

**Watertown City Council**

July 14, 2020

**Agenda Item: Forest Hills Resident Concerns****Request for Action: Discussion & Direction****Department: Shane Fineran, City Administrator****Background:**

A group of residents of the Forest Hills neighborhood have expressed concerns and dissatisfaction with city staff and City Council members regarding the standards and oversight provided by the building inspections services of the city. Staff had requested a specific list of grievances that they would like to be discussed and heard by the City Council and are attached.

The city does not employ its own building official or inspections staff, but rather operates under a services agreement with the City of Delano since 2011. At that time building official and inspections duties were solely completed by Scott Dornfeld and have since grown to two additional staff to include an inspector and combination building official/inspector in response to building activity and demand for services. A part-time inspector has been brought on solely to complete storm damage related inspections.

The city provides administrative support such as scheduling, coordination, and record keeping for Watertown inspections. Utility staff also perform additional support to building inspections by performing weekly curbside inspections of construction sites and notifies inspections staff of concerns related to items such as erosion control, debris in streets, and infrastructure protection or damage. Additional inspections and oversight are made by others on development scale projects in which permits are issued by the Carver County Watershed Management Organization.

1. Stockpiling – the stockpiling of dirt and topsoil is a generally accepted condition of construction. Furthermore, in larger development scale projects, the stockpiling of topsoil is a permitted activity and regulated by permit issued by the Carver County Water Management Organization. The noted conflict is with Forest Hills homeowner’s association covenants. The city has no authority to enforce HOA covenants. The city does not permit the stockpiling of dirt beyond 60 days per ordinance if construction is completed or a certificate of occupancy is issued. The city would have to find this condition a violation of ordinance.
2. Dirty streets – the city does not have a standard or expectation of street cleaning adjacent to construction sites. Inspections staff will issue directives if the tracking of debris or mud is found to be excessive or perform an inspection if a complaint is received. Additionally, weekly curbside inspections are performed by utility staff on this issue and areas of concern are provided to inspections staff.
3. Concrete wash outs – the city does not have a standard or expectation of a designated concrete wash out area. Concrete suppliers are regulated by the Minnesota Pollution Control Agency and must follow the best practices and regulations made available by the [MPCA](#). A recent concrete washout complaint was received, an inspection was performed by inspections staff and also reported to Carver County Soil & Water, who performed an additional inspection, no violations were found.
4. Yard grading and sodding-the city will issue a temporary certificate of occupancy without final grading, sodding or landscaping. A \$2,000 escrow is received at the time of issuance of building permit and is not returned until the items are completed and a final certificate of occupancy is issued. The typical guidance for completion of these items provided for in the issuance of a temporary certificate of occupancy is completion within three (3) months. Additionally, development agreements may contain language with additional guidance and/or provisions to find a developer in default in relation to items related to landscaping. The city would have to find conditions warranting a default notice.

5. Erosion control-inspections staff will perform inspections and directives related to erosion control while on site. Additionally, weekly curbside inspections are performed by utility staff on this issue and areas of concern are provided to inspections staff. A \$2,000 escrow is received at the time of issuance of building permit if corrective measures are not followed based on guidance of inspections staff in the event that the city would have to perform the corrective measure. Additional inspections and oversight are made on development scale projects in which permits are issued by the Carver County Watershed Management Organization.
6. Work hours-allowable work hours have been made very clear to builders and contractors. Guidance has been provided to residents that in the event of a violation that a report should be made to law enforcement for citation of the offending party. This report should be made while the offense is occurring.
7. Landscape trees-municipal code requires two (2) trees per lot, deciduous trees shall be of two (2) caliper inches and evergreen trees shall be six (6) feet in height. Loomis Homes was made aware of this ordinance concern late last summer and corrective measures taken prior to inspection for final certificates of occupancy. Inspections staff have been slowly working through the final inspections on those properties but have taken low priority and is conducted as the schedule allows in order to accommodate construction inspections and storm damage related inspections.
8. Construction traffic-the city does not have a standard or expectation that certain public roads be used for specific building sites. Currently there are three (3) active home sites under construction between Butternut Lane and Forest Hills Lane along Hickory Curve, with four (4) available home sites. Construction traffic related to development scale work associated with Forest Hills 8<sup>th</sup> Addition is directed to utilize the entrance to the neighborhood from Paul Avenue as this is the most direct route to the development area and impacts the least number of occupied lots.

In order to provide additional oversight of construction activity, not only in the Forest Hills neighborhood, but community wide, the city would need to create or strengthen its standards and/or regulations as well as provide additional staffing resources or re-allocation of existing resources to perform this work. Anecdotally, the inspections services offered by the city has been well received by contractors doing business in the community and positive working relationships have been established. Inspections staff have reported no issues with contractors when given direction on needed corrective measures and additional punitive measures have not been heavily used or necessary.

Discussion items for the City Council to consider based upon the concerns noted:

1. Is the current oversight and level of service staff and/or other regulatory partners providing consistent with City Council expectations and the needs of the community?
2. Are new standards or regulatory tools needed to address stockpiling, street cleanliness, or other concerns raised by the residents?
3. Would expanded oversight or additional regulatory tools negatively impact the city's relationship with builders and developers and reduce economic development in the city?

**Funding Source:**

None

**Attachments:**

List of concerns presented by Dan Schuette on behalf of Forest Hills residents.

**From:** [Dan Schuette](#)  
**To:** [Shane Fineran](#)  
**Cc:** [REDACTED]  
**Subject:** Per Your Request for July 13th - Forest Hills Concerns  
**Date:** Friday, June 26, 2020 11:13:52 AM

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Shane,

Our group came up with SPECIFIC items that need to be addressed within Forest Hills, per your request.

- 1) Stockpiling of materials/fill is not allowed per Forest Hills covenants - Loomis Homes is violating this covenant, and this needs to be addressed. There's an entire lot between two homes that has a mountain of backfill sitting in it; why is this being allowed?
- 2) Streets are a disaster - subcontractors need to clean up mud/dirt in roadways daily - no exceptions - our families live in this development, and keeping it clean for our desired standard of living is a requirement.
- 3) Concrete wash-outs need to be designated - no more subcontractors washing out concrete trucks in roadways
- 4) Yard grading and sod needs to proceed - barely any progress is being made on this front by Loomis Homes
- 5) Erosion control is an absolute disaster - this needs to actively be managed by Loomis Homes, and reviewed by City of Watertown Building Codes weekly. Subcontractors are driving over erosion control, destroying it and making a complete disaster of our community. This has to end. No single person could come take a look at the current status of erosion control within Forest Hills and say that it is in an acceptable state. Standards were 10X higher for the building of my home in 2013 - what happened since then?
- 6) Subcontractors are starting before work hours allow - Loomis Homes needs to manage their subs per ordinances of the City of Watertown. It is our right to live in this development without being woken up daily by subs who don't care about City of Watertown ordinances.
- 7) Ordinances call for a "6' evergreen tree" to be installed in homes in our development; Loomis homes installs 4' arborvitae. Who is allowing this cost savings to Loomis Homes/home value reduction to existing community members and why?

8) Hickory Curve construction traffic needs to be reduced; there's barely any construction going on here, and exits/entrances to the development are available in both directions without going through Hickory Curve. There's many little children/families that live on Hickory Curve; the safety of the people in this community matters. Please present a plan to reduce unnecessary construction traffic on Hickory Curve.

Dan Schuette

