to obtain cost input.
- b. Submit drawings and other descriptive information to the CMA for estimates of the Cost of the Work at 50% complete and 100% complete Schematic Design ("SD").

Provide energy and life cycle analysis, as needed.

If revisions are required to comply with budget Cost at the conclusion of the SD phase, AE will incorporate the required revisions in the Design Development ("DD") phase at no additional cost to the City.

Design Development

- a. AE will prepare a cost estimating package at fifty percent (50%) complete DD for purposes of pricing by the CMA and confirming that Cost of the Work is in compliance with the budget.
- b. Cost estimating package to include 100% DD documents, a written narrative which includes the AE's description of incomplete elements of the DD documents, and AE's statement of intended scope (including anticipated qualities and quantities) with respect to incomplete elements.
- c. City to review CMA's estimates and work collectively to agree on the final budget at the end of DD. If revisions to the DD documents are required to comply with the budget, AE will make required revisions without additional fee or expense to City until the DD documents support completion of construction in conformity with the budget.

- d. AE should anticipate multiple bid packages and develop a strategy for issuing the bid packages that facilitates the completion of those packages. The purpose is to utilize this bidding package strategy to gain the most advantageous issuing of documents, to maximize local subcontractors' participation, minimize construction duration while allowing the bid packages to be completed efficiently. Early bid packages may be required for certain building components that are subject to long lead times and/or sub-trades that have a high potential for cost escalations.

Construction Documents

- a. Prior to the conclusion of the Construction Documents ("CD") phase, AE will submit CD documents for City review as to cost, constructability, schedule and value engineering and for City's review, comment, and approval. If revisions to the construction documents are required to comply with the budget, the AE will incorporate the required revisions into the construction documents without additional fee or expense to the City.
- b. AE to include alternates in the CD's equal to 5% decrease and 5% increase of the cost of work as part of the Basic Services. Alternates to be included in bid package.

Bidding or Negotiation

- a. Participate in key contractor interviews as jointly determined by AE and CMA.

Construction Administration

- a. Before the beginning of construction, and in agreement with the CMA, AE will participate in pre-construction conferences, and thereafter participate in construction progress meetings.
- b. If during the construction phase any changes or corrections to the constructed work are required due to an error or omission of the AE, its consultants, or any party in contract with the same, at no additional cost to City, AE will provide on-site observation of the work to be corrected until such correction is completed.
- c. Prepare and oversee completion of project punch list.

Changes In The Work

- a. Upon completion of construction, the AE will prepare and deliver one set of as-constructed record drawings and specifications in an electronic format acceptable to City, incorporating revisions made by the AE during the construction phase and field changes noted on the CMA's marked-up field set.

Section Three: RFP Response

3.1 Submittal Packages: Please submit your proposal in two packages.

Part 1 - Services Proposal

Your proposal and interview presentation should be a demonstration of your ability to communicate concisely and succinctly. **Proposals are to be organized in the same sequence as outlined below and sections should be tabbed and clearly identifiable. Limit electronic proposal response to twenty (20) 8 ½" x 11" single-sided printable sheets, minimum font size of 11 point (excludes transmittal cover letter and AE Fee Worksheet and Questionnaire.** Failure to include requested information, or follow the organizational requirements outlined above, will have a negative impact on the evaluation of the proposal. The minimum contents of a proposal are as follows:

1. Transmittal Cover Letter

- a. Identify all materials being forwarded collectively as a response to the RFP.

- b. Provide the name, title, address, email, and phone number of the person(s) authorized to make representations for the AE team.
- c. Signed by an individual authorized to commit the proposed team to the scope of work proposed. Consortiums, joint ventures, or teams submitting proposals must establish contractual responsibility solely with one company or one legal entity. Each submittal should indicate the entity responsible for execution on behalf of the proposal team.

2. Company Profile

Briefly describe your organization as well as any firm partnering for the project.

3. Project Staffing, Relevant Experience, Roles on the Team, and References

- a. Outline staffing and any consultants to be retained by AE, experience relevant to the project, roles on the team, and references.
- b. Proposed project leader- experience with similar project types, roles of those projects, years of experience, etc. Please identify who will be our day-to-day contact through the design phase and who will perform construction administration services.
- c. Provide information for at least three but not more than five city/public works facilities that your proposed team has designed in the past ten years.
 - a. Name of project and location
 - b. Client contact information
 - c. Year completed and construction contract value.

4. Process

- a. Describe process envisioned on project.
- b. Describe methodologies used to maintain design schedule, drive value engineering and “best practices” efforts, quality control on drawings, and design to budget.
- c. Address budget contingency need/use experience in the design and construction process.

5. Additional Services

Advise on supplemental design and/or engineering services/consultants that City should consider for the project, including any to be noted in Article 1.1.10 and/or Article 4 of the B133-2019.

Part 2 - Cost Proposal

Attachment A - AE Fee Worksheet

General Information/Conditions

- Billings are to be made monthly as a percentage of services completed during that period, plus reimbursable expenses.

Section Four: Evaluation Criteria

The evaluation will be conducted by the City. Upon receipt of the proposals, the City will review all proposals from candidate firms based on the following criteria:

A. Company background

- B. Applicable and relevant experience with city hall/public works facility projects.
- C. Team / personnel experience working together and on similar projects.
- D. Project approach including working on projects for public sector clients.
- E. Demonstrated knowledge of the local and regional codes and regulations

Based on review of proposals 2-3 firms will be contacted and invited to interview. All proposals will be treated as closed records until a contract award. The City will make a recommendation to the City Council for their approval.

Section Five: Selection Criteria

The City will rely on the qualitative information contained and presented in the proposals, interviews, and reference checks in making the decision to select the most qualified firm to provide services for this project. Selection criteria will be based on:

- A. Experience, qualifications, and availability of proposed team leaders
- B. Broader team structure
- C. History of project team working together
- D. Technical work process
- E. Proposal, interview, and response
 - a. Specified format and completeness of RFP response will be considered.
- F. General Conditions and fee

Acceptance of a proposal shall be by written notice to the AE submitting the accepted proposal, and by simultaneously notifying the other AE firms that their proposals were not accepted.

Section Six: Notice to AE RFP Respondents

- A. This RFP is not a contract and does not in any way bind the City to any obligations.
- B. The City is not responsible for costs incurred by anyone responding to the Request for Proposal.
- C. Upon submission, all proposals become the property of the City, which retains the right to use any concept or idea presented in any proposal submitted, whether or not that proposal is accepted.
- D. The City expressly reserves the right to amend or withdraw this RFP at any time. It further expressly reserves the right to reject any or all proposals.
- E. The City is not bound to accept the lowest cost proposal.
- F. Proposers are held legally responsible for their proposals.
- G. The City reserves the right to negotiate contract terms contemporaneously and/or subsequently with any number of proposers as the City deems to be in its best interest.
- H. The City reserves the right to negotiate any aspect of the proposal with any candidate and to negotiate with more than one candidate at the same time.
- I. The City reserves the right to request any additional information at any stage of the RFP process.
- J. The City reserves the right to waive any minor irregularities in the proposal request process.

Attachment A: Architectural / Engineering Fee Worksheet/Questionnaire

Architectural / Engineering Fee

Comments

STEP ONE FEE: Space Needs Analysis and Conceptual Design (Fixed price including reimbursables)	\$	
STEP TWO FEE: Schematic Design, Design Development, Construction Documents, and Construction Administration (Expressed as a percentage of the construction Cost of Work)	%	
NOT TO EXCEED REIMBURSABLE EXPENSES related to Step Two Services (reimbursed by City on an as-incurred basis).	\$	

Please include or comment on the following:

1.	Provide schedule of hourly rates for personnel including clarification of Direct Personnel Expense (DPE) basis used in arriving at such rates.
2.	Clarify excluded services and limiting conditions, including any to be noted in Article 1.1.10 and/or Article 4 of the B133-2019.
3.	Disclose any potential conflicts of interest.
4.	Provide certificate for insurance
5.	Define compensation for each phase of Step Two as a percentage of the overall fee (ie. Schematic Design, Design Development, Construction Documents, Bidding or Negotiation, Construction and Closeout Phase, Etc.).



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	July 5, 2023
SUBMITTED BY:	Cathy Reynolds,Administrator
ITEM TYPE:	Agenda Report
AGENDA SECTION:	Staff and Council Member Updates
SUBJECT:	2024 Budget Process
BACKGROUND:	The 2024 budget process has started, and staff is pulling together projects and estimates for the 2024 budget. The 2024 preliminary budget and levy needs to be certified and sent to the County by September 30, 2023. The preliminary budget sets the maximum levy that the city can adopt with the final 2024 budget.

The following schedule reflects dates for the 2024 Budget Process.

- July/August:
- Staff working on estimates and projects needed for 2024 to pull together initial data for council consideration and input.
- August 21, 2023:** Council Work Session
- Staff will present the initial budget projections and capital improvement plan for council's consideration and input. Council feedback and priorities will then be utilized to finalize the preliminary budget for adoption.
- September 6, 2023:** City Council Meeting
- This meeting provides an opportunity to hold any further discussion, as needed, on the preliminary budget.
- September 18, 2023:** City Council Meeting
- The preliminary budget will be presented to council for approval.
 - The preliminary budget and levy must be certified to Scott County by September 30, 2023.
- October - December:
- Staff prepares the final 2024 budget.

December 4, 2023: City Council Meeting

- An informational meeting on the 2024 budget will be held with the availability of the public to comment on the budget.
- Council adoption of the final budget and levy

December 18, 2023: City Council Meeting

- Alternate date for council approval of the budget and levy.
- The final budget and levy must be certified to Scott County by December 30, 2023.

SUGGESTED ACTION: For information

ATTACHMENTS: