

**CITY OF FOREST LAKE
WASHINGTON COUNTY,
MINNESOTA
ORDINANCE NO. 686
AN ORDINANCE AMENDING
TITLE III, CHAPTER 35,
SECTION 35.03 AND
TITLE XV, CHAPTER
152, SECTIONS 152.072,
152.073, AND 152.083
REGARDING SUBDIVISION
REGULATIONS-
CONSTRUCTION OF
PUBLIC IMPROVEMENTS**

THE CITY COUNCIL OF THE CITY OF FOREST LAKE ORDAINS AS FOLLOWS:

Section 1. Title III, Chapter 35, Section 35.03 Amendment: Title III, Chapter 35, Section 35.03 of the Forest Lake City Code is hereby amended as follows. The struck-out text shows the deleted wording and the underlined text shows the language added to the code:

§ 35.03 FEES FOR DEVELOPMENT PROJECTS.

~~All plans for public improvement projects, including private streets projects with public utilities, may be prepared by a qualified engineer as stipulated by a Zoning code amendment adopted by the city.~~ Construction of public improvements required as part of a private development project shall ~~is to be~~ funded privately by the project developer. Financial guarantees in the form of a Letter of Credit for Engineering and construction costs is to be posted with the city prior to the start of construction.

Section 2. Title XV, Chapter 152, Section 152.073 Amendment: Title XV, Chapter 152, Section 152.073 of the Forest Lake City Code is hereby amended as follows. The struck-out text shows the deleted wording and the underlined text shows the language added to the code:

§ 152.073 PUBLIC IMPROVEMENTS.

(C) ~~Infrastructure design by a licensed engineer.~~ Public infrastructure and utilities shall be designed by the city engineer unless the City Administrator approves the design of such public utilities and infrastructure by a qualified licensed engineer selected by the developer, in which case tThe developer shall use a licensed engineer that meets all of the following requirements. The engineer or engineering firm shall:

(1) Have at least one employee who is a registered professional civil engineer licensed to work in the State of Minnesota with a minimum of ten years of experience in municipal infrastructure projects;

(2) Employ on a full-time basis, or through the use of subconsultant(s), one Professional Civil Engineer registered in the State of Minnesota with a minimum of five years of experience in each of the following project categories: local roadway systems, sanitary sewer collection systems, water distribution systems, and storm sewer systems. One professional civil engineer may be used for all of the listed project categories if qualified; and

(3) Possess an errors and omission insurance policy with a minimum of \$1,500,000 in liability coverage.

(E) ~~Developer's agreement providing for the installation of improvements. Prior to the installation of any required improvements and prior to approval of the final plat, the developer must enter into a development agreement requiring the developer to pay for the design, surveying, construction, installation, testing, and inspection of all of the public improvements required by the city in conjunction with the development. Such public improvements shall be installed by the developer at developer's sole expense unless the City Council otherwise approves, in writing, having the city construct such improvements at the cost of the developer. The developer shall furnish and construct the improvements at their sole cost and in accordance with city specifications. When applicable, the development agreement shall contain language specifying preconstruction requirements, the content of materials & shop drawings that must be submitted for review and approval, contractor insurances, bond requirements for performance and payment, and contract requirements with contractors with regards to EJCDC/ Special Provisions. The developer shall be responsible for obtaining all required permits from all other regulatory entities, including but not limited to the applicable watershed district. The development agreement shall also designate the applicant and/or responsible party for applicable MN Department of Health, MN Pollution Control Agency, and Watershed permits and sureties. No developer is permitted to start work on any subdivision without special approval of the City Council if the developer has previously defaulted on work.~~

(G) ~~Construction plan design process, required inspection, and utility testing.~~ The preliminary survey; and construction staking outside the right of way, preparation of plans, and materials/utility testing shall be conducted by the developer, who is responsible for all costs associated with the activities. Construction staking of public streets and public utilities shall be provided by the city engineer at developer's expense. The developer is also responsible for the cost of surveying and all inspections.

(1) Construction plans for the required improvements conforming in all respects with the requirements of this chapter shall be prepared at the developer's expense by the city engineer or a qualified engineer if authorized by the City Administrator. ~~The P~~ublic improvement construction plans must be submitted ~~to prepared by~~ the City Engineer for approval and for an estimate of the total costs of the required improvements except as otherwise permitted by the City Council. Upon approval of the plans, an electronic copy of the plans must be furnished to the city.

(2) All required improvements on the site that are to be installed under the provisions of this chapter must be inspected by the City Engineer during the course of construction at the developer's expense. Construction not inspected will not be accepted for public ownership.

(3) Upon completion of the improvements and prior to public dedication, the developer is responsible for conducting the cost of quality control and materials testing as required by the project including but not limited to that includes, but is not limited to, compaction testing, concrete testing, bituminous testing, sand/gravel testing, testing all developer-installed utilities, and related appurtenances material testing requirements. Prior to the public dedication of required improvements the developer shall submit as-built plans of the public infrastructure. The developer shall be responsible for the cost of the preparation of the as-built plans. The City Engineer shall perform final inspection of the public improvements.

Section 3. Title XV, Chapter 152, Section 152.083 Amendment: Title XV, Chapter 152, Section 152.083 of the Forest Lake City Code is hereby amended as follows. The struck-out text shows the deleted wording and the underlined text shows the language added to the code:

§ 152.083 INFORMATION REQUIRED FOR FINAL PLAT; FINAL PLANS.

~~(A) Number of copies required at the time of application. The Developer shall submit 5 large scale copies and 1 reduced scale (11" x 17") copy of the final plat and required information and plans, together with a final grading plan, utility plan, landscape plan and other related plans to the Community Development Department.~~

(A) Final plan development. The developer shall submit one digital and one printed copy of the following documents to the City: a preliminary plat, a preliminary utility plan, and a preliminary grading and drainage plan. Utilizing submitted plans as a base of the site in question, the city engineer or a licensed engineer, if authorized by the City Administrator, shall develop final plans and project documents for the public infrastructure. The developer is responsible for the cost of final plan and project document preparation.

Section 4. Effective Date. This Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

Passed in regular session of the City Council on the 25th day of February, 2019.

CITY OF FOREST LAKE
By: Mara Bain
Its: Mayor
Attested:
By: Patrick G. Casey
Its: City Clerk
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