7:30 p.m. CITY COUNCIL MEETING – Council chambers

1. Call to order
   1a. Pledge of allegiance
   1b. Roll call

2. Presentations
   2a. Proclamation honoring Betty Engebretson and declaring “Betty Engebretson Day”
   2b. Honoring James Gainsley for 40 years of service to the City of St. Louis Park and BOZA
   2c. Recognition of 2018 police officer of the year and award of valor recipients

3. Approval of minutes
   3a. LBAE minutes April 22, 2019

4. Approval of agenda and items on consent calendar
   NOTE: The Consent Calendar lists those items of business which are considered to be routine and/or which need
   no discussion. Consent items are acted upon by one motion. If discussion is desired by either a Councilmember or a
   member of the audience, that item may be moved to an appropriate section of the regular agenda for discussion.
   The items for the Consent Calendar are listed on the last page of the Agenda.
   
   **Recommended Action:** Motion to approve the Agenda as presented and items listed on the Consent
   Calendar; and to waive reading of all resolutions and ordinances. (Alternatively: Motion to add or remove
   items from the agenda, or move items from Consent Calendar to regular agenda for discussion.)

5. Boards and commissions
   5a. Appointment of citizen representatives to boards and commissions
   
   **Recommended action:** Motion to appoint citizen representatives to the boards and
   commissions as listed in exhibit A.

6. Public hearings
   6a. Annual Storm Water Pollution Prevention Program public meeting
   
   **Recommended action:** None at this time. This agenda item serves to meet the city's
   Municipal Separate Storm Sewer System (MS4) permit and Storm Water Pollution Prevention
   Program (SWPPP) requirements. After a staff presentation the Mayor is asked to open up the
   meeting for public comment.

7. Requests, petitions, and communications from the public -- None

8. Resolutions, ordinances, motions and discussion items
   8a. First reading of ordinance related to zero waste packaging
   
   **Recommended action:** Motion to approve the first reading of an ordinance amending the
   Zero Waste Packaging Ordinance, and to set the second reading for June 17, 2019.

   8b. Mixed use zoning district amendment
   
   **Recommended action:** Motion to approve first reading of an Ordinance amending Division 9.
   M-X Mixed Use and additional amendments relating to the MX district to land use, parking
   regulations, sign regulations, and architectural design (Sections 36-115, 36-361, 36-362, and
   36-366)and set the second reading of Ordinance for June 17, 2019.
8c. Zoning ordinance amendment regarding home occupations

**Recommended action:** Motion to approve first reading of an Ordinance amending Chapters 36 of the St. Louis Park Code of Ordinances regarding home occupations, and set the second reading for June 17, 2019.

9. **Communications – None**

St. Louis Park Economic Development Authority and regular city council meetings are carried live on civic TV cable channel 17 and replays are frequent; check [www.parktv.org](http://www.parktv.org) for the schedule. The meetings are also streamed live on the internet at [www.parktv.org](http://www.parktv.org), and saved for video on demand replays. The agenda is posted on Fridays on the official city bulletin board in the lobby of city hall and on the text display on civic TV cable channel 17. The agenda and full packet are available by noon on Friday on the city’s website.
Consent calendar

4a. Designate Telemetry & Process Controls, Inc. the lowest responsible bidder and authorize execution of a contract with the firm in the amount of $1,265,955.00 for the 2019 Supervisory Control and Data Acquisition (SCADA) System Replacement Project No. 5318-5006.

4b. Designate Minger Construction Inc. the lowest responsible bidder and authorize execution of a contract with the firm in the amount of $2,297,991.30 for the 2019 Historic Walker Lake Phase 1 improvements project no. 4018-1050.

4c. Approve an agreement between the City of St. Louis Park and Xcel Energy for 3-year subscriptions for all city managed electricity accounts not covered by Renewable-Connect.

4d. Adopt Resolution approving acceptance of a product donation from Jonny Pops (estimated value of $300) to be used in conjunction with the mock election to be held at the Parktacular Expo on June 15, 2019.

4e. Adopt Resolution amending Resolution No. 19-006 authorizing the special assessment for the repair of the sewer service line at 4124 Yosemite Avenue South, St. Louis Park, MN P.I.D. 21-117-21-31-0091 by correcting the interest rate for the proposed special assessment.

4f. Adopt Resolution authorizing a minor amendment to the Knollwood Village special permit to modify the mall building elevations.

4g. Designate G.L. Contracting, Inc. the lowest responsible bidder and authorize execution of a contract with the firm in the amount of $379,932.30 for the 2019 Alley Reconstruction Project No. 4019-1500.
Executive summary

Title: Proclamation honoring Betty Engebretson and declaring “Betty Engebretson Day”

Recommended action: Mayor to read and present proclamation recognizing Betty Engebretson Day.

Policy consideration: None

Summary: Betty Engebretson moved to St. Louis Park in 1955 making her a resident of this community for 68 years. Betty is a special person and neighbor who is loved by many. Betty Engebretson is being honored and recognized by the community and city council for her 100th birthday on May 25, 2019.

Financial or budget considerations: Not applicable.

Strategic priority consideration: St. Louis Park is committed to creating opportunities to build social capital through community engagement.

Supporting documents: Proclamation

Prepared by: Maria Carrillo Perez, Management Assistant
Approved by: Tom Harmening, City Manager
Proclamation
Declaring “Betty Engebretson Day”

Whereas, Betty Engebretson was born May 25, 1919 to Hans and Rena Engebretson in Canby, MN. She is the fifth of seven children and is a loving aunt to many nieces and nephews; and

Whereas, Betty graduated from St. Scholastica in Duluth and received her bachelor’s degree from the University of Minnesota in library science, and later a masters from the University of Minnesota in history and English; and

Whereas, Betty worked for 35 years at the main Minneapolis Library and as its athenaeum the last 25 of those years and retired in 1980; and

Whereas, Betty Engebretson moved to Meadowbrook Apartments in St. Louis Park in 1951 and then moved to the Creekside Neighborhood in 1955 with her two sisters, Mary and Helen, where she has lived for 64 years making Betty a St. Louis Park resident for a total of 68 years; and

Whereas, Betty was the family “handyman” and later the major caregiver for her two sisters; and

Whereas, Betty loved planting flowers and trees, mowing the lawn, camping on the North Shore and Boundary Waters – anything to just be outdoors. Betty is a lifelong daily journalist, crossword puzzle specialist and voracious reader; and

Whereas, Betty is a special person and neighbor who is loved by many and the St. Louis Park community wishes her joy and happiness on her 100th birthday on May 25, 2019.

Now therefore be it resolved that the mayor and city council of the City of St. Louis Park, Minnesota recognize Betty Engebretson and ask all to join us in declaring May 25, 2019 as “Betty Engebretson Day.”

Wherefore, I set my hand and cause the Great Seal of the City of St. Louis Park to be affixed this 20th day of May, 2019.

______________________________
Jake Spano, Mayor
Executive summary

**Title:** Honoring James Gainsley for 40 years of service to the City of St. Louis Park and BOZA

**Recommended action:** The Mayor and Council are asked to recognize James Gainsley for his 40 years of service on the Board of Zoning Appeals (BOZA).

**Background:** The City of St. Louis Park highly values citizen involvement in all aspects of city government and believes it improves the quality and responsiveness of public decision making. James Gainsley embodied this value and belief by generously giving his time over the course of 40 years of service to the city’s Board of Zoning Appeals.

James’ leadership in this capacity was more than appreciated by the residents, his peers on the Board and by city leadership and staff. He was routinely looked to for guidance in difficult situations, which he provided with thoughtfulness and fairness. His dedication and commitment served as an inspiration to others.

In honor of his service to the City of St. Louis Park over the past 40 years, staff requests that the City Council posthumously honor Mr. Gainsley and recognize the exceptional contributions he has made to the community.

James Gainsley died on April 17, 2019. His wife, Renee Gainsley, and daughter, Joan Gainsley, will attend the meeting to accept the recognition on his behalf.

**James Gainsley’s service to the city:** He was first appointed to the Board of Zoning Appeals on January 2, 1979. He was instrumental in drafting the by-laws of the board. He heard innumerable variance requests and zoning appeals. He also served as the chairman of the board for most of his 40 years of service.

In addition to his service to the city, notably he served on various committees for Temple Israel holding leadership positions Treasurer, Chairman of Usher Corps, Chairman of Camp Teko Committee, Board Member for Temple Israel Memorial Park, Archiving and Men’s Club; and he was a long-standing member of the Minneapolis Shriners.

**Supporting documents:** None

**Prepared by:** Gary Morrison, Assistant Zoning Administrator  
**Reviewed by:** Sean Walther, Planning and Zoning Supervisor  
Karen Baron, Community Development Director  
**Approved by:** Tom Harmening, City Manager
Executive summary

Title: Recognition of 2018 police officer of the year and award of valor recipients

Recommended action: Police Chief Mike Harcey will be in attendance to publicly present awards to recipients.

Policy consideration: None at this time.

Summary: Since 1989, the St. Louis Park Police Department has presented the Robert Linnell Officer of the Year award to the officer who has demonstrated consistent principles of integrity, fairness and a commitment to service within our community. The Officer of the Year is an example of what a police officer should be or strive to be by demonstrating his/her commitment to the mission and values of the St. Louis Park Police Department and the City of St. Louis Park. The award is held in high regard because officers are nominated by their peers. At the police department annual meeting, officers select the Officer of the Year by voting on the nominations. On April 10, 2019 department members selected Officer Matthew Blomsness as the 2018 Officer of the Year recipient.

The department also presented the Award of Valor to Officer Jacob Erickson at the annual department meeting. The Award of Valor is awarded to a member or citizen who, conscious of danger, intelligently, and in the furtherance of public safety, distinguishes him or herself by the outstanding performance of an act of gallantry and valor at imminent personal hazard to life, above and beyond the call of duty or routine humanity. Sgt. Paul Barnes, Officers Sam Heffernan, Erin Nordrum, Travas Diersen and Dispatchers Robin Shoen and Tiffany Dyals also received department commendations for their involvement in the incident.

Financial or budget considerations: Not applicable.

Strategic priority consideration: St. Louis Park is committed to creating opportunities to build social capital through community engagement.

Supporting documents: Discussion

Prepared by: Mike Harcey, Police Chief
Approved by: Tom Harmening, City Manager
Background:

2018 Officer of the Year

On April 10, 2019 department members selected Officer Matthew Blomsness as the 2018 Officer of the Year recipient. In 2018, Officer Blomsness worked as a patrol officer on the A-side middle watch shift. He is a member of the SWAT team, works as a firearms instructor, and a patrol training officer. The following is an excerpt from the nomination form for Officer Blomsness:

- He consistently demonstrates the “principles of integrity, fairness and service to our community” every day he comes to work. “He does not merely show up, he makes it his responsibility to share his positive attitude and his work knowledge with others.”
- “Matt is an informal leader that others rely on.” He is described as someone that “makes himself approachable, which allows others to feel comfortable coming to him for advice.”
- “Matt contributed to the department’s strategic planning process, he attends MAC meetings and assists with the Citizen’s Academy. Matt took on the added burden of working numerous acting duty sergeant shifts. He readily took on this added responsibility and did so with excellence. He is currently participating in the city’s job rotation program where members of each department look for ways to innovate our work processes. Outside of our department Matt attends trainings that help him prepare for leadership roles.”
- Matt "is an example of what a St. Louis Park Police officer should be. He is someone who takes his professionalism seriously. He treats everyone with respect. His work product is an example for others to follow. He strives to learn and improve every day. He involves himself in many aspects of the department in order to make this a better place to work and a more professional police department. He takes on many tasks and does them with excellence and never complains about the things that do not go his way.”

Award of Valor

The department also presented the Award of Valor to Officer Jacob Erickson at the annual department meeting. Sgt. Paul Barnes, Officers Sam Heffernan, Erin Nordrum, Travas Diersen and Dispatchers Robin Shoen and Tiffany Dyals also received department commendations for their involvement in the incident.

The Award of Valor reads as follows: Officers were sent to the 4000-block of Yosemite Ave. at 6:00pm on July 5th, 2018, in response to a reported assault involving a knife. The caller to Dispatch said he had been attacked by his roommate, who was possibly under the influence of unknown drugs. Upon arrival, Officer Sam Heffernan assisted the caller in getting out of the house through a window and got him to safety while Officer Erin Nordrum provided cover and observed the house from another vantage point. Throughout this process, Dispatchers Robin Shoen and Tiffany Dyals were receiving and relaying essential information to the officers in the area, along with the allocation of other resources and personnel. At the same time, Officers Jacob Erickson and Travas Diersen, accompanied by Sergeant Paul Barnes, approached the front of the house, behind the protection of a ballistic shield, and were joined by Officer Nordrum. When they reached the entrance, they encountered a man who charged toward the approaching officers and made repeated stabbing motions with a knife held in one of his hands. Thinking quickly and acting for the protection of his partners, Officer Erickson used the shield he was carrying as a defensive weapon and incapacitated the attacker, forcing him back and
onto the ground so he could be disarmed. Once disarmed and restrained, the man was taken for medical care and evaluation. The Officers and Sergeant Barnes then searched the rest of the house for possible injured people, using good coordination and communication. During this process, Dispatchers Shoen and Dyals continued to pass along essential information to the many public safety personnel becoming involved. This group of Department members showed both outstanding teamwork and important individual contributions to the positive outcome. Sergeant Barnes and team of emergency responders on scene agreed that Officer Erickson’s bravery and handling of the shield when confronting the knife-wielding man ensured their safety and prevented a possible use of police deadly force against him.
1. **Reconvene the St. Louis Park Local Board of Appeal and Equalization**

The St. Louis Park Local Board of Appeal and Equalization was reconvened at 6:30 p.m.

2. **Roll call – Declaration of Quorum**

Board Members present: Tim Brausen, Steve Hallfin, Rachel Harris, Anne Mavity, Thom Miller, Margaret Rog, and Jake Spano.

Board Members absent: None

Staff present: City Manager (Mr. Harmening), City Assessor (Mr. Bultema), Associate City Appraiser (Ms. Clarke), Associate City Appraiser (Mr. Jurek), Residential Appraiser (Mr. Hoppe), Commercial Appraiser (Ms. Nathanson), Hennepin County Administrator (Ms. Hebert), and Recording Secretary (Ms. Pappas).

3. **Acknowledgement of trained members (Miller and Rog)**

The Board acknowledged board members Miller and Rog as their trained members.

4. **Acknowledgement of assessing staff members in attendance**

The Board acknowledged City Assessor Cory Bultema, Lead Residential Appraiser Lisa Clarke, Residential Appraiser Jessie Jurek, Residential Appraiser Mark Hoppe, Commercial Appraiser Bridget Nathanson and Hennepin County representative Janene Hebert.

5. **Review of properties in appeal**

Judith Moore, 1430 Independence Ave S, St. Louis Park, appealed her 2019 assessing revaluation of $241,800.

Ms. Moore noted the market boom and renovations her neighbors have done over the years. She cited many examples where neighbors purchased homes, renovated top to bottom, and then resold for $40,000 to $60,000 more.

Ms. Moore stated she has no problem with these renovated properties; however, also noted homes around hers that have not been updated in many years, adding she is now bookended with affordable homes. She is contesting the 17% value increase.

Ms. Clarke noted staff’s inspection and stated the home is well maintained and in average condition, with various remodels over the years. She stated based on the market value, staff recommends increasing the valuation to $260,000. The board took the appeal under advisement.
Mr. Bultema noted that Colleen Childers, 4412 44th St. W., was not able to be at the meeting this evening. Ms. Clarke gave a description of the property, which is situated on the Edina border, is well maintained and in great condition, with significant remodeling and renovations. She stated the 2019 appraised value was $598,100, and staff will sustain this value.

Board Member Mavity asked if water damage, an issue noted by the appellant, were factored into the valuation. Mr. Clarke stated she did not see evidence of water damage. Mr. Bultema added staff was not aware of an issue with water and if there is water damage, the owner is asked to provide a photograph to staff so they may take it under consideration. Ms. Clarke also noted in 2016 a complete water drainage system was installed at the property. The board took the appeal under advisement.

Eli and Emma Temkin, 2730 Ottawa Ave. S., appealed their 2019 assessing valuation of $533,500.

Ms. Temkin stated they are new to St Louis Park and are supportive of taxation in general. They wanted high quality services and that is one of the reasons they moved to St. Louis Park. However, they do want to challenge the fair market evaluation, and noted comparable homes they researched in their neighborhood.

Mr. Temkin stated their home increased 37% over the past 5 years, which is higher than any other comparables, while no changes were made to the home during this time. He added their home looks to have been assessed as an outlier vs. other homes in the area, and the tax burden should be spread more evenly. He stated they purchased their home for above the asking price at $521,000, but in comparing to other homes in the area, he believes it is assessed for too much.

Board Member Hallfin stated he does not think the Temkin’s overpaid for their home at the time of purchase, and that they paid what it was worth two years ago. Mr. Temkin stated he hopes it will retain its value over time, but added the home prices seem to be increased when they go up for sale, and the aim of assessment should be to have an even playing field.

Board Member Rog thanked the Temkins for doing a great job on educating themselves and the board on this, and asked what kind of criteria they used to choose comparable homes. Ms. Temkin stated they looked at above ground square footage of homes that had sold recently.

Mr. Bultema stated that staff requested inspection after they purchased it as staff surmised per routine sale review that permits were not pulled correctly for the improvements made to the home prior to the Temkin’s purchase. When staff did review the property, there was a tax implication.

Board Member Spano said the Temkins moved into this home in 2017, and asked why they did not ask for a home valuation in 2018.

Mr. Temkin stated after purchasing the home, they were tagged by the assessor’s office, but decided not to have the home evaluated since nothing had changed. He added they were surprised when they saw the large increase, and decided to have the assessor review the home and to go through the local appeal process.
Mr. Jurek noted staff’s inspection and stated the home is well maintained with extensive remodeling over the recent timeline. He noted the inspection request following the sale in July 2017 and reviewed the current market sales used in the revaluation. He stated based on the market value, staff recommends sustaining the valuation at $533,500. The board took the appeal under advisement.

Joseph Dobrin, 2512 Quentin Ct., appealed his 2019 assessing revaluation of $377,300. He stated he has concerns that the valuation is less about absolute value and more about relative value. He presented several comparable townhomes in his complex that are similar and very dissimilar to his, adding his is very overvalued vs. others. Mr. Dobrin stated he is asking for a fair valuation, and likes the amenities in St. Louis Park, but added the actual value of his property is dissimilar to others in the same complex and has been overvalued the last 10 years.

Board Member Mavity asked Mr. Dobrin what he thinks is the appropriate valuation of the property. Mr. Dobrin stated an assessment of $377,000 suggests the tax base is higher than it should be.

Ms. Clarke noted staff’s inspection and stated the property is well maintained. She reviewed the timeline of the purchase (October 2017) and that the review concluded with a recommendation to sustain the value at $377,300.

Board Member Rog asked staff their opinion of Mr. Dobrin’s valuation. Mr. Bultema stated staff’s function is accuracy first and equity second. He added the biggest issue is imperfect data and imperfect comparables. The board took the appeal under advisement.

Qian Li, 4530 Park Commons Dr, #109, appealed his 2019 assessing revaluation of $128,000. He stated he and his wife have lived in the condo for almost 5 years, and understand the prices do go up. However, he noted his condo has had no remodels in the last 5 years and it has depreciated. He indicated several examples of poor condo management, including neighbors falling on ice, ceiling water leaks, and scratches on floors.

Mr. and Mrs. Li argued about the percentage increase of 22%, adding there is a discrepancy between this increase and the quality of life in this condo community.

Ms. Clarke noted staff’s inspection and reviewed the property attributes. Her review concluded with a recommendation to sustain the value at $128,000.

Board Member Mavity noted that units 109, 209, and 309 are all assessed at this same value, but the surrounding values are assessed much lower and asked why.

Mr. Bultema stated it was related to 1-bedroom vs. 2-bedroom condos being valued differently. Ms. Clarke added there is a significant change between the 1- and 2-bedroom condo values.

Board Member Mavity stated to the owners that what they seem to be describing is poor property management, adding she is willing to help them address that issue with the owners. The board took the appeal under advisement.
Mr. Bultema noted updates on the following properties:

- Virginia Lindow, 4359 Coolidge Ave., is eligible to move on to Hennepin County for appeal, and no inspection was done by the city.
- Virgil Voeller II, 2809 Joppa Ave. S., does not intend to continue with the appeal.
- Rob Schwartz, 2918 Huntington Ave. S., has had no response back to the city.

**5a. Board action – where petitioner & assessing staff are not in agreement**

_It was moved by Board Member Brausen and seconded by Board Member Mavity to set the assessment noted below at $255,000:_

Judith Moore          1430 Independence Ave S            06-117-21-32-0036

_The motion passed 5-2 (Board Members Miller and Hallfin opposed)._  

**5b. Board action – where petitioner & assessing staff are not in agreement**

_It was moved by Board Member Hallfin and seconded by Board Member Brausen to sustain the assessments noted below:_

Colleen Childers       4412 44th St. W.                  07-028-24-34-0038  
Eli & Emma Temkin       2730 Ottawa Ave. S.            31-029-24-31-0105  
Joseph Dobrin          2512 Quentin Ct.                   31-029-24-24-0026  
Virginia Lindow        4359 Coolidge Ave.                   07-028-24-33-0066  
Virgil Voeller II      2809 Joppa Ave. S.                          31-029-24-44-0065  
Rob Schwartz          2918 Huntington Ave. S.                    31-029-24-44-0027

_The motion passed 7-0._

Qian Li      4530 Park Commons Dr #109 06-028-24-43-0101

_The motion passed 6-1 (Board Member Brausen opposed)._  

**5c. Board action – where petitioner & assessing staff are in mutual agreement**

The properties in agreement were read into the record:

Phillip Murphy 1841 Hampshire Ave. S. 05-117-21-44-0080  
Olsen & Luetschwager 3665 Huntington Ave. S. 06-028-24-44-0048  
Benjamin Wheeler 3660 Glenhurst Ave. 06-028-24-44-0051  
Donna & Todd Gause 1300 Independence Ave. S. 06-117-21-32-0012  
Thomas & Sheila Letscher 8900 Westmoreland Ln. 06-117-21-34-0012  
Arlis & Erwin Grossman 1640 Virginia Ave. S. 06-117-21-44-0052  
James Benda 8500 Virginia Cir. S. 07-117-21-13-0055
It was moved by Board Member Brausen and seconded by Board Member Mavity to approve the assessments listed in the updated roster sheet for the meeting.

The motion passed 7-0.
6. Instruct assessor to complete record of changes for submittal

7. Instruct assessor to inform petitioners of board action via mail

Petitioners will be informed via mail.

8. Complete the Local Board of Appeal and Equalization Certification Form

9. Adjourn if board business is completed

The meeting adjourned at 8:45 p.m.

____________________________________  ______________________________________
Thom Miller, Local Board of Appeal and Equalization Chair  Cory Bulthea, City Assessor
Executive summary

**Title:** Bid Tabulation: 2019 SCADA System Replacement Project (5318-5006)

**Recommended action:** Motion to designate Telemetry & Process Controls, Inc. the lowest responsible bidder and authorize execution of a contract with the firm in the amount of $1,265,955.00 for the 2019 Supervisory Control and Data Acquisition (SCADA) System Replacement Project No. 5318-5006.

**Policy consideration:** Does the city council wish to pursue the replacement and upgrade of the SCADA system to ensure that the city can continue to serve the current and future needs of the community?

**Summary:**
A total of two (2) bids were received for this project. A summary of the bid results is as follows:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telemetry &amp; Process Controls, Inc.</td>
<td>$1,265,955.00</td>
</tr>
<tr>
<td>Integrated Process Solutions</td>
<td>$1,494,944.00</td>
</tr>
<tr>
<td>Engineer’s Estimate</td>
<td>$1,700,000.00</td>
</tr>
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</table>

A review of the bids indicates Telemetry & Process Controls, Inc. submitted the lowest bid. Telemetry & Process Controls, Inc. is a reputable contractor. Staff recommends that a contract be awarded to the firm in the amount of $1,265,955.00.

**Financial or budget considerations:** This project is included in the city’s 2019 capital improvement plan (CIP) and will be paid for using the water utility, sanitary sewer and storm sewer funds. Additional information on the breakdown of the funding can be found later in this report.

**Strategic priority consideration:** Not applicable.

**Supporting documents:** Discussion

**Prepared by:** Aaron Wiesen, Project Engineer

**Reviewed by:** Mark Hanson, Public Works Superintendent
Debra Heiser, Engineering Director

**Approved by:** Tom Harmening, City Manager
Discussion

Background: Bids were received on May 14, 2019 for the 2019 SCADA System Replacement Project.

Reliable water systems within a community, whether it's drinking water, wastewater, or stormwater, are critical to meeting the basic needs of its citizens. Operating and maintaining each of these complex utility systems relies heavily upon the effective performance of the Supervisory Control and Data Acquisition (SCADA) system. A SCADA system continuously monitors these various systems and alerts staff when issues arise before they become a major problem.

St. Louis Park has identified the need to upgrade its SCADA system. In general, the SCADA System Replacement project work consists of the removal of existing programmable logic controllers (PLCs), operator interface terminals (OITs), radios, and the supply and installation of new PLCs, OITs, Ethernet switches, and other appurtenances for existing control panels located at three (3) well houses, seven (7) water treatment plants, one (1) elevated water tank, four (4) storm water lift stations, and sixteen (16) sanitary lift stations. Complete control panel replacement for one (1) existing storm water lift station and seven (7) existing sanitary lift stations will be performed. This project will utilize a combination of cellular and fiber communications to replace the radio communication system. This also includes providing new supervisory control and data acquisition (SCADA) servers and software, and implementing several system monitoring redundancies.

An advertisement for bids was published in the St. Louis Park Sun-Sailor on April 25, 2019. In addition, plans and specifications are noticed on the city website and are made available electronically via the internet by our vendor QuestCDN.com. Final printed plans were available for viewing at Construct Connect, Dodge Data, Minnesota Builders Exchange, Blue Book Building & Construction Network and at City Hall. Eleven (11) contractors/vendors purchased plan sets.

Funding Details: Staff has analyzed the bids and determined that Telemetry & Process Controls, Inc. is a qualified contractor that can complete this work. The low bid is within the various funds identified in the City’s 2019 CIP. Based on the low bid received, cost and funding details are as follows:

<table>
<thead>
<tr>
<th></th>
<th>CIP</th>
<th>Low Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Cost</td>
<td>$3,100,000.00</td>
<td>$1,265,955.00</td>
</tr>
<tr>
<td>Engineering &amp; Administration (10%)</td>
<td>$200,000.00</td>
<td>$126,595.50</td>
</tr>
<tr>
<td><strong>SCADA contract total</strong></td>
<td><strong>$3,300,000.00</strong></td>
<td><strong>$1,392,550.50</strong></td>
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</table>

<table>
<thead>
<tr>
<th>Funding Sources</th>
<th>CIP</th>
<th>Low Bid</th>
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</thead>
<tbody>
<tr>
<td>Water Utility</td>
<td>$1,100,000.00</td>
<td>$464,183.50</td>
</tr>
<tr>
<td>Sanitary Sewer Utility</td>
<td>$1,100,000.00</td>
<td>$464,183.50</td>
</tr>
<tr>
<td>Stormwater Utility</td>
<td>$1,100,000.00</td>
<td>$464,183.50</td>
</tr>
<tr>
<td><strong>SCADA contract total</strong></td>
<td><strong>$3,300,000.00</strong></td>
<td><strong>$1,392,550.50</strong></td>
</tr>
</tbody>
</table>
Additional SCADA Costs (not included in this contract)

* AE2S Design and Construction Services $307,617.00
** AE2S SCADA Programming Services $470,925.00
*** Fiber/Cellular System $675,000.00

Additional SCADA Total $1,453,542.00

Funding Sources

<table>
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<th>Utility</th>
<th>Amount</th>
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</thead>
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<td>Water Utility</td>
<td>$484,514.00</td>
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<tr>
<td>Sanitary Sewer Utility</td>
<td>$484,514.00</td>
</tr>
<tr>
<td>Stormwater Utility</td>
<td>$484,514.00</td>
</tr>
</tbody>
</table>

Additional SCADA Total $1,453,542.00

Total cost of 2019 SCADA project and additional services $2,846,092.50

*The city currently has a contract with consultant AE2S for SCADA system assessment, SCADA system replacement design and construction/build phase services. The cost for these services is $307,617.00. The CIP budget listed here includes this cost.

** The city is expected to enter into a contract with the consultant AE2S for SCADA programming services which consists of professional programming services for the PLCs, OITs, networking equipment, SCADA software and computer hardware related to the project. The cost for the programming services is $470,925. The CIP budget listed here includes this cost.

*** The installation of the fiber/cellular system to connect the SCADA System is being completed under a separate contract. The cost for the installation and programming of the fiber/cellular system is $675,000. The CIP budget listed here includes this cost.

Due to the nature of our construction projects, unexpected costs do come up. To address this, past practice has been to show a 5 percent (5%) contingency for all aspects of the project. The contingency would be $63,297.25 which would be split evenly in the three funding categories. What follows is a table that shows this contingency and how this would affect the project costs.

<table>
<thead>
<tr>
<th>Utility</th>
<th>Low Bid</th>
<th>Contingency (5%)</th>
<th>Engineering</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Utility</td>
<td>$421,985.00</td>
<td>$21,099.25</td>
<td>$42,198.50</td>
<td>$485,282.75</td>
</tr>
<tr>
<td>Sanitary Sewer Utility</td>
<td>$421,985.00</td>
<td>$21,099.25</td>
<td>$42,198.50</td>
<td>$485,282.75</td>
</tr>
<tr>
<td>Storm Water Utility</td>
<td>$421,985.00</td>
<td>$21,099.25</td>
<td>$42,198.50</td>
<td>$485,282.75</td>
</tr>
<tr>
<td>Total</td>
<td>1,265,955.00</td>
<td>$63,297.75</td>
<td>$126,595.50</td>
<td>$1,455,848.25</td>
</tr>
</tbody>
</table>

Next steps: The proposed schedule for the project to facilitate construction completion in 2020 is as follows:

<table>
<thead>
<tr>
<th>2019 SCADA System Replacement Project Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Council Contract Awarded</td>
</tr>
<tr>
<td>Notice to Proceed</td>
</tr>
<tr>
<td>SCADA System Construction/Administration</td>
</tr>
<tr>
<td>Substantial Completion</td>
</tr>
<tr>
<td>SCADA System Training - Final/Review</td>
</tr>
<tr>
<td>Final Completion/Installation Completed</td>
</tr>
</tbody>
</table>
Executive summary

Title: Bid Tabulation: 2019 Historic Walker Lake Phase 1

Recommended action: Motion to designate Minger Construction Inc. the lowest responsible bidder and authorize execution of a contract with the firm in the amount of $2,297,991.30 for the 2019 Historic Walker Lake Phase 1 improvements project no. 4018-1050.

Policy consideration: Does the City Council wish to continue our Pavement Management Program?

Summary: Historic Walker Lake improvements – bid tabulation:

A total of three (3) bids were received for this project. A summary of the bid results is as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minger Construction Inc.</td>
<td>$2,297,991.30</td>
</tr>
<tr>
<td>Thomas and Sons Construction Inc.</td>
<td>$2,621,344.13</td>
</tr>
<tr>
<td>GMH Asphalt</td>
<td>$2,748,041.10</td>
</tr>
<tr>
<td>Engineer's Estimate</td>
<td>$1,810,027.50</td>
</tr>
</tbody>
</table>

A review of the bids indicates Minger Construction Inc. submitted the lowest bid. Minger Construction Inc. is a reputable contractor who successfully completed a number of projects for the city. Staff recommends that a contract be awarded to Minger Construction Inc. in the amount of $2,297,991.30.

Financial or budget considerations: This project is included in the City’s Capital Improvement Plan (CIP) for 2019. Funding will be provided by the following sources: Pavement management (franchise fees), water utility, storm water utility, sanitary sewer utility, and General Obligation Bonds. The low bid is higher than the estimate, however, it is recommended to award the bid as submitted. The businesses will not be assessed for this project. Additional information on the breakdown of the funding can be found later in this report.

Strategic priority consideration: St. Louis Park is committed to providing a variety of options for people to make their way around the city comfortably, safely and reliably.

Supporting documents: Discussion

Prepared by: Joseph Shamla, Sr. Engineering Project Manager
Reviewed by: Debra Heiser, Engineering Director
Approved by: Tom Harmening, City Manager
Discussion

**Background:** The preliminary layout for Historic Walker Lake was approved at the January 7, 2019 City Council Meeting. On April 1, 2019, the City Council approved the plans and specifications and ordered the advertisement for bids. Staff opened bids on May 14, 2019 for this project.

An advertisement for bids was published in the St. Louis Park *Sun-Sailor* on April 4 and 11, 2019 and also posted with Finance and Commerce. In addition, plans and specifications are noticed on the city website and are made available electronically via the internet by our vendor QuestCDN.com.

Email notification was provided to five (5) minority associations and final printed plans were available for viewing at Dodge Data & Analytics, Construct Connect, and at City Hall.

Thirty-nine (39) contractors/vendors purchased plan sets including four (4) Disadvantaged Business Enterprises (DBE) and one (1) vet owned.

**Project funding:** Staff has analyzed the bids and determined that Minger Construction, Inc. is a qualified contractor that can complete this work during the 2019 construction season. The low bid does exceed the various funds available in the City’s 2019 CIP. Based on the low bid received, cost and funding details are as follows:

<table>
<thead>
<tr>
<th></th>
<th>CIP</th>
<th>Low Bid w/eng</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Cost</td>
<td>$1,715,585.00</td>
<td>$2,297,991.30</td>
</tr>
<tr>
<td>Engineering &amp; Administration (15%)</td>
<td>$264,545.00</td>
<td>$344,699.70</td>
</tr>
<tr>
<td><strong>Project Total</strong></td>
<td><strong>$1,980,130.00</strong></td>
<td><strong>$2,642,691.00</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Funding Sources</th>
<th>CIP</th>
<th>Low Bid w/eng</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pavement management</td>
<td>$1,044,081.00</td>
<td>$1,306,344.46</td>
</tr>
<tr>
<td>Watermain</td>
<td>$415,528.00</td>
<td>$527,762.14</td>
</tr>
<tr>
<td>Sanitary Sewer</td>
<td></td>
<td>$14,691.25</td>
</tr>
<tr>
<td>Stormwater Utility</td>
<td>$194,333.00</td>
<td>$196,112.95</td>
</tr>
<tr>
<td>Sidewalks (GO Bonds)</td>
<td>$326,187.00</td>
<td>$566,623.98</td>
</tr>
<tr>
<td>Fiber (GO Bonds)</td>
<td></td>
<td>$31,155.17</td>
</tr>
<tr>
<td><strong>Project Total</strong></td>
<td><strong>$1,980,129.00</strong></td>
<td><strong>$2,642,689.95</strong></td>
</tr>
</tbody>
</table>

Due to the nature of our construction projects, unexpected costs do come up. To address this, past practice has been to show a contingency for all aspects of the project. What follows is a table that shows this contingency and how this would affect the project costs.
Title: Bid Tabulation: 2019 Historic Walker Lake Phase 1

<table>
<thead>
<tr>
<th></th>
<th>Low Bid</th>
<th>Contingency (5%)</th>
<th>Engineering</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pavement Management</td>
<td>$1,135,951.75</td>
<td>$56,797.59</td>
<td>$170,392.76</td>
<td>$1,363,142.04</td>
</tr>
<tr>
<td>Watermain</td>
<td>$458,923.60</td>
<td>$22,946.18</td>
<td>$170,392.76</td>
<td>$550,708.32</td>
</tr>
<tr>
<td>Sanitary Sewer</td>
<td>$12,775.00</td>
<td>$638.75</td>
<td>$68,838.54</td>
<td>$15,330.00</td>
</tr>
<tr>
<td>Storm Water Utility</td>
<td>$170,533.00</td>
<td>$8,526.65</td>
<td>$1,916.25</td>
<td>$204,639.60</td>
</tr>
<tr>
<td>Sidewalk (GO Bonds)</td>
<td>$492,716.50</td>
<td>$24,635.83</td>
<td>$25,579.95</td>
<td>$591,259.80</td>
</tr>
<tr>
<td>Fiber (GO Bonds)</td>
<td>$27,091.45</td>
<td>$1,354.57</td>
<td>$73,907.48</td>
<td>$32,509.74</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,297,991.30</strong></td>
<td><strong>$114,899.57</strong></td>
<td><strong>$511,027.74</strong></td>
<td><strong>$2,757,589.50</strong></td>
</tr>
</tbody>
</table>

**Bid analysis:** Usually there are five to eight bids submitted for a project of this size. This year only three bids were submitted. In addition the low bid is 27% over the engineer’s estimate. There are three potential options open to the city when a bid is higher than what is included in the CIP. These are: reject the bid and rebid for this year, reject the bid and delay the project until a future year, and award the bid along with CIP adjustments to provide funding.

To prepare our recommendation for award, staff explored these three options and is recommending that we award the bid and make CIP adjustment to cover funding. We developed this recommendation after reaching out to contractors and staff in the surrounding cities to better understand the bidding climate and what other cities were seeing for bid pricing.

Nearby cities are also seeing bids come in higher than estimated. There is a great deal of work available for bidding, which is driving up costs. In addition to work in other cities, large projects such as the SWLRT and MnDOT’s I-35W corridor construction projects are tapping the pool of contractors and subcontractors. This results in many contractors having their schedule booked and not having available resources to take on additional work. The bid pricing is showing that demand for work is higher than past years.

Staff does not recommend going back out to bid for this project in 2019, since it is unlikely that the pricing will change. In addition, a delay of 6 to 8 weeks to rebid will result in the project not being completed this year.

Finally, the segments of streets and watermain in this project are recommended to be rehabilitated. Delaying the project to 2020 or later will likely not result in reduced pricing. It is expected that this bidding climate will not change in the foreseeable future. Delaying this project will only result in additional deterioration to the infrastructure which may increase the cost of rehabilitation.

To ensure that the condition of our streets remains good, and that they continue to serve our community, we recommend that we move ahead with this project in 2019. To accomplish this, Engineering has reviewed the contract costs with the Chief Financial Officer. To provide adequate funding for this project the following shifts are recommended to the CIP:
<table>
<thead>
<tr>
<th>Department</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pavement management</td>
<td>Reduce the budget for 2020 CIP projects to offset additional cost.</td>
</tr>
<tr>
<td>Watermain</td>
<td>Reduce the budget for 2020 CIP projects to offset additional cost.</td>
</tr>
<tr>
<td>Sanitary sewer</td>
<td>Close to CIP budget, no shift necessary due to cost savings on other projects.</td>
</tr>
<tr>
<td>Storm water utility</td>
<td>Delay the bidding on two storm water maintenance projects until 2020 or 2021.</td>
</tr>
<tr>
<td></td>
<td>Reduce the budget for 2020 CIP projects to offset additional cost.</td>
</tr>
<tr>
<td>Sidewalk (GO bonds)</td>
<td>The city received a bond premium on the recent 2019A bond issue which can be used only for related purposes of the bonds issued. Since sidewalk projects are related we will use the bond premium to cover the difference on the sidewalk portion.</td>
</tr>
</tbody>
</table>

During the 10 year CIP update process this year, staff will be carefully reviewing the estimated cost and scope for our projects. To accommodate future funding, we will be making adjustments so that they reflect the bid pricing that we experienced for this year’s project.

**Next steps:** Construction is anticipated to begin in June and should be completed by November 2019.
Executive summary

Title: Windsource agreement with Xcel Energy

Recommended action: Motion to approve an agreement between the City of St. Louis Park and Xcel Energy for 3-year subscriptions for all city managed electricity accounts not covered by Renewable-Connect.

Policy consideration: This action is consistent with the city’s Environmentally Preferred Purchasing Policy.

Summary: In 2017, the city entered into 5-year agreements with Xcel Energy for the provision of renewable electricity for four key city buildings: City Hall, Police Department, Fire Stations #1 and #2. This was through Xcel’s first offering through their Renewable-Connect program. In November 2018 the city signed an MOU with Xcel Energy to enter into a 15-year agreement for all accounts once the second round of Renewable-Connect was available. The timeline for the next program offering is now estimated to be late 2020, possibly into the year 2021, pending the review process required by the Public Utilities Commission.

On April 22, 2019 the Environment & Sustainability Commission requested council subscribe all remaining city accounts not on the Renewable-Connect program to Windsource in order to immediately achieve 100% renewable electricity, citing the city’s Environmentally Preferable Purchasing Policy as a means to move this effort forward sooner than planned, rather than wait for the 2020-2021 second round program through Renewable-Connect.

- The cost for WindSource subscription for remaining accounts is $98,000 annually, prorated to be for 7 months in 2019 for $57,000.
- Xcel Energy has indicated that the Windsource program is going to be ending as a program on its own and rolled into the Renewable-Connect program that is being planned in 2020-21. Attached is the Xcel Energy agreement to enter into a 3-year commitment to 100% Windsource for all remaining city accounts, including buildings, park structures, metered streetlights, water pumping stations, etc.

Financial or budget considerations: Estimates show that these costs would be approximately $98,000 annually. Since this is a 3-year agreement, its total value is such that city council approval is required. Funds for Windsource were not in the 2019 budget and will come from a shift in use of 2018 fund balance to cover this expense. The $98,000 for 2020 and 2021 will be included in upcoming budgets.

Strategic priority consideration: St. Louis Park is committed to continue to lead in environmental stewardship.

Supporting documents: Xcel Energy agreement for Windsource

Prepared by: Shannon Pinc, Environment & Sustainability Coordinator
Reviewed by: Nancy Deno, Deputy City Manager/HR Director
Approved by: Tom Harmening, City Manager
Agreement for the Purchase of
Voluntary Renewable Energy Service - Windsource®

This Windsource Program Subscription Agreement (the “Agreement”) is entered into this 29 day of April, 2019 (the “Effective Date”) by and between Northern States Power Company, a Minnesota corporation (“Xcel Energy” or the “Company”) and City of Saint Louis Park (“Customer”) (together, “Parties”).

1. **General terms.** The Company intends to provide the Customer with Windsource Program renewable electric energy subject to the terms and conditions of service as specified in our Voluntary Renewable and High-Efficiency Energy Program rider in the Company’s Minnesota Electric Rate Book – MPUC No. 2 (Section 5, Sheet 134 – 134.1). A copy of such rules and regulations is available from the Company. Windsource program terms and conditions and related rate riders may change over time upon approval by the Minnesota Public Utilities Commission.

2. **Windsource rider and fuel cost credit.** Customer agrees that the Windsource Adjustment will be charged, $3.53 for each 100 kilowatt-hour block of Windsource energy. The monthly Windsource Adjustment is in addition to the monthly energy charge on the customer’s standard filed tariff rate. The Fuel Clause Rider outlined under the Company’s tariff MPUC No. 2, Section No. 5, Sheet No. 91, shall not be applied to electric energy usage for which Customer has subscribed to the Windsource Program.

3. **Renewable energy.** The Company agrees to purchase or generate electricity produced from renewable generation sources in a sufficient amount to meet the electric energy needs required for the Customer subscription. The Company will retire Windsource renewable energy credits annually on behalf of the Customer and will not use those credits to meet any other renewable energy generation mandate.

4. **Term and termination.** This Agreement shall be effective on the date hereof. The minimum term of this agreement will be three years. After the minimum term, the Customer will continue to be subscribed on a month to month basis and may terminate the subscription with 30-day notice.

5. **Public Statements.** The Customer may make a public statement or statements indicating that the Customer is purchasing renewable energy from Windsource.

6. **Subscription level and premises.** Customer agrees to purchase the following quantities of Windsource renewable energy at the following addresses.

<table>
<thead>
<tr>
<th>Premise Address</th>
<th>City</th>
<th>State</th>
<th>Account</th>
<th>Premise</th>
<th>Subscription</th>
</tr>
</thead>
<tbody>
<tr>
<td>3700 MONTEREY DR</td>
<td>SAINT LOUIS PARK</td>
<td>MN</td>
<td>6041526</td>
<td>303274801</td>
<td>100%</td>
</tr>
<tr>
<td>8300 W FRANKLIN AVE</td>
<td>SAINT LOUIS PARK</td>
<td>MN</td>
<td>6996629</td>
<td>304146603</td>
<td>100%</td>
</tr>
<tr>
<td>8300 W FRANKLIN AVE</td>
<td>SAINT LOUIS PARK</td>
<td>MN</td>
<td>6996629</td>
<td>302183871</td>
<td>100%</td>
</tr>
<tr>
<td>7305 OXFORD ST</td>
<td>SAINT LOUIS PARK</td>
<td>MN</td>
<td>5214748</td>
<td>302883215</td>
<td>100%</td>
</tr>
<tr>
<td>3650 BRUNSWICK AVE S</td>
<td>SAINT LOUIS PARK</td>
<td>MN</td>
<td>6754606</td>
<td>303281532</td>
<td>100%</td>
</tr>
<tr>
<td>6411 OXFORD ST</td>
<td>SAINT LOUIS PARK</td>
<td>MN</td>
<td>6754606</td>
<td>303197357</td>
<td>100%</td>
</tr>
<tr>
<td>Address</td>
<td>City</td>
<td>State</td>
<td>Zip</td>
<td>Percentage</td>
<td></td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>------</td>
<td>------------</td>
<td></td>
</tr>
<tr>
<td>3301 GORHAM AVE</td>
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<td>MN</td>
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</tr>
<tr>
<td>3512 LOUISIANA AVE S</td>
<td>SAINT LOUIS PARK</td>
<td>MN</td>
<td>67546</td>
<td>303163758</td>
<td></td>
</tr>
<tr>
<td>7020 W LAKE ST</td>
<td>SAINT LOUIS PARK</td>
<td>MN</td>
<td>67546</td>
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</tr>
<tr>
<td>3508 LOUISIANA AVE S</td>
<td>SAINT LOUIS PARK</td>
<td>MN</td>
<td>67546</td>
<td>303100393</td>
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<tr>
<td>7130 W LAKE ST</td>
<td>SAINT LOUIS PARK</td>
<td>MN</td>
<td>67546</td>
<td>302524354</td>
<td></td>
</tr>
<tr>
<td>1600 ZARTHAN AVE S</td>
<td>SAINT LOUIS PARK</td>
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<td>304613225</td>
<td></td>
</tr>
<tr>
<td>3512 RALEIGH AVE</td>
<td>SAINT LOUIS PARK</td>
<td>MN</td>
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<td>304631966</td>
<td></td>
</tr>
<tr>
<td>3500 TEXAS AVE S</td>
<td>SAINT LOUIS PARK</td>
<td>MN</td>
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<td></td>
</tr>
<tr>
<td>3501 TEXAS AVE S</td>
<td>SAINT LOUIS PARK</td>
<td>MN</td>
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<td>304667385</td>
<td></td>
</tr>
<tr>
<td>3200 TEXAS AVE S</td>
<td>SAINT LOUIS PARK</td>
<td>MN</td>
<td>68502</td>
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<td></td>
</tr>
<tr>
<td>3217 TEXAS AVE S</td>
<td>SAINT LOUIS PARK</td>
<td>MN</td>
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<td></td>
</tr>
<tr>
<td>3640 INDEPENDENCE AVE S</td>
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<td>MN</td>
<td>68502</td>
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</tr>
<tr>
<td>8821 36TH ST W</td>
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<td>MN</td>
<td>68502</td>
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<td></td>
</tr>
<tr>
<td>8649 36TH ST W</td>
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<td>MN</td>
<td>68502</td>
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<td></td>
</tr>
<tr>
<td>3544 ZINRAN AVE S</td>
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<td>MN</td>
<td>68502</td>
<td>304669584</td>
<td></td>
</tr>
<tr>
<td>4640 CEDAR LAKE RD S</td>
<td>SAINT LOUIS PARK</td>
<td>MN</td>
<td>68502</td>
<td>304743880</td>
<td></td>
</tr>
<tr>
<td>5925 HIGHWAY 7</td>
<td>SAINT LOUIS PARK</td>
<td>MN</td>
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</tr>
<tr>
<td>5605 W 36TH ST</td>
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<td>MN</td>
<td>68502</td>
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<tr>
<td>5101 W 36TH ST</td>
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<td>MN</td>
<td>68502</td>
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</tr>
<tr>
<td>8905 W 36TH ST</td>
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<td>MN</td>
<td>68502</td>
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<td></td>
</tr>
<tr>
<td>5050 EXCELSIOR BLVD</td>
<td>SAINT LOUIS PARK</td>
<td>MN</td>
<td>68502</td>
<td>302755427</td>
<td></td>
</tr>
<tr>
<td>3601 PARK CENTER BLVD</td>
<td>SAINT LOUIS PARK</td>
<td>MN</td>
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<tr>
<td>5300 EXCELSIOR BLVD</td>
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<td>MN</td>
<td>68502</td>
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<td></td>
</tr>
<tr>
<td>9015 CEDAR LAKE RD S</td>
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<td>MN</td>
<td>68502</td>
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</tr>
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<td>4101 CEDAR LAKE RD S</td>
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<td>MN</td>
<td>68502</td>
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<tr>
<td>5525 W 26TH ST</td>
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</tr>
<tr>
<td>2705 LOUISIANA CT S</td>
<td>SAINT LOUIS PARK</td>
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<td></td>
</tr>
<tr>
<td>8450 CEDAR LAKE RD</td>
<td>SAINT LOUIS PARK</td>
<td>MN</td>
<td>68502</td>
<td>303757520</td>
<td></td>
</tr>
<tr>
<td>2530 MONTEREY AVE</td>
<td>SAINT LOUIS PARK</td>
<td>MN</td>
<td>68502</td>
<td>302745346</td>
<td></td>
</tr>
<tr>
<td>3440 W BELT LINE BLVD</td>
<td>SAINT LOUIS PARK</td>
<td>MN</td>
<td>68502</td>
<td>303447534</td>
<td></td>
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For the Customer: City of St Louis Park

______________________________

Date: ______________

For Northern States Power, d/b/a Xcel Energy:

______________________________

Date: ______________
Title: Accept donation from Jonny Pops

Recommended action: Motion to adopt Resolution approving acceptance of a product donation from Jonny Pops (estimated value of $300) to be used in conjunction with the mock election to be held at the Parktacular Expo on June 15, 2019.

Policy consideration: Does the city council wish to accept this gift with restrictions on its use?

Summary: State statute requires the city council’s acceptance of donations. This requirement is necessary in order to make sure the city council has knowledge of any restrictions place on the use of each donation prior to it being expended.

The elections team approached local business, JonnyPops, regarding potential collaboration opportunities associated with elections outreach and education activities in the community. JonnyPops welcomed the collaboration and graciously donated 600 pops (estimated value of $300) in support of the city’s mock election being held at the Parktacular Expo on June 15, 2019. JonnyPops is excited about the opportunity to support this community event and promote civic engagement. Those voting in the mock election will receive a Jonny Pop (one per person, while supplies last). The donation is given with the restriction that the Jonny Pops be distributed to participants of the mock election at the Parktacular Expo. All unused Jonny Pops will be returned at the end of the event.

Financial or budget considerations: This donation will be used to promote civic engagement and participation in the mock election at Parktacular.

Strategic priority consideration: St. Louis Park is committed to creating opportunities to build social capital through community engagement.

Supporting documents: Resolution

Prepared by: Melissa Kennedy, City Clerk
Reviewed by: Nancy Deno, Deputy City Manager/HR Director
Approved by: Tom Harmening, City Manager
Resolution No. 19-___

Resolution approving acceptance of a donation of 600 Jonny Pops (estimated value of $300) for use at the mock election to be held on June 15, 2019 at the Parktacular Expo

Whereas, the City of St. Louis Park is required by state statute to authorize acceptance of any donations; and

Whereas, the city council must also ratify any restrictions placed on the donation by the donor; and

Whereas, JonnyPops donated 600 pops with an estimated value of $300 for use by the City of St. Louis Park elections team.

Now therefore be it resolved by the City Council of the City of St. Louis Park that the gift is hereby accepted with thanks to JonnyPops with the understanding that it must be used for the mock election being conducted by the St. Louis Park elections team at the Parktacular Expo on June 15, 2019.

Reviewed for administration: Adopted by the City Council May 20, 2019

Thomas K. Harmening, City Manager Jake Spano, Mayor

Attest:

Melissa Kennedy, City Clerk
Executive summary

**Title:** Special assessment – sewer service line repair at 4124 Yosemite Avenue South

**Recommended action:** Motion to adopt Resolution amending Resolution No. 19-006 authorizing the special assessment for the repair of the sewer service line at 4124 Yosemite Avenue South, St. Louis Park, MN P.I.D. 21-117-21-31-0091 by correcting the interest rate for the proposed special assessment

**Policy consideration:** The proposed action is consistent with policy previously established by the city council.

**Summary:** Mackenzie Patrick, owner of the single family residence at 4124 Yosemite Avenue South, requested the city authorize the repair of the sewer service line for his home and assess the cost against the property in accordance with the city’s special assessment policy.

On January 7 the city council adopted Resolution 19-006 approving this assessment. However, the resolution had listed 4.25% as the interest rate on the special assessment, but since the project was done in 2018 it should have been stated as 4.0%.

**Financial or budget considerations:** The city has funds in place to finance the cost of this special assessment.

**Strategic priority consideration:** Not applicable.

**Supporting documents:** Resolution

January 7, 2019 staff report

Prepared by: Tim Simon, Chief Financial Officer
Reviewed by: Nancy Deno, HR Director/Deputy City Manager
Approved by: Tom Harmening, City Manager
Resolution No. 19-

Resolution amending Resolution No. 19-006 authorizing the special assessment for the repair of the sewer service line at 4124 Yosemite Avenue South, St. Louis Park, MN P.I.D. 21-117-21-31-0091 by correcting the interest rate for the proposed special assessment

Whereas, the property owner at 4124 Yosemite Avenue South, has petitioned the City of St. Louis Park to authorize a special assessment for the repair of the sewer service line for the single family residence located at 4124 Yosemite Avenue South; and

Whereas, the property owner has agreed to waive the right to a public hearing, right of notice and right of appeal pursuant to Minnesota Statute, Chapter 429; and

Whereas, the City Council of the City of St. Louis Park has received a report from the Utility Superintendent related to the repair of the sewer service line.

Now therefore be it resolved by the City Council of the City of St. Louis Park, that:

1. The petition from the property owner requesting the approval and special assessment for the sewer service line repair is hereby accepted.

2. The sewer service line repair that was done in conformance with the plans and specifications approved by the Operations and Recreation Department and Department of Inspections is hereby accepted.

3. The total cost for the repair of the sewer service line is accepted at $6,096.00.

4. The property owner has agreed to waive the right to a public hearing, notice and appeal from the special assessment; whether provided by Minnesota Statutes, Chapter 429, or by other statutes, or by ordinance, City Charter, the constitution, or common law.

5. The property owner has agreed to pay the city for the total cost of the above improvements through a special assessment over a ten (10) year period at the interest rate of 4.0%.

6. The property owner has executed an agreement with the city and all other documents necessary to implement the repair of the sewer service line and the special assessment of all costs associated therewith.

Reviewed for administration: Adopted by the City Council May 20, 2019

Thomas K. Harmening, City Manager Jake Spano, Mayor

Attest:

Melissa Kennedy, City Clerk
Executive summary

Title: Knollwood Village Mall minor amendment to special permit - 8950 Hwy 7

Recommended action: Motion to adopt Resolution authorizing a minor amendment to the Knollwood Village special permit to modify the mall building elevations.

Policy consideration: Does the proposed building façade meet the requirements of the zoning ordinance?

Summary: Knollwood Village is the mall located adjacent to the Knollwood Target, and extending north of the Target store.

The city received an application to amend the special permit for the Knollwood Village Mall. The proposed amendment is to alter the building elevations for the portion of the mall located between Five Below (next to Target) and the proposed Aldi store at the north end.

The proposed building elevations are attached. The proposed building elevation changes are intended to complete the mall update. Updated facades were approved last year for Five Below and Aldi. The materials and colors are a continuation of those used in the recent Target remodel, giving the mall a consistent, updated look. Staff finds the proposed building modifications meet city code.

Financial or budget considerations: None.

Strategic priority consideration: Not applicable.

Supporting documents: Draft resolution
Building elevations
Aerial Photo

Prepared by: Gary Morrison, Assistant Zoning Administrator
Reviewed by: Sean Walther, Planning and Zoning Supervisor
Karen Barton, Community Development Director

Approved by: Tom Harmening, City Manager
Resolution no. 19-__

Amends and Restates Resolution No.18-152

A resolution amending and restating Resolution no. 18-152 adopted on October 1, 2018, and granting minor amendment to existing special permit to modify the building elevations for property zoned C-2 general commercial at 8906-8950 Highway 7

FINDINGS

Whereas, Gator Knollwood Partners, LTD applied for a minor amendment to an existing special permit to allow modifications to the building façade located at 8906-8950 Highway 7 within a C-2 General Commercial zoning district having the following legal description:

Lot 2, Block 1, Target Second Addition (Torrens)

Whereas, the City Council has considered the information related to Planning Case Nos. 19-10-CUP and the effect of the proposed building on the health, safety, and welfare of the occupants of the surrounding lands, existing and anticipated traffic conditions, the effect on values of properties in the surrounding area and the effect of the use on the Comprehensive Plan; and compliance with the intent of the Zoning Ordinance; and

Whereas, an amendment to an existing special permit was issued regarding the subject property pursuant to Resolution No. 18-152 of the St. Louis Park City Council dated October 1, 2018 which contained conditions applicable to said property; and

Whereas, due to changed circumstances, amendments to those conditions are now necessary, requiring the amendment of that special permit; and

Whereas, the contents of Case Nos. 96-8-CUP, 04-32-CUP, 17-34-CUP, 18-05-SP, 18-48-CUP and 19-10-CUP are hereby entered into and made part of the public hearing record and the record of decision for this case.

CONCLUSION

Now therefore be it resolved that Resolution No. 18-152 is hereby restated and amended by this resolution which continues and amends a special permit to the subject properties for the purposes of modifying the building exterior of the mall within the C-2 General Commercial District at the location described above based on the following conditions:

1. That the site be developed, used and maintained in accordance with Exhibit A – General Plan; Exhibit B – Proposed Drainage Plan (as modified by the Planning Department on November 2, 1971); and Exhibit C – Final Plan Target First Addition, except as said exhibits may be hereinafter modified by the following conditions or conditions under
the plat of Target First Addition (exhibits are on file in the City Development office at the City of St. Louis Park.)

2. All new electric, gas, water, sanitary sewer, telephone, and utilities shall be placed underground.

3. The 44-foot wide private road from Target Road to West 36th Street shall have a poured-in-place concrete curb at least 6 inches high and said road and curb shall be constructed at standards acceptable to the City Engineer. Said road shall be kept clean and free from potholes and maintained thereafter.

4. Street trees shall be planted abutting the private road at a spacing of one tree for every 50 feet as shown on Exhibit A, as modified.

5. Additional landscaping in the parking lot and along the pedestrian way shall be provided as shown on Exhibit A, as modified. The private road from West 26th Street to Target Road shall have decorative on-street lighting to provide 1.5 foot candles at the street level, or equal to or greater than the level of lighting in the parking lots if said lighting exceeds 1.5 foot candles.

6. A pedestrian walk shall be provided along the west side of Lot 4 from the proposed bus plaza to West 36th Street.

7. The pedestrian network shall be improved with landscaping as shown on Exhibit A, as modified.

8. Signs shall be limited to nameplate signs, symbols, logos and architectural features that identify a particular service or goods provided on that site. All signs shall meet the following conditions:
   a. No advertising or business signs shall be located within 25 feet of the private road.
   b. Billboards are hereby prohibited.
   c. All new signs are to be integrated with the building unless a need for a free-standing sign is documented in which case there shall be no more than one free-standing sign which does not exceed 80 square feet in area and 25 feet in height per lot.
   d. Business signs not attached to the buildings shall be architecturally treated and coordinated with the principal building by use of compatible materials and design.
   e. Lighting for signs shall be interior or indirect so that light rays are not directly visible beyond the lot lines.
9. All new buildings and remodeling of either existing or new buildings shall be compatible and complimentary to the highest standard of building located between West 36th Street, Aquila Avenue, the Burlington Northern Railroad right-of-way and Highway 7. Elements of compatibility include but are not limited to: Building form and mass, exterior materials and their appearance and durability, landscaping, exterior lighting, and site development.

10. Development on vacant lots requires a special permit and the filing of an application under provisions provided in the Ordinance. All such proposals must be compatible with the overall plan.

11. All of the improvements shall be in accordance with the following schedule:

   a. The private road including the curbing, surfacing, landscaping and tree planting adjacent thereto shall be completed by July 1, 1973.

   b. Construction of a major pedestrian walk and landscaping adjacent thereto between Target Road and Target Department Store and from the Target Department Store to the north end of the Target Department Store parking lot shall be completed by July 1, 1973.

   c. Landscaping and planting in the Target lot as shown on Exhibit A as modified, shall be completed by July 1, 1973.

   d. Street lighting along the private road shall be completed by September 1, 1973.

12. The City shall be given an easement over the private road and to the public park along the utility easement which parallels the south line of Lot 4.

13. All access to public roads and to the lots as contained in the plat shall be as shown on the general plan, unless modifications to the general plan are approved.

14. In compliance with provisions of the Subdivision Ordinance and the Commercial Development Unit, the subdivider and applicant shall enter into a contract with the City covering the necessary improvements as contained in the special permit and the final plat.

15. That Lot 4, Target First Addition be developed for a four-story office building and six-stall drive-in bank facility with the following conditions:

   a. The site shall be developed, used and maintained in accordance with Exhibit D – Site Plan; Exhibit E- Grading Plan; Exhibit F – Landscape Plan; and Exhibit G – Elevation Plan; except as hereinafter modified by the following conditions:

   b. The total changeable floor area of the office building for parking shall not exceed 46,600 square feet.
c. The lot shall be graded so as to meet the grades of existing park land with a slope of no more than 2 to 1 or the transition between the surfaced area and the park area shall be accomplished by a decorative terrace, with said plans subject to the approval of the City prior to construction.

d. Pedestrian walkway, street lighting, street trees and planting of the parking islands shall be accomplished as provided in the overall general plan and as shown on Exhibit F, as modified by the Planning Department on November 2, 1971.

e. All improvements as shown on the Exhibits D, E, F, and G, as modified including surfacing, striping, tree planting, landscaping, pedestrian walkway, lighting, plaza, and the like shall be completed by July 1, 1973.

16. The site shall be modified, developed, used and maintained in accordance with Exhibit H – Site and Parking Plan, dated August 9, 1976; Exhibit I – Landscaping Plan dated August 9, 1976; Exhibit J – Grading Plan dated August 9, 1976; Exhibit K – Utility Plan dated August 9, 1976; Exhibit L – Elevation Plan dated August 9, 1976; as modified by the Planning Department August 13, 1976.

17. That new utility and pedestrian easements be provided as identified on Exhibit H, and that the pedestrian way be constructed within 12 months after completion of the installation of utilities in the easement or within 12 months after notification by the City that said utilities will not be placed, and said construction of the pedestrian way shall commence.

18. Sign area shall be constructed, designed and maintained in accordance with Exhibits H and L, provided the total sign area of Lots 1, 2, 3, and 4 shall not exceed 2,557 square feet, the maximum allowed under the Zoning Ordinance.

19. That the garden store attached to the south side of Target be improved by elimination of the cyclone fencing and replaced with decorative treatment before July 1, 1977, and said garden store shall not be used for warehousing nor shall it be used for storage of goods not sold directly from the garden store.

20. That all building improvements and landscaping included on the plans be completed by July 1, 1977, except as otherwise noted above.

21. All fire hydrants on the site shall be in conformance with City standards or modified to meet City standards.

22. A siamese hydrant connection shall be installed on the east side of the proposed grocery store for Fire Department access to the sprinkler system.

23. There shall be no on-sale liquor or off-sale liquor uses or licenses allowed on the premises or property.
24. The site shall be modified, developed, used and maintained in accordance with Exhibit M – Site Plan, dated December 8, 1976, and Exhibit N – Elevation Plans, and Final Plat of Target, Second Addition, and modified as follows:

   a. Existing curbed island north of the Target Store loading area shall be retained.

   b. The periphery of the site along parking areas, loading areas and driveways shall be curbed.

   c. Curbed and landscaped islands shall be provided at the ends of the parking bays along the roadway located between the Applebaum (Rainbow) store, miscellaneous shops and the parking lot.

   d. Signs shall be constructed, designed and maintained in accordance with Exhibits H and L, provided the total sign area for Lots 1, 2, 3 and 4 shall not exceed 2,557 square feet, the maximum allowed under the Zoning Ordinance, and there shall not be more than one free-standing sign per lot, and said free-standing sign shall not have more than 100 square feet of sign area per side.

25. The refuse compactors shall be painted to be compatible with the building, shall be closed at all times, and the area shall be maintained in a clean and orderly condition.

26. All building improvements and landscaping included on the plan shall be completed by October 1, 1977.

27. A Class II restaurant shall be permitted in accordance with Section 14-156(17) of the St. Louis Park Ordinance Code, subject to the following condition:

   a. That the restaurant site shall be constructed and maintained in accordance with Exhibit M – Restaurant Floor Plan, and Exhibit N – Knollwood Village Master Rental Plan (Case No. 77-25-SP)

28. Condition No. 24 shall be changed to read “there shall be no on-sale liquor or off-sale liquor except for on-sale wine allowed on the premises of property.”

29. The Class II Restaurant permitted by Condition No. 28 shall be modified to a Class I Restaurant and shall be limited to the sale and consumption of wine on the premises in conjunction with the sale of food.

30. The north entrance to the Knollwood Village Shopping Center is permitted to be revised in accordance with Exhibit O – Parking Revision, dated May 5, 1978.

31. Signs shall be permitted to be installed in accordance with Exhibit P – Directory Signs, and Exhibit Q – Tenant Identification Signs.

32. Four temporary outdoor sales may be permitted each calendar year, in which all tenants of the shopping center may participate; and said sales shall be in compliance with a
license issued to the shopping center in accordance with Ordinance No. 1417 adopted August 7, 1978.

33. That a 400 square foot addition be allowed for retail use subject to the following conditions:
   a. The site shall be developed, used and maintained in accordance with Exhibit R – Rental Area Plan; Exhibit S – Floor Plan; and Exhibit T – Elevations
   b. No further expansion of retail floor area shall be permitted.
   c. All improvements shall be completed by May 30, 1984.

34. That a Class II restaurant be permitted with a changeable floor area for parking purposes not to exceed 1,450 square feet, subject to the following conditions:
   a. All trash and garbage from the restaurants shall be stored in an indoor trash room.
   b. All improvements shall be completed by May 30, 1988.

35. The special permit shall be amended pursuant to Planning Case No. 92-51-SP to permit construction of a 700 square foot addition to the Rainbow Foods facility subject to the following conditions:
   a. The site shall be developed, used and maintained in accordance with Exhibit V modified as follows, such documents incorporated by reference herein:
      1) Deletion of galvanized metal panels as exterior materials.
      2) Substitution of stucco on the north wall of the addition painted to match the existing north wall of the Rainbow Food store and concrete block on the west and south side of the addition painted to meet the existing west wall of Rainbow Foods.
      3) Deletion of the shed roof and substitution of a flat roof.
   b. All improvements shall be completed by September 21, 1993.

36. The continued special permit shall be amended pursuant to Planning Case No. 94-41-CUP to permit exterior modifications subject to the following conditions:
   a. Information necessary to determine compliance with the current zoning ordinance be submitted prior to issuance of any building permit authorized by this minor amendment to the continued special permit so that a determination can be made that the site is being brought into greater or complete compliance
with the current zoning ordinance and with other provisions of this ordinance, to the extent reasonable and possible.

b. The site shall be developed, used and maintained in accordance with Exhibit W – Project Elevation, Typical Bay Elevation and Typical Canopy section; such document incorporated by reference herein.

37. The conditional use permit shall be amended pursuant to Planning Case No. 95-40-CUP to permit modifications to the parking lot subject to the following conditions:

a. The site shall be developed, used and maintained in accordance with Exhibit X – Mill/Overlay removals, Proposed Improvements, and Proposed Plantings as modified to meet the following conditions of approval; such documents incorporated by reference herein.

b. The total number of parking spaces provided for the shopping center shall not be less than 1,054 except as approved by subsequent amendment to the continued special permit.

c. Curbed traffic islands shall be provided at the ends of all parking rows.

d. A 3-cable guide rail is approved as an alternative to curbing at the southeast periphery of the parking lot; a 6-inch poured-in-place concrete curb is required in all other areas.

e. Landscaping shall comply with the approved 1976 Landscape Plan in areas that are not being disturbed by the approved parking lot modifications.

f. A revised landscape plan shall be submitted and approved by the Planning Coordinator prior to commencement of work on the parking lot modifications; a minimum of 1,350 plant units and an irrigation system, if determined necessary by City Staff, shall be installed in the modified parking lot area by October 31, 1996.

g. A Letter of Credit or other financial surety as approved by the City Attorney shall be submitted prior to commencement of work on the parking lot modifications in an amount equal to 1 ½ times the value of the approved landscaping requirements.

38. The special permit shall be amended pursuant to Planning Case No. 96-8-CUP to permit modifications to the building entrance, front drive aisle and parking lot lighting subject to the following conditions:

a. The site shall be developed, used and maintained in accordance with Exhibit Y – Proposed Improvements, Partial Plan Front Elevation, and Lighting Photometric as modified to meet the following conditions of approval; such documents incorporated by reference herein.
b. A revised site plan shall be submitted and approved by the Planning Coordinator prior to issuance of building permits or commencement of work on the parking lot modifications; such site plan shall include curbed islands around all light poles, and the number of parking spaces may be reduced to accommodate the required islands; the Planning Coordinator shall note the approved number of parking spaces on the revised site plan.

c. A revised lighting plan shall be submitted and approved by the Zoning Administrator prior to issuance of building permits or commencement of work on the parking lot modifications; site lighting shall not exceed a maximum of 1.0 foot-candle at the perimeter of the shopping center property.

d. Parking lot landscaping shall comply with Exhibit X – Proposed Planting, which was stamped and signed as approved on 9-5-95; however, planting islands shall be located according to the approved revised site plan. All approved landscaping shall be installed by October 31, 1996. A Letter of Credit or other financial surety as approved by the City Attorney shall be submitted prior to commencement of work on the parking lot modifications in an amount equal to 1-1/2 times the value of the approved landscaping requirements.

39. The special permit shall be amended on December 6, 2004 to incorporate all of the preceding conditions and add the following conditions:

a. The site shall be developed, used and maintained in accordance with the conditions of this resolution, the approved Official Exhibits as modified prior to signing to meet required conditions of this approval, and City Code; documents incorporated by reference herein.

b. Prior to any site work, the developer shall meet the following requirements:
   1) Final storm water design details must be submitted and approved by the Public Works Director.
   2) Final sidewalk construction specifications must be approved by the Public Works Director.
   3) A copy of the Watershed District permit shall be forwarded to the City.
   4) Obtain the required demolition permit, erosion control permits, utility permits and other permits required by the City, which may impose additional conditions.
   5) Any other necessary permits from other agencies shall be obtained.
   6) Sign Assent form and official exhibits.
   7) Specifications for tree protection and erosion control fencing must be submitted and approved by the City Forester. Required tree protection and erosion control fencing must be installed prior to grading activities.

c. Prior to issuance of a building permit, which may impose additional requirements, the applicant shall:
1) Meet all Public Works Department/Utility requirements as recommended by staff.

2) The developer shall supply the City with copies of all necessary permits from other governmental agencies or bodies prior to any site work, including the Minnehaha Creek Watershed District and MPCA.

3) Building materials samples & colors must be submitted to and approved by Zoning Administrator.

4) Meet any Fire Department emergency access requirements during construction.

5) A revised parking and access agreement, as reviewed and approved by the city attorney, be entered into by Target Corp and Gator Knollwood Properties (Owners of the Super Target and Knollwood Village Shopping Center properties). A signed and recorded copy of the agreement shall be submitted to the zoning administrator.

d. The developer shall comply with the following conditions during construction

1) All City noise ordinances shall be complied with, including that there be no construction activity between the hours of 10 p.m. and 7 a.m. on weekdays and 10 p.m. and 9 a.m. on weekends and holidays.

2) Loud equipment shall be kept as far as possible from residences at all times.

3) The site shall be kept free of dust and debris that could blow onto neighboring properties.

4) Public streets shall be maintained free of dirt and shall be cleaned as necessary.

5) The Zoning Administrator may impose additional conditions if it becomes necessary in order to mitigate the impact of construction on surrounding properties.

e. Prior to issuance of any occupancy permit:

1) Fire lanes shall be in accordance with the signed Official Exhibits.

2) Landscaping and irrigation shall be in accordance with the signed Official Exhibits and approved irrigation plan except that a temporary C of O can be issued prior to completion of landscaping and irrigation improvements provided an irrevocable, automatically renewable letter of credit is submitted in the amount of 125% of all landscaping and irrigation improvements.

3) Exterior building improvements shall be completed in accordance with the signed Official Exhibits and approved materials and colors except that signs shall be approved as part of a sign plan.

4) Prior to receiving a Certificate of Occupancy, as-built drawings of the relocated public utilities shall be submitted to and approved by the Public Works Department.

5) The developer shall provide the required number of replacement trees on site unless off-site trees are approved by the Community Development Director and Parks and Recreation Director and cash-in-lieu of trees have been paid.
6) All roof top equipment must be painted to match the color of the roof top, which is to be an earth tone color as approved by the zoning administrator.

7) Plans for improving the canoe access to Minnehaha Creek be submitted to the City Parks & Recreation Department for approval. The cost of the improvements shall be included in the required letter of credit.

8) An irrevocable agreement, as reviewed and approved by the city attorney, be entered into between Target Corp. and the current owner of the apartment building at 3601 Phillips Parkway to allow the planting of the required bufferyard materials along the shared property line as illustrated in the approved landscaping plan. A copy of the signed and recorded document shall be submitted to the Zoning Administrator.

9) Upon approval of the Zoning Administrator, Chief Building Official, and City Engineer, a certificate of occupancy may be issued prior to completion of certain site improvements if an automatically renewing letter of credit in the amount of 125% of all unfinished site improvements is first submitted to the city.

f. Prior to the installation of any signs, including temporary signs or new sign faces, a sign plan must be approved by the Zoning Administrator and sign permits must be obtained.

g. The developer or property owners(s) shall pay an administrative fine of $750 per violation of any condition of this approval.

40. The building elevations shall be amended as illustrated in Exhibit: Building Elevations 2018 (Attached-Target and Five Below).

a. Assent form and official exhibits must be signed by applicant (or applicant and owner if applicant is different from owner) prior to issuance of building permit.

41. The building elevations shall be amended as illustrated in Exhibit: Building Elevations 2018 (Attached-Aldi).

a. The following shall be completed prior to issuing a building permit:

1) Assent form and official exhibits must be signed by applicant (or applicant and owner if applicant is different from owner) prior to issuance of building permit.

2) The site plan shall be amended to include screening for all trash and recycling areas.

42. The building elevations shall be amended as illustrated in Exhibit: Building Elevations 2019 – Knollwood Village mall.

a. Assent form and official exhibits must be signed by applicant (or applicant and owner if applicant is different from owner) prior to issuance of building permit.

In addition to any other remedies, the developer or owner shall pay an administrative fee of $750 per violation of any condition of this approval.

Under the Zoning Ordinance, this permit shall be revoked and cancelled if the building or structure for which the special permit is granted is removed.
Reviewed for Administration  
Thomas K. Harmening, City Manager  
Attest:  
Melissa Kennedy, City Clerk

Adopted by the City Council May 20, 2019

Jake Spano, Mayor

Approved as to Form and Execution:

Soren Mattick, City Attorney
Title: Knollwood Village Mall minor amendment to special permit - 8950 Hwy 7
Executive summary

Title: Bid Tabulation: 2019 Alley Reconstruction 4019-1500

Recommended action: Motion to designate G.L. Contracting, Inc. the lowest responsible bidder and authorize execution of a contract with the firm in the amount of $379,932.30 for the 2019 Alley Reconstruction Project No. 4019-1500.

Policy consideration: Does the City Council wish to continue to implement our Alley Reconstruction Program?

Summary: Alley Reconstruction Project Bid Tabulation

A total of two (2) bids were received for this project. A summary of the bid results is as follows:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>G.L. Contracting, Inc.</td>
<td>$379,932.30</td>
</tr>
<tr>
<td>Meyer Contracting</td>
<td>$510,784.41</td>
</tr>
<tr>
<td>Engineer’s Estimate</td>
<td>$487,317.40</td>
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</table>

A review of the bids indicates G. L. Contracting, Inc. submitted the lowest bid. G. L. Contracting, Inc. is a reputable contractor who successfully completed the city’s 2017 and 2018 Alley Reconstruction Projects. Staff recommends that a contract be awarded to the firm in the amount of $379,932.30.

Financial or budget considerations: This project is included in the City’s Capital Improvement Plan (CIP) for 2018. Funding will be provided using Pavement Management (franchise fees) and storm water utility with no assessments to residents. Additional information on the breakdown of the funding can be found later in this report.

Strategic priority consideration: Not applicable.

Supporting documents: Discussion

Prepared by: Phillip Elkin, Project Engineer
Reviewed by: Debra Heiser, Engineering Director
Approved by: Tom Harmening, City Manager
Discussion

Background: Bids were received on May 6, 2019 for the 2019 Alley Reconstruction Project (4019-1500). The 2019 construction season will be the third year of a 10 year plan to reconstruct all gravel and bituminous alleyways to concrete pavement.

This year’s project, will reconstruct four (4) sections of alleys in the Lenox neighborhood that are currently gravel or bituminous. The alleys serve approximately 97 homes. Improvements to the alley include grading, storm sewer installation for better drainage, and an 8-inch concrete pavement.

An advertisement for bids was published in the St. Louis Park Sun-Sailor on April 5, 2019. In addition, plans and specifications are noticed on the city website and are made available electronically via the internet by our vendor QuestCDN.com.

Email notification was provided to five (5) minority associations and final printed plans were available for viewing at Dodge Data & Analytics, Construct Connect, and at City Hall.

Twenty six (26) contractors/vendors purchased plan sets including two (2) Disadvantaged Business Enterprises (DBE) and one (1) vet owned.

Funding Details: Staff has reviewed the bids and determined that G.L. Contracting, Inc. is the lowest responsible contractor. Based on the low bid received, cost and funding details are as follows:

<table>
<thead>
<tr>
<th></th>
<th>CIP</th>
<th>Low Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Cost</td>
<td>$615,000</td>
<td>$379,932.30</td>
</tr>
<tr>
<td>Engineering &amp; Administration</td>
<td>$ 93,000</td>
<td>$ 56,991.35</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$708,000</strong></td>
<td><strong>$436,923.65</strong></td>
</tr>
</tbody>
</table>

Funding Sources

<table>
<thead>
<tr>
<th></th>
<th>Low Bid</th>
<th>Contingency (10%)</th>
<th>Engineering (15%)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pavement Management</td>
<td>$284,000.37</td>
<td>$28,400.04</td>
<td>$42,600.06</td>
<td>$355,000.46</td>
</tr>
<tr>
<td>Stormwater Utility</td>
<td>$152,923.28</td>
<td>$15,292.33</td>
<td>$22,938.49</td>
<td>$191,154.10</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$436,923.65</strong></td>
<td><strong>$43,692.37</strong></td>
<td><strong>$65,538.55</strong></td>
<td><strong>$546,154.56</strong></td>
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Due to the nature of our construction projects, unexpected costs do come up. To address this, past practice has been to show a contingency for all aspects of the project. What follows is a table that shows this 10% contingency and how this would affect the project costs. Engineering has reviewed these contingency costs with the Chief Financial Officer. If overruns occur there is adequate funds to cover these costs.

Construction Timeline:
Construction is anticipated to begin in late May and should be completed by October 2019.
Executive summary

Title: Appointment of citizen representatives to boards and commissions

Recommended action: Motion to appoint citizen representatives to the boards and commissions as listed in exhibit A.

Policy consideration: Does the city council wish to appoint the citizen representatives listed in exhibit A to serve on the boards and commissions listed for the respective terms?

Summary: The city received a great response from individuals interested in serving on a city board or commission. A total of 57 applications were received for open positions on the Environment & Sustainability Commission, Housing Authority, Human Rights Commission, Planning Commission, Police Advisory Commission, Parks and Recreation Advisory Commission, and Telecommunications Advisory Commission. The city council evaluated all applications that were submitted and conducted candidate interviews.

Because there are more applicants than positions available, not all candidates will be able to be appointed to a board or commission at this time. Applications for candidates not selected will be kept on file for the period of 1 year. Should additional positions become available during that time period the city council will attempt to fill the open positions from the already established candidate pool.

Each of the individuals appointed by the city council will receive notification of their appointment and will participate in an orientation program with their staff liaison prior to the start of their terms on May 31, 2019.

Financial or budget considerations: Not applicable.

Strategic priority consideration: St. Louis Park is committed to creating opportunities to build social capital through community engagement.

Supporting documents: Exhibit A

Prepared by: Maria Carrillo Perez, Management Assistant
Reviewed by: Nancy Deno, Deputy City Manager
Approved by: Tom Harmening, City Manager
## Exhibit A

<table>
<thead>
<tr>
<th>Name</th>
<th>Board/Commission</th>
<th>Term Expiration</th>
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<tbody>
<tr>
<td>Abdibashir Ali</td>
<td>Environment &amp; Sustainability</td>
<td>5/31/22</td>
</tr>
<tr>
<td>Nicole Cuilla</td>
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<td>5/31/22</td>
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<tr>
<td>Claire Lukens</td>
<td>Environment &amp; Sustainability</td>
<td>5/31/22</td>
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<tr>
<td>William Price</td>
<td>Housing Authority</td>
<td>5/31/24</td>
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<tr>
<td>Mohamed Samatar</td>
<td>Human Rights Commission</td>
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<tr>
<td>Yvette Baudelaire</td>
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<tr>
<td>Virginia Mancini</td>
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<td>5/31/20</td>
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<tr>
<td>Leah Hollingsworth</td>
<td>Parks and Recreation Advisory Commission</td>
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<tr>
<td>Rich Bluma</td>
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<tr>
<td>Lynette Dumalag</td>
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<td>Courtney Erwin</td>
<td>Planning Commission</td>
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</tr>
<tr>
<td>Michael Howes</td>
<td>Police Advisory Commission</td>
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<tr>
<td>Heather Schepman</td>
<td>Police Advisory Commission</td>
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<td>Linda Trummer</td>
<td>Police Advisory Commission</td>
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<tr>
<td>Mohamed (Malik) Mohamud</td>
<td>Telecommunications Advisory Commission</td>
<td>5/31/22</td>
</tr>
<tr>
<td>David Dyer</td>
<td>Telecommunications Advisory Commission</td>
<td>5/31/22</td>
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<tr>
<td>Abraham Levine</td>
<td>Telecommunications Advisory Commission</td>
<td>5/31/22</td>
</tr>
</tbody>
</table>
Executive summary

Title: Annual Storm Water Pollution Prevention Program public meeting

Recommended action: None at this time. This agenda item serves to meet the city’s Municipal Separate Storm Sewer System (MS4) permit and Storm Water Pollution Prevention Program (SWPPP) requirements. After a staff presentation the Mayor is asked to open up the meeting for public comment.

Policy consideration: Does the City Council have questions regarding the city’s storm water pollution prevention program?

Summary: The City of St. Louis Park is permitted by the Minnesota Pollution Control Agency (MPCA) for the discharge of stormwater from the city’s storm sewer system into waters of the state, such as Minnehaha Creek. This permit is required based on an amendment to the Environmental Protection Agency’s (EPA) Clean Water Act (CWA) and the creation of the National Pollutant Discharge Elimination System (NPDES). St. Louis Park, along with over 200 other Minnesota cities, are permitted as MS4 communities.

As a part of the MS4 permit, the city is required to hold a public meeting in which the public has an opportunity to review and comment on the city’s SWPPP. These comments are then recorded and considered for incorporation in the city’s SWPPP. This meeting is held at a regular City Council meeting to increase awareness of this important initiative. In addition, to increase exposure and public participation on this topic, staff held an information meeting on May 9. Five people attended that meeting.

At the meeting staff will provide a summary of stormwater activities conducted in 2018, outline 2019 initiatives, and solicit comments from the public on the operation and management of the city’s SWPPP.

Financial or budget considerations: Not applicable at this time.

Strategic priority consideration: St. Louis Park is committed to continue to lead in environmental stewardship.

Supporting documents: Discussion
2018 SWPPP Stormwater Activity Highlights
2019 SWPPP Stormwater Initiatives
St. Louis Park 2018 Annual Report

Prepared by: Erick Francis, Water Resources Manager
Reviewed by: Debra Heiser, Engineering Director
Approved by: Tom Harmening, City Manager
Discussion

**Background:** The National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit establishes conditions for discharging stormwater and other related discharges into waters of the state. As a part of this permit, the city, as a regulated small MS4, is required to design their Storm Water Pollution Prevention Program (SWPPP) to:

- Reduce the discharge of pollutants to the “maximum extent practicable” (MEP); and
- Protect water quality; and
- Satisfy the appropriate water quality requirements of the Clean Water Act.

The EPAs Phase II Rule defines a small MS4 stormwater management program as a program comprising six elements that, when implemented in concert, are expected to result in significant reductions of pollutants discharged into receiving water bodies. The SWPPP is broken out into six program elements, termed Minimum Control Measures (MCMs). These are:

**MCM 1**  
Public Education and Outreach  
Distributing educational materials and performing outreach to inform citizens about the impacts polluted stormwater runoff discharges can have on water quality.

**MCM 2**  
Public Participation/Involvement  
Providing opportunities for citizens to participate in program development and implementation, including effectively publicizing public hearings and/or encouraging citizen representatives on a stormwater management panel.

**MCM 3**  
Illicit Discharge Detection and Elimination  
Developing and implementing a plan to detect and eliminate illicit discharges to the storm sewer system (includes developing a system map and informing the community about hazards associated with illegal discharges and improper disposal of waste).

**MCM 4**  
Construction Site Runoff Control  
Developing, implementing, and enforcing an erosion and sediment control program for construction activities that disturb 1 or more acres of land (controls could include silt fences and temporary stormwater detention ponds).

**MCM 5**  
Post-Construction Runoff Control  
Developing, implementing, and enforcing a program to address discharges of post-construction stormwater runoff from new development and redevelopment areas. Applicable controls could include preventative actions such as protecting sensitive areas (e.g., wetlands) or the use of structural BMPs.

**MCM 6**  
Pollution Prevention/Good Housekeeping  
Developing and implementing a program with the goal of preventing or reducing pollutant runoff from municipal operations. The program must include municipal staff training on pollution prevention measures and techniques (e.g., regular street sweeping, reduction in the use of pesticides or street salt, or frequent catch-basin cleaning).

In order to implement the MEP standard the city has developed Best Management Practices (BMPs) for implementation. Each BMP has measurable goals to meet the requirements for each of the six MCMs.
BMPs are practices, techniques, and measures that prevent or reduce water pollution from nonpoint sources by using the most effective and practicable means of achieving water quality goals. BMPs include, but are not limited to, official controls, structural and nonstructural controls, and operation and maintenance procedures.

Each year, permittees are required to conduct a review of their SWPPP to determine program compliance, the appropriateness of BMPs, and progress towards achieving the goals identified in their SWPPP. To document this review we submit an annual report to the MPCA by June 30. The city’s SWPPP and annual report are located on the city’s stormwater management webpage.

https://www.stlouispark.org/government/departments-divisions/engineering/storm-water

The information requested by the MPCA in the report is meant to provide the basis for an assessment of the appropriateness of the BMPs and the progress that has been made toward achieving the identified goals for each of the MCMs. This assessment is based on results collected and analyzed from inspection findings and public input received during the reporting period.

Prior to submitting the annual report, the city is required to provide the public at least one opportunity to offer input on the adequacy of the SWPPP. It has been past practice to hold this at a City Council meeting to increase awareness of these important initiatives. To increase exposure and participation, staff also held an information meeting on May 9. Five people attended this meeting.

Staff is always continuing to review and refine our process to reduce pollutants from entering our surface waters and record keeping procedures. One of the initiatives from 2018 was to complete the update of the city’s existing SWPPP. This was completed in conjunction with the update of the city’s Comprehensive Surface Water Management Plan (SWMP).

**Next steps:** The city is committed to continue to lead in environmental stewardship. The implementation of the SWPPP will set us up to continue to protect and improve the quality of surface water (i.e. lakes, Minnehaha Creek, and wetlands).
The following outlines the Stormwater Pollution Prevention Program (SWPPP) Minimum Control Measure (MCM) activities that have been completed in 2018. These MCMs are included in the Municipal Separate Storm Sewer System (MS4) permit issued by the Minnesota Pollution Control Agency (MPCA).

**MCM-1: Public education and outreach activities**

**Permit requirement:**
Permittees shall develop and implement a public education program and distribute educational materials that informs the public of the impact stormwater discharges have on water bodies and that includes actions citizens, businesses, and other local organizations can take to reduce the discharge of pollutants to stormwater.

**Activities completed:**
- High-priority stormwater related issue for 2018
  - Rainwater Rewards Program
    - Installed 23 rain gardens and 3 trees
- City’s MS4 Program was Program Highlighted by the MPCA, Minnesota Stormwater News April 2018
- City’s stormwater management practice was highlighted in the MS4 Program Overview by the MPCA
- Received Blue Star Award for Protecting and Preserving Water Quality
- Distributed other stormwater management related educational materials
  - 9 articles in 4 issues in the Park Perspective (circulation of approximately 27,500 residents)
  - Stormwater information on city’s website (4,676 clicks)
  - Stormwater and environmental education at Westwood Hills Nature Center (36,603)
  - Sun Sailor article for the Rainwater Rewards Program (approximately 3,000 people)
  - Participate in Clean Water Minnesota Outreach Program
    - 3 posts on social media
  - Social media outreach on stormwater management
    - 45 postings
  - Annual Rain Barrel sale (sold 156 barrels at a discounted rate for residents)
  - Participated in Metro Blooms Resilient Yard Workshop (48 attendees)
  - Participated in Metro Blooms Turf Alternative Workshop (56 attendees)

**MCM-2: Public involvement and participation**

**Permit requirement:**
Permittees shall implement a public participation/involvement program to solicit public input on the Storm Water Pollution Prevention Plan (SWPPP).
Activities completed:

- Held additional public open house on March 15, to receive comments on the city’s SWPPP activities in 2018 (5 attendees)
- Held City Council meeting presentation on the SWPPP on April 2, to review 2017 activities

**MCM-3: Illicit discharge detection and elimination**

**Permit requirement:**
Permittees shall implement and enforce a program to detect and eliminate illicit discharges into the city’s storm sewer system.

**Activities completed:**

- Observed 21 illicit discharges and responded with verbal warnings and letters of warning on illicit discharge
- Identified and monitored areas within the city that have an elevated potential for illicit stormwater discharges
- Implement comprehensive training program for city field staff
- Distributed illicit discharge detection and elimination social media information
- Developed dumpster ordinance updates in coloration solid waste staff for covering and leaking dumpsters

**MCM-4: Construction site stormwater runoff control**

**Permit requirement:**
Permittees shall implement and enforce a construction site stormwater runoff control program that reduces pollutants in stormwater runoff related to construction activity.

**Activities completed:**

- Performed 16 plan reviews on projects greater than one acre
- Performed 23 plan reviews on projects less than one acre
- Issued 35 erosion and sediment control permits
- Performed 52 inspections on 15 projects greater than one acre
- Performed 160 compliance inspections on 52 projects
- Collected damage deposits for permits
  - Issued 76 notices of violation for noncompliance, including verbal and written warnings

**MCM-5: Post-construction runoff control**

**Permit requirement:**
Permittees shall implement and enforce a post-construction stormwater management program that prevents or reduces water pollution after construction activity is completed.

**Activities completed:**

- Carpenter Park Regional Stormwater Improvement Project
Recipient of the Minnesota Erosion Control Association 2018 Environmental Excellence Award

- Implemented stormwater best management practices as part of the 2018 Pavement Management Project and Aquila Field Reconstruction, including:
  - Underground infiltration chambers
  - Biofiltration basins
  - SAFL baffle and sump manholes
  - Reduction in impervious surfaces (approximately 5%)
- Provided stormwater management plan review for 14 projects greater than one acre
- Provided stormwater management plan review for 11 projects less than one acre
  - BMPs included underground treatment facilities, rain gardens, pervious pavement, biofiltration basins, and future stormwater mitigation

MCM-6: Pollution prevention/good housekeeping for municipal operations

Permit requirement:
Permittees shall develop and implement an operations and maintenance program that prevents or reduces the discharge of pollutants from permittee owned and operated facilities.

Activities completed:
- Replaced Bass Lake Preserve outlet control structure and install new Bass Lake Park trail connection
- Maintained stormwater pond at the northeast corner of Bass Lake Preserve
- Completed the city’s Surface Water Management Plan update
- Completed the city’s Stormwater Pollution Prevention Plan update
- Completed the development of citywide stormwater models
- Inspected 28 storm sewer outfalls
- Inspected 33 stormwater ponds
- Swept over 2,043 miles of streets and alleys
  - Removed approximately 6,474 cubic yards of material from city streets
- Inspected stockpile and storage areas
- Worked with Operations to evaluate existing policies and practices and to look for areas to improve process and reduce pollution
The following outlines the Stormwater Pollution Prevention Program (SWPPP) Minimum Control Measure (MCM) planned activities for 2019. These MCMs are included in the City of St. Louis Park’s Municipal Separate Storm Sewer System (MS4) permit issued by the Minnesota Pollution Control Agency (MPCA).

MCM-1: Public education and outreach activities

Permit requirement:
Permittees shall develop and implement a public education program and distribute educational materials that informs the public of the impact stormwater discharges have on water bodies and that includes actions citizens, businesses, and other local organizations can take to reduce the discharge of pollutants to stormwater. The program shall include the following:

Activities to initiate:
- Select high-priority stormwater related issue
  - Rainwater Rewards Program
    - Partner with Metro Blooms and Conservation Corps of Minnesota to provide additional funding and technical assistance for the installation of 30 residential rain gardens
- Implement Adopt-a-Drain program in collaboration with Clean Water Minnesota
- Continue to promote stormwater pollution prevention throughout the city, including:
  - Partner with Clean Water Minnesota Outreach Program
  - Park Perspective article
  - Social media postings
  - Partner with other cities, watershed and/or other organization’s activities and workshops
  - Continue Westwood Hills Nature Center educational programs

MCM-2: Public involvement and participation

Permit requirement:
Permittees shall implement a public participation/involvement program to solicit public input on the Storm Water Pollution Prevention Plan (SWPPP).

Activities to initiate:
- Hold public open house to receive comments in spring 2020
- Hold annual public meeting to present SWPPP to city council in spring 2020
MCM-3: Illicit discharge detection and elimination

Permit requirement:
Permittees shall implement and enforce a program to detect and eliminate illicit discharges into the city’s storm sewer system.

Activities to initiate:
- Continue illicit discharge detection and elimination program
  - Continue inspections
  - Update mapping
  - Provide city field staff training for illicit discharges
  - Continue to educate public about illicit discharges

MCM-4: Construction site stormwater runoff control

Permit requirement:
Permittees shall implement and enforce a construction site stormwater runoff control program that reduces pollutants in stormwater runoff related to construction activity.

Activities to initiate:
- Continue erosion control site plan review, site inspection and enforcement
- Continue to educate city staff and the public about the importance of construction stormwater management and erosion and sediment control

MCM-5: Post-construction runoff control

Permit requirement:
Permittees shall implement and enforce a post-construction stormwater management program that prevents or reduces water pollution after construction activity is completed.

Activities to initiate:
- Continue to review plans and work with local watersheds to maintain compliance

MCM-6: Pollution prevention/good housekeeping for municipal operations

Permit requirement:
Permittees shall develop and implement an operations and maintenance program that prevents or reduces the discharge of pollutants from permittee owned and operated facilities.

Activities to initiate:
- Review future projects and identify potential stormwater best management practices that would reduce runoff and improve water quality on local street projects
- Continue routine inspections and maintenance practices (i.e. street sweeping, storm sewer inspection, and maintenance work) in 2019
- Continue the use of Cartegraph and GIS mapping in 2019, to asset with tracking inspections, findings and recommendations
**MS4 Annual Report for 2018**

**Reporting period:** January 1, 2018 to December 31, 2018

**Due:** June 30, 2019

**Instructions:** Complete this annual report to provide a summary of your activities under the 2013 MS4 Permit (Permit) between January 1, 2018 and December 31, 2018. MPCA staff may also contact you for additional information.

**Questions:** Contact Cole Landgraf (cole.landgraf@state.mn.us, 651-757-2880)

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**MS4 General Contact Information**

<table>
<thead>
<tr>
<th>Full Name</th>
<th>Erick Francis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title</td>
<td>Water Resources Manager</td>
</tr>
<tr>
<td>Mailing Address</td>
<td>5005 Minnetonka Blvd</td>
</tr>
<tr>
<td>City</td>
<td>St. Louis Park</td>
</tr>
<tr>
<td>State</td>
<td>Minnesota</td>
</tr>
<tr>
<td>Zip Code</td>
<td>55416</td>
</tr>
<tr>
<td>Phone</td>
<td>952-924-2690</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:efrancis@stlouispark.org">efrancis@stlouispark.org</a></td>
</tr>
</tbody>
</table>

**Preparer Contact Information (if different from the MS4 General Contact)**

<table>
<thead>
<tr>
<th>Full Name</th>
<th>Erick Francis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title</td>
<td>Water Resources Manager</td>
</tr>
<tr>
<td>Organization</td>
<td>City of St. Louis Park</td>
</tr>
<tr>
<td>Mailing Address</td>
<td>5005 Minnetonka Blvd</td>
</tr>
<tr>
<td>City</td>
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<td>State</td>
<td>Minnesota</td>
</tr>
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<td>Phone</td>
<td>952-924-2690</td>
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<td>Email</td>
<td><a href="mailto:efrancis@stlouispark.org">efrancis@stlouispark.org</a></td>
</tr>
</tbody>
</table>

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**MCM 1: Public Education and Outreach**

The following questions refer to Part III.D.1. of the Permit.

**Q2** Did you select a stormwater-related issue of high priority to be emphasized during this Permit term? [Part III.D.1.a.(1)]

- [ ] Yes

**Q3** If 'Yes' in Q2, what is your stormwater-related issue(s)? Check all that apply.

- [ ] Total Maximum Daily Loads (TMDLs)
- [ ] Local businesses
- [ ] Residential best management practices (BMPs)
- [ ] Pet waste
- [ ] Yard waste
- [ ] Deicing materials
- [ ] Household chemicals
- [ ] Construction activities
- [ ] Post-construction activities
- [x] Other

If 'Other,' describe: The city has a grant program, the Rainwater Rewards Program, that provides homeowners technical resources and funding for the implementation of stormwater on their properties.

**Q4** Have you distributed educational materials or equivalent outreach to the public focused on illicit discharge recognition and reporting? [Part III.D.1.a.(2)]

- [ ] Yes

**Q5** Do you have an implementation plan as required by the Permit? [Part III.D.1.b.]

- [ ] Yes
Q6 How did you distribute educational materials or equivalent outreach? [Part III.D.1.a.] Check all that apply in the table below.

Q7 For the items checked in Q6 below, who is the intended audience? Check all that apply in the table below.

Q8 For the items checked in Q6 below, enter the total circulation/audience in the table below. (If unknown, use best estimate).

<table>
<thead>
<tr>
<th>How did you distribute educational materials or equivalent outreach?</th>
<th>Intended audience? Check all that apply:</th>
<th>Total circulation/audience: (if unknown, best est.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>Local businesses</td>
<td>Developers</td>
</tr>
<tr>
<td>X Brochure</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>X Newsletter</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>X Utility bill insert</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>X Newspaper ad</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Radio ad</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Television ad</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X Stormwater-related event</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>X School project or presentation</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>X Website</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Other (1)</td>
<td></td>
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<tr>
<td>Describe:</td>
<td></td>
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<tr>
<td>Other (2)</td>
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<tr>
<td>Describe:</td>
<td></td>
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<tr>
<td>Other (3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Describe:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

For Q9 and Q10 below, provide a brief description of each activity related to public education and outreach (e.g. rain garden workshop, school presentation, public works open house) held and the date each activity was held from January 1, 2018 to December 31, 2018. [Part III.D.1.c.(4)]

<table>
<thead>
<tr>
<th>Date of Activity</th>
<th>Description of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>03/15/2018</td>
<td>MS4 Open house</td>
</tr>
<tr>
<td>4/2/2018</td>
<td>MS4 Annual Meeting, City Council</td>
</tr>
<tr>
<td>3/29/2018</td>
<td>Resilient yards workshop</td>
</tr>
<tr>
<td>4/12/2018</td>
<td>Turf alternatives workshop</td>
</tr>
<tr>
<td>5/5/2018</td>
<td>Annual rain barrel sale</td>
</tr>
<tr>
<td>6/19/2018</td>
<td>Fire Department open house</td>
</tr>
<tr>
<td>6/11/2018</td>
<td>Skate Park grand opening</td>
</tr>
<tr>
<td>6/13/2018</td>
<td>Parktacular</td>
</tr>
</tbody>
</table>

Q11 Between January 1, 2018 and December 31, 2018, did you modify your BMPs, measurable goals, or future plans for your public education and outreach program? [Part IV.B.]

If Yes, describe those modifications:

| No |

Q12 You must provide a minimum of one opportunity each year for the public to provide input on the adequacy of your Stormwater Pollution Prevention Program (SWPPP). Did you provide this opportunity between January 1, 2018 and December 31, 2018? [Part III.D.2.a.(1)]

Yes
Q13  If 'Yes' in Q12, what was the opportunity that you provided? Check all that apply. 
- [X] Public meeting 
- [X] Public event 
- Other

Q14  If 'Public meeting' in Q13, did you hold a stand-alone meeting or combine it with another event? 
- Stand-alone
- Enter the date of the public meeting: 3/15/2018
- Enter the number of citizens that attended and were informed about your SWPPP: 5

Q15  If 'Public Event' in Q13, 

Enter the date of the public event: 4/2/2018
Enter the number of citizens that attended and were informed about your SWPPP: 1

Q16  If 'Other' in Q13, 

Describe: MS4 presentation at city council meeting

Enter the date of the 'other' event: 
Enter the number of citizens that attended and were informed about your SWPPP: 0

Q17  Between January 1, 2018 and December 31, 2018, did you receive any input regarding your SWPPP? 
- No 

If 'Yes,' enter the total number of individuals or organizations that provided comments on your SWPPP: 

Q18  If 'Yes' in Q17, did you modify your SWPPP as a result of written input received? [Part III.D.2.b.(2)] 
- If 'Yes,' describe those modifications: 

Q19  Between January 1, 2018 and December 31, 2018, did you modify your BMPs, measurable goals, or future plans for your public education and outreach program? [Part IV.B.] 
- No 

If 'Yes,' describe those modifications: 

MCM 3: Illicit Discharge Detection and Elimination

The following questions refer to Part III.D.3. of the Permit.

Q20  Do you have a regulatory mechanism which prohibits non-stormwater discharges to your MS4? 
- Yes

Q21  Did you identify any illicit discharges between January 1, 2018 and December 31, 2018? [Part III.D.3.h.(4)] 
- Yes

Q22  If 'Yes' in Q21, enter the number of illicit discharges detected: 21

Q23  If 'Yes' in Q21, how did you discover these illicit discharges? Check all that apply. 
- [X] Public complaint 
- [X] Staff

Q24  If 'Public complaint' in Q23, enter the number discovered by the public: 14

Q25  If 'Staff' in Q23, enter the number discovered by staff: 7
Q26  If 'Yes' in Q21, did any of the discovered illicit discharges result in an enforcement action (this includes verbal warnings)?  Yes

Q27  If 'Yes' in Q26, what type of enforcement action(s) was taken and how many of each action were issued between January 1, 2018 and December 31, 2018? Check all that apply.

| Number issued: | X Verbal warning  11 |
|               | X Notice of violation  6 |
|               | Fine |
|               | Criminal action |
|               | Civil penalty |
|               | Other |

If 'Other', describe:

Q28  If 'Yes' in Q26, did the enforcement action(s) taken sufficiently address the illicit discharge(s)?  Yes

Q29  If 'No' in Q28, why was the enforcement not sufficient to address the illicit discharge(s)?

Q30  Do you have written Enforcement Response Procedures (ERPs) to compel compliance with your illicit discharge regulatory mechanism(s)? [Part III.B.]  Yes

Q31  Between January 1, 2018 and December 31, 2018, did you train all field staff in illicit discharge recognition (including conditions which could cause illicit discharges) and reporting illicit discharges for further investigations? [Part III.D.3.e.]  Yes

Q32  If 'Yes' in Q31, how did you train your field staff? Check all that apply.

| X Email |
| X Powerpoint |
| X Presentation |
| Video |
| Field Training |
| Other |

If 'Other', describe:

The following questions refer to Part III.C.1. of the Permit.

Q33  Did you update your storm sewer system map between January 1, 2018 and December 31, 2018? [Part III.C.1.]  Yes

Q34  Does your storm sewer map include all pipes 12 inches or greater in diameter and the direction of stormwater flow in those pipes? [Part III.C.1.a.]  Yes

Q35  Does your storm sewer map include outfalls, including a unique identification (ID) number and an associated geographic coordinate? [Part III.C.1.b.]  Yes

Q36  Does your storm sewer map include all structural stormwater BMPs that are part of your MS4? [Part III.C.1.c.]  Yes

Q37  Does your storm sewer map include all receiving waters? [Part III.C.1.d.]  Yes

Q38  In what format is your storm sewer map available? GIS

If 'Other', describe:

Q39  Between January 1, 2018 and December 31, 2018, did you modify your BMPs, measurable goals, or future plans for your illicit discharge detection and elimination (IDDE) program? [Part IV.B.]  No

If 'Yes,' describe those modifications:

MCM 4: Construction Site Stormwater Runoff Control

The following questions refer to Part III.D.4. of the Permit.

Q40  Do you have a regulatory mechanism that is at least as stringent as the Agency's general permit to Discharge Stormwater Associated with Construction Activity (CSW Permit) No. MN R100001 (http://www.pca.state.mn.us/index.php/view-document.html?gid=18984) for erosion and sediment controls and waste controls? [Part III.D.4.a.]  Yes
Q41 Have you developed written procedures for site plan reviews as required by the Permit? [Part III.D.4.b.]
Yes

Q42 Have you documented each site plan review as required by the Permit? [Part III.D.4.f.]
Yes

Q43 Enter the number of site plan reviews conducted for sites an acre or greater between January 1, 2018 and December 31, 2018:
15

Q44 What types of enforcement actions do you have available to compel compliance with your regulatory mechanism? Check all that apply and enter the number of each used from January 1, 2018 to December 31, 2018.

<table>
<thead>
<tr>
<th>Number issued</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Verbal warning</td>
</tr>
<tr>
<td>3</td>
<td>Notice of violation</td>
</tr>
<tr>
<td>1</td>
<td>Stop-work order</td>
</tr>
<tr>
<td>1</td>
<td>Fine</td>
</tr>
<tr>
<td>0</td>
<td>Forfeit of security bond money</td>
</tr>
<tr>
<td>0</td>
<td>Withholding of certificate of occupancy</td>
</tr>
<tr>
<td>0</td>
<td>Criminal action</td>
</tr>
<tr>
<td>0</td>
<td>Civil penalty</td>
</tr>
<tr>
<td>0</td>
<td>Other</td>
</tr>
</tbody>
</table>

If 'Other', describe:

Q45 Do you have written Enforcement Response Procedures (ERPs) to compel compliance with your construction site stormwater runoff control regulatory mechanism(s)? [Part III.B.]
Yes

Q46 Enter the number of active construction sites an acre or greater that were in your jurisdiction between January 1, 2018 and December 31, 2018:
15

Q47 Do you have written procedures for identifying priority sites for inspections? [Part III.D.4.d.(1)]
Yes

Q48 If 'Yes' in Q47, how are sites prioritized for inspections? Check all that apply.

| X | Site topography                           |
| X | Soil characteristics                      |
| X | Types of receiving water(s)              |
| X | Stage of construction                     |
| X | Compliance history                        |
| X | Weather conditions                        |
| X | Citizen complaints                        |
| X | Project size                              |
|   | Other                                     |

If 'Other', describe:

Q49 Do you have a checklist or other written means to document site inspections when determining compliance? [Part III.D.4.d.(4)]
Yes

Q50 Enter the number of site inspections conducted for sites an acre or greater between January 1, 2018 and December 31, 2018:
52

Q51 Enter the frequency at which site inspections are conducted (e.g. daily, weekly, monthly): [Part III.D.4.d.(2)]

Inspection frequency is typically every other week, after a 2.5 inch rainfall event, or based on a complaint received.

Q52 Enter the number of trained inspectors that were available for construction site inspections between January 1, 2018 and December 31, 2018:
3

Q53 Provide the contact information for the inspector(s) and/or organization that conducts construction stormwater inspections for your MS4. List your primary construction stormwater contact first if you have multiple inspectors.

1 Inspector Name: Erick Francis
Organization: City of St. Louis Park
Phone (Office): 952-244-2690
Phone (Work Cell): 952-229-0053
Email: efrancis@stlouispark.org
Preferred contact method: email

2 Inspector Name: Luke Imgram
Organization: City of St. Louis Park
Phone (Office): 952-244-1666
Phone (Work Cell):
Email: ingram@stlouispark.org
Preferred contact method: email

3 Inspector Name: Jim Vaughn
Organization: City of St. Louis Park
Phone (Office): 952-244-2699
Phone (Work Cell):
Email: jvaughn@stlouispark.org
Preferred contact method: email
**Q54** What training did inspectors receive? Check all that apply.

- [X] University of Minnesota Erosion and Stormwater Management Certification Program
- [ ] Qualified Compliance Inspector of Stormwater (QCIS)
- [ ] Minnesota Laborers Training Center Stormwater Pollution Prevention Plan Installer or Supervisor
- [ ] Certified Professional in Erosion and Sediment Control (CPESC)
- [ ] Certified Professional in Stormwater Quality (CPWSQ)
- [ ] Certified Erosion Sediment and Storm Water Inspector (CESSWI)
- [ ] Other

If 'Other', describe:

**Q55** Between January 1, 2018 and December 31, 2018, did you modify your BMPs, measurable goals, or future plans for your construction site stormwater runoff control program? [Part IV.B.]

If 'Yes', describe those modifications:

**Q56** Do you have a regulatory mechanism which meets all requirements as specified in Part III.D.5.a of the Permit? [Part IV.B.]

- [ ] Yes

**Q57** What approach are you using to meet the performance standard for Volume, Total Suspended Solids (TSS), and Total Phosphorus (TP) as required by the Permit? [Part III.D.5.a.(2)] Check all that apply.


- [X] Retain a runoff volume equal to one inch times the area of the proposed increase of impervious surface on-site
- [ ] Retain the post-construction runoff volume on site for the 95th percentile storm
- [X] Match the predevelopment runoff conditions
- [X] Adopt the Minimal Impact Design Standards (MIDS)
- [ ] An approach has not been selected
- [X] Other method (Must be technically defensible - e.g., based on modeling, research and acceptable engineering practices)

Site discharge rate controls include the restriction of the proposed 6" event discharge rate cannot exceed the existing 4.2" event discharge rate. This discharge rate control is more restrictive than what is outlined in the NPDES CSW permit.

**Q58** Do you have written Enforcement Response Procedures (ERPs) to compel compliance with your post-construction stormwater management regulatory mechanism(s)? [Part III.B.]

- [ ] Yes

**Q59** Between January 1, 2018 and December 31, 2018, did you modify your BMPs, measurable goals, or future plans for your post-construction site stormwater management program? [Part IV.B.]

If 'Yes', describe those modifications:

**MCM 5: Post-Construction Stormwater Management**

The following questions refer to Part III.D.5 of the Permit.

**Q60** Enter the total number of structural stormwater BMPs, outfalls (excluding underground outfalls), and ponds within your MS4 (exclude privately owned).

<table>
<thead>
<tr>
<th>Structural stormwater BMPs</th>
<th>Outfalls</th>
<th>Ponds</th>
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<tbody>
<tr>
<td></td>
<td>17</td>
<td>58</td>
</tr>
</tbody>
</table>

**Q61** Enter the number of structural stormwater BMPs, outfalls (excluding underground outfalls), and ponds that were inspected from January 1, 2018 to December 31, 2018 within your MS4 (exclude privately owned). [Part III.D.6.e.]

<table>
<thead>
<tr>
<th>Structural stormwater BMPs</th>
<th>Outfalls</th>
<th>Ponds</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>17</td>
<td>28</td>
</tr>
</tbody>
</table>

**Q62** Have you developed an alternative inspection frequency for any structural stormwater BMPs, as allowed in Part III.D.6.e.(1) of the Permit?

- [ ] No

**MCM 6: Pollution Prevention/Good Housekeeping for Municipal Operations**

The following questions refer to Part III.D.6. of the Permit.

**Q63** Enter the total number of structural stormwater BMPs, outfalls (excluding underground outfalls), and ponds within your MS4 (exclude privately owned).

<table>
<thead>
<tr>
<th>Structural stormwater BMPs</th>
<th>Outfalls</th>
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<td>17</td>
<td>58</td>
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</table>

**Q64** Enter the number of structural stormwater BMPs, outfalls (excluding underground outfalls), and ponds that were inspected from January 1, 2018 to December 31, 2018 within your MS4 (exclude privately owned). [Part III.D.6.e.]

<table>
<thead>
<tr>
<th>Structural stormwater BMPs</th>
<th>Outfalls</th>
<th>Ponds</th>
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<tbody>
<tr>
<td></td>
<td>17</td>
<td>28</td>
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</table>

**Q65** Have you developed an alternative inspection frequency for any structural stormwater BMPs, as allowed in Part III.D.6.e.(1) of the Permit?

- [ ] No
Q63 Based on inspection findings, did you conduct any maintenance on any structural stormwater BMPs? [Part III.D.6.e.(1)]

Yes

Q64 If ‘Yes,’ briefly describe the maintenance that was conducted:

Maintenance that occurred on the storm water BMP and outfalls included debris, sediment, and vegetation removals.

Q65 Do you own or operate any stockpiles, and/or storage and material handling areas? [Part III.D.6.e.(3)]

Yes

Q66 If ‘Yes’ in Q65, did you inspect all stockpiles and storage and material handling areas quarterly? [Part III.D.6.e.(3)]

Yes

Q67 If ‘Yes’ in Q66, based on inspection findings, did you conduct maintenance at any of the stockpiles and/or storage and material handling areas?

Yes

Q68 If ‘Yes’ in Q67, briefly describe the maintenance that was conducted:

Sweeping, inlet protection maintenance, mowing, plantings, stockpile maintenance.

Q69 Between January 1, 2018 and December 31, 2018, did you modify your BMPs, measurable goals, or future plans for your pollution prevention/good housekeeping for municipal operations program? [Part IV.B.]

If ‘Yes,’ describe those modifications:

No

Discharges to Impaired Waters with a USEPA-Approved TMDL that Includes an applicable WLA


Q71 Successfully uploaded file:

File successfully attached.

Alum or Ferric Chloride Phosphorus Treatment Systems

The following questions refer to Part III.F.3.a. of the Permit. Provide the information below as it pertains to your alum or ferric chloride phosphorus treatment system.

‘Alum or Ferric Chloride Phosphorus Treatment Systems’ section not required for St Louis Park City MS4.

Q72 Date(s) of operation (mm/dd/yyyy - mm/dd/yyyy)

<table>
<thead>
<tr>
<th>January</th>
<th>February</th>
<th>March</th>
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Q73 Chemical(s) used for treatment:

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<th>January</th>
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<th>May</th>
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Q74 Gallons of alum or ferric chloride treatment:

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Q75 Gallons of water treated:

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<th>August</th>
<th>September</th>
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<th>December</th>
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</table>

Q76 Calculated pounds of phosphorus removed:

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<th>January</th>
<th>February</th>
<th>March</th>
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<th>May</th>
<th>June</th>
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<th>August</th>
<th>September</th>
<th>October</th>
<th>November</th>
<th>December</th>
</tr>
</thead>
</table>
Q77 Any performance issues and corrective action(s), including the date(s) when corrective action(s) were taken, between January 1, 2018 and December 31, 2018:

Partnerships

Q78 Did you rely on any other regulated MS4s to satisfy one or more Permit requirements?

No

Q79 If 'Yes' in Q78, describe the agreements you have with other regulated MS4s and which Permit requirements the other regulated MS4s help satisfy: [Part IV.B.6.]

Additional Information

If you would like to provide any additional files to accompany your annual report, use the space below to upload those files. For each space, you may attach one file. You may provide additional explanation and/or information in an email with the subject YourMS4NameHere_2018AR to ms4permitprogram.pca@state.mn.us.

Q80 Successfully uploaded file: No file attached.
Q81 Successfully uploaded file: No file attached.
Q82 Successfully uploaded file: No file attached.
Q83 Optional, describe the file(s) uploaded:

Owner of Operator Certification

The person with overall administrative responsibility for SWPPP implementation and Permit compliance must certify this MS4 Annual Report. This person must be duly authorized and should be either a principal executive (i.e., Director of Public Works, City Administrator) or ranking elected official (i.e., Mayor, Township Supervisor).

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete (Minn. R. 7001.0070). I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment (Minn. R. 7001.0540).

X Yes

By typing my name in the following box, I certify the above statements to be true and correct, to the best of my knowledge, and that information can be used for the purpose of processing my MS4 Annual Report.

Name: Erick Francis
Title: Water Resources Manager
Date: 4/5/2019
Executive summary

Title: First reading of ordinance related to zero waste packaging

Recommended action: Motion to approve the first reading of an ordinance amending the Zero Waste Packaging Ordinance, and to set the second reading for June 17, 2019.

Policy consideration: Does the city council wish to amend the Zero Waste Packaging Ordinance?

Summary: Staff is initiating this request to amend the Environment and Public Health (Chapter 12) code in an attempt to decrease waste, reduce confusion for business and residents and minimize contamination in organics and recycling? A simple majority vote of the council (four) is needed to approve the recommended motion.

The proposed ordinance was reviewed by the city attorney. A summary of proposed changes was provided to city council (study session report on April 8, 2019) and to primary stakeholders (via emails on April 8 and 22, 2019). A draft of the revised ordinance was posted to the city’s website on April 19, 2019. Stakeholders were asked to provide feedback by April 30, 2019. The city received three responses from stakeholders. Edits were made to the draft ordinance to clarify intent on two items in response to stakeholder feedback.

The original Zero Waste Packaging Ordinance went into effect on January 1, 2017. Over the past two years, staff have identified circumstances where clarification and changes in the ordinance would help decrease waste, reduce confusion for business and residents and minimize contamination in organics and recycling.

This amendment updates much of Chapter 12, Article VI, and proposes changes that would update definitions, set expectations for some types of packaging, remove certain exclusions, clarify collection requirements and change the penalty process. These changes will help increase the impact of the ordinance by further moving single-use food packaging toward zero waste.

Financial or budget considerations: None

Strategic priority consideration: St. Louis Park is committed to continue to lead in environmental stewardship.

Supporting documents: Discussion
Draft ordinance (redline)

Prepared by: Emily Barker, Solid Waste Specialist
Reviewed by: Scott Merkley, Public Works Services Manager
Mark Hanson Public Works Superintendent
Cynthia S. Walsh, Director of Operations and Recreation
Approved by: Tom Harmening, City Manager
Discussion

A draft copy of the ordinance is attached. Listed below is a summary of the proposed changes in Chapter 12.

(Sec. 12-33, 12-34, 12-91, 12-124, 12-125) **Updating definitions.** Harmonizes terms with Chapter 8 and 22. Removes obsolete terms (rubbish and refuse) and updates and adds other definitions (garbage, licensed solid waste collector, solid waste and multifamily building).

(Sec. 12-124) **Updating of allowed collection hours.** Harmonizes with Chapter 22 and current practice.

(Sec. 12-201) **Clarifying and refining legislative purpose.** This revision puts the legislative purpose into plain language, so it will be easier for impacted parties to understand.

(Sec. 12-202) **Updating definitions.** Adds several terms (compostable packaging, food and beverage packaging, non-packaging food service items, recyclable packaging, reusable packaging and single-use). Updates definition for zero waste packaging. Removes unnecessary or redundant terms (distributor, packaging and violation).

(Sec. 12-203) **Prohibitions and duties.** This section includes several proposed changes.

Item (b)(1) would require that lids for cups and containers be of the same category of packaging. This change would require that lids for compostable cups and containers be compostable and lids for recyclable cups and containers be recyclable. Confusion and contamination are caused by packaging combinations that mix recyclable and compostable components (e.g. compostable cups with recyclable lids), as many people do not realize that both items cannot be placed in the same container at disposal.

Item (b)(2) would require all compostable cups (paper or plastic) be labeled to indicate compostability. This change is being made to help customers understand which products are compostable. Cups that are not labeled are particularly difficult to differentiate from non-compostable cups. All cups would need to be labeled with at least one of the following:

- **Text:** The words “certified compostable,” “commercially compostable” or other such language. “Made from plants,” “bio-based,” or “biodegradable” would not acceptable alternatives on their own, as they do not necessarily mean a product is compostable.
- **Logo:** The logo of a third party certification or testing body (e.g. BPI).

Item (c)(1) would remove plastic utensils (forks, spoons, knives) from the current exclusions and require single-use utensils to be compostable. Plastic utensils cannot be recycled due to their size and shape and inability to be properly sorted. This change would reduce contamination of organics and recycling,
especially at quick service restaurants and events where consumers are often responsible for sorting items for disposal.

Item (c)(2) would require that straws be provided to customers “by request only.” This change would require that food establishments not automatically give straws to customers, unless one is explicitly requested. Front-of-house dispensers, which allow for customers to self-serve straws, and are often found in quick-service food establishments would meet this requirement. While this change would not require straws to be compostable, staff believes this would reduce usage and thus reduce waste. Like utensils, straws cannot be recycled due to collection and sorting systems.

(Sec. 12-204) **On-site collection requirements.** There are two amendments being proposed in this section.

Item (a)(3) would require that the organizations hosting food trucks provide collection containers for organics and/or recycling. This change would remove the current requirement that food trucks provide collection containers for recycling and/or organics. Most often the hosting organization, such as an event organizer or local business, is coordinating collection of trash, recycling and/or organics. Staff believe the most effective way to capture the recyclable and compostable items from food trucks is to require the hosting organization to provide the appropriate containers.

Item (b) would add the requirement for co-location of collection containers to the ordinance. Co-location means that the containers for the collection of recyclable and/or compostable packaging must be side-by-side with garbage containers. The co-location of bins is currently being required through the Administrative Rules. By adding this requirement to the ordinance itself, it provides better clarity for the food establishments and makes enforcement easier for the city.

(Sec. 12-206) **Exclusions and exemptions.** Moves all exclusions and exemptions to one section, instead of throughout the ordinance as is currently the case.

(Sec. 12-207) **Violations and enforcement.** Removes specific administrative penalty information from the ordinance and adds it to the city’s fee schedule approved annually by council.
Ordinance No. _____-19

An ordinance amending the St. Louis Park ordinance code relating to environment and public health

The City of St. Louis Park does ordain:

SECTION 1. That Chapter 12 of the Code of Ordinances, City of St. Louis Park, Minnesota, is hereby amended to read as follows:

CHAPTER 12

ENVIRONMENT AND PUBLIC HEALTH

Article VI. Zero Waste Packaging
Sec. 12-201. Legislative purpose.
Sec. 12-203. Prohibitions and duties.
Sec. 12-204. On-site collection for recyclable and compostable packaging.
Sec. 12-205. Rules and regulations.
Sec. 12-206. Exclusions and exemptions.
Sec. 12-207. Violations and enforcement.
Sec. 12-208. Severability.
Sec. 12-209. Effective date.
Sec. 12-210—12-250. Reserved

ARTICLE II. NUISANCES

DIVISION 1. GENERALLY

Sec. 12-33. Nuisances affecting health.

In addition to those conditions identified elsewhere, the following are declared to be nuisances affecting health:

(3) Accumulations of decaying animal or plant material, animal or human feces, trash, refuse, yard waste, rubbish, garbage, rotting lumber, packing material, scrap metal, tires or any other substances which can be breeding places for flies, mosquitoes or vermin, except compost maintained in compliance with Chapter 22, article IV.

(9) The intentional or negligent discharge of items including but not limited to refuse, leaves, grass clippings, garbage, yard waste, solvents, antifreeze, oil, gas, fireplace ashes, paint, swimming pool water or cement rein sate into a street, storm sewer system, or water resource such as a wetland, creek, pond or lake. This includes illegal discharge or discard of any item on to any land within the City limits.
Sec. 12-34. Nuisances affecting peace and safety.

In addition to those conditions identified elsewhere, the following are declared to be nuisances affecting public peace, welfare and safety:

(23) Accumulations of personal property, rubbish solid waste or debris in any residence that could prevent emergency egress.

(24) Accumulations of animal feces, rubbish solid waste or junk remaining in any place as to become dangerous or injurious to the safety of any individual or to the public.

ARTICLE III. LITTER
Sec. 12-91. 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:

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, the portion of solid waste that is not separated at the source by the generator for the purpose of reuse, recycling, organics recycling, or yard waste composting.

Licensed solid waste collector means any person holding a valid license from the city who shall offer to, or engage in, the collection of solid waste in the city.

Litter means garbage, refuse and rubbish, solid waste and all other waste material which, if thrown or deposited as prohibited in this article, tends to create a danger to public health, safety and welfare.

Refuse means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, trash, ashes, street cleanings, dead animals, junk, abandoned automobiles, and solid market and industrial wastes.

Rubbish means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, wood, glass, bedding, crockery and similar materials.

Solid waste means garbage, recyclable materials, organic materials, yard waste, appliances, bulk waste, and other solid waste from residential or commercial buildings, and activities thereof, that the generator of the material aggregates for collection, but does not include construction demolition debris, hazardous waste, dirt, rocks, sod, or sewage sludge.

ARTICLE IV. NOISE, NOISE POLLUTION AND VIBRATION
Sec. 12-124. Hourly restrictions on certain operations.

(d) Garbage collection. Except in a general industrial zoning district, no person shall collect or remove garbage or refuse solid waste except between the hours of 7:00 a.m. and 10:00
p.m. on weekdays and between the hours of 98:00 a.m. and 108:00 p.m. on weekends and holidays.

Sec. 12-125. Prohibited noises.

(h) **Apartment Multifamily or multiuse building.** No person may cause, allow, or permit any noise pollution in any multiuse or apartment building as determined beyond the property line of the area or premises owned, rented, leased, or used by such person.

ARTICLE V. STORMWATER, SOIL EROSION, AND SEDIMENTATION

Sec. 12-152. Definitions

*Pollutant* means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

ARTICLE VI. ZERO WASTE PACKAGING

Sec. 12-201. Legislative Purpose.

The City of St. Louis Park council (council) adopted the strategic direction in March 2007 stating that the city is committed to being a leader in environmental stewardship and will increase to increasing environmental consciousness and responsibility in all areas of city business.

As such, the council finds that discarded packaging from foods and beverages prepared for immediate consumption constitutes a portion of the waste stream in St. Louis Park that could be diverted for reuse, recycling, or organics recycling. Regulation of food and beverage packaging, therefore, is a necessary part of any effort to encourage a recyclable and compostable waste stream, thereby reducing the disposal of solid waste and the economic and environmental costs of waste management for the citizens of St. Louis Park and others working or doing business in St. Louis Park.

The council also finds that the two (2) main processes used to dispose of discarded nonreusable, nonreturnable, nonrecyclable and noncompostable food and beverage packaging are landfilling and incineration, both of which should be minimized for environmental reasons.

The council therefore finds that the minimization of nonreusable, nonreturnable, nonrecyclable and noncompostable food and beverage packaging originating at retail food establishments and at events providing food and/or beverages within the city of St. Louis Park is necessary and desirable in order to minimize the city’s waste stream and maximize recycling and organics recycling, so as to reduce the volume of landfilled waste, to minimize toxic by-
products of incineration, and to make our city and neighboring communities more environmentally sound places to live.

The purpose and intent of this ordinance is to:

(a) Encourage the use of reusable food and beverage packaging when possible;

(b) Minimize the amount of single-use, disposable food and beverage packaging that must be thrown in the garbage, and thus disposed via incineration or landfilling;

(c) Maximize the amount of single-use food and beverage packaging items that can be recycled or composted; and

(d) Minimize contamination in organics and recycling.


As used in this chapter, the following terms and phrases shall have the meanings as defined in this section:

Compostable packaging shall mean packaging that is separable from solid waste prior to collection for the purpose of composting or anaerobic digestion. Compostable packaging must be made of unlined paper (unless lining is certified compostable), certified compostable plastic that meets ASTM D6400 or ASTM D6868 or other material accepted by the facility receiving and processing the materials as determined by the St. Louis Park Public Works Division by rule promulgated pursuant to Section 12-205.

Distributor shall mean a business that distributes food and beverages but does not conduct retail food or beverage transactions.

Food and beverage packaging shall mean packaging used to serve food and beverage products intended for immediate consumption including cups, plates, bowls, serving trays, to-go containers, clamshells, wrappers, and lids.

Food establishment as used in this chapter, shall mean a "food establishment" as defined by Chapter 3.3.1 Hennepin County Code of Ordinances.

Mobile use-food establishment as used in this chapter, shall mean “mobile use-food” as defined in Chapter 36-142(g)(5) of the City Code of Ordinances, as a vehicle or cart used to prepare and serve food and/or beverages in individual portions in a ready-to-consume state. Mobile use-food does not include the sale of groceries or vegetables and fruits not prepared for immediate consumption at the vehicle.

Packaging shall mean and include food or beverage cans, bottles or containers used to package food and beverage products for distribution including glasses, cups, plates, bowls, serving trays, and to-go containers. The following exclusions apply: foods pre-packaged by the manufacturer, producer or distributor; plastic knives, forks and spoons sold or intended for use as utensils; and plastic films less than ten (10) mils in thickness.
Non-packaging food service items shall mean items that are not packaging, but are used to consume food, including straws and utensils.

Recyclable packaging shall mean food or beverage packaging that is separable from solid waste prior to collection for the purpose of recycling. Recyclable packaging must be accepted by the local material recovery facilities receiving and processing the materials and have existing robust recycling markets as determined by the St. Louis Park Public Works division by rule promulgated pursuant to Section 12-205.

Reusable packaging shall mean food or beverage packaging that is capable of being refilled at a retail location or returned to the distributor for reuse at least once as a container for the same food or beverage.

Single-use shall mean an item designed and intended for a single use.

Violation shall mean any time a food establishment is found by the city to be non-compliant with one or more section(s) of this chapter.

Zero waste packaging shall mean and include reusable packaging, single-use recyclable packaging, and single-use compostable packaging.

Zero waste packaging shall mean and include any of the following:

(1) Reusable and returnable packaging: Food or beverage containers or packages, such as, but not limited to, water bottles, growlers, milk containers and bulk product packaging that are capable of being refilled at a retail location or returned to the distributor for reuse at least once as a container for the same food or beverage.

(2) Recyclable packaging: Packaging that is separable from solid waste during collection for the purpose of recycling including, but not limited to, glass bottles, aluminum cans and plastic food and beverage packaging. Recyclable packaging must be accepted by the local material recovery facilities receiving and processing the materials and have existing robust recycling markets as determined by the Public Works Division by rule promulgated pursuant to section 12.205.

(3) Compostable packaging: Packaging that is separable from solid waste during collection for the purpose of composting. Compostable packaging must be made of unlined paper (unless lining is certified compostable), certified compostable plastic that meet ASTM D6400 or ASTM D8582 or other material accepted by the commercial compost or anaerobic digestion facility receiving and processing the materials.

Sec. 12-203. Prohibitions and duties.

(a) No person owning, operating or conducting a food establishment or any person or organization providing free food or beverage products within the City of St. Louis Park pursuant to a Hennepin County or Minnesota Department of Agriculture permit or license, or in a manner which would require a permit or license, shall do or allow to be done any of the following within the city:

(1) Sell or convey at retail or possess with the intent to sell or convey at retail any food or beverage intended for immediate consumption contained, at any time at or before the
time or point of sale, in packaging which is not zero waste packaging. The presence on
the premises of the food establishment of packaging which is not zero waste packaging
shall constitute a rebuttable presumption of intent to sell or convey at retail, or to
provide to retail customers packaging which is not zero waste packaging; provided,
however, that this subparagraph shall not apply to manufacturers, brokers or
warehouse operators, who conduct or transact no retail food or beverage business.

(b) To reduce contamination in recycling and organics, mobile-use food establishments shall
implement the following by January 1, 2020, and all other food establishments shall
implement the following by July 1, 2020:

1. Single-use cups and containers that are utilized with lids shall have lids of the same
category of packaging.
   a. Recyclable packaging shall only have recyclable lids;
   b. Compostable packaging shall only have compostable lids.

2. Compostable cups shall be labeled to clearly indicate to the consumer that the cup is
compostable. Labeling must include at least one of the following:
   a. The words “certified compostable,” “commercially compostable” or other
      language, as approved by the St. Louis Park Public Works Division by rule
      promulgated pursuant to Section 12-205. “Made from plants,” “bio-based,” or
      “biodegradable” are not acceptable alternatives on their own;
   b. The logo of a third-party certification or testing body indicating the cup meets
      compostability standards, as approved by the St. Louis Park Public Works
      Division by rule promulgated pursuant to Section 12-205.

(c) All food establishments shall implement the following in relation to non-packaging food
service items by January 1, 2020:

1. Single-use utensils including, but not limited to, forks, spoons, and knives shall be
   compostable.
2. Single-use straws of any kind shall only be provided to consumers upon request. Front-
of-house straw dispensers, which allow for customers to self-serve, meet this
requirement.

Sec. 12-204. On-site collection for recyclable and compostable packaging.

(a) A food establishment which utilizes single-use compostable and/or recyclable food
packaging to serve consumers on-site shall have on-site collection for recyclable and/or
compostable packaging.

1. A food establishment that does not utilize single-use packaging to serve consumers on-
site is exempt from the requirement to have on-site collection for recyclable and/or
compostable packaging.

2. A food establishment that does not have dine-in seating for consumers is exempt from
the requirement to have on-site collection for recyclable and/or compostable packaging.

3. If a mobile use-food establishments is being hosted by an entity as part of an event or
regular business, the hosting entity shall provide on-site collection for recyclable and/or
compostable packaging.

(b) Containers for the on-site collection of recyclable and/or compostable packaging shall be
co-located with garbage containers.
(1) If garbage receptacles are available to consumers, then receptacles for separating recyclable and/or compostable packaging must also be made available to consumers in the same location.

(2) If garbage receptacles are not available to consumers and are instead placed in areas for use by staff only, then receptacles for separating recyclable and/or compostable packaging are only required in those locations.

(c) A food establishment shall arrange for the collection of recyclable and/or compostable packaging by a licensed solid waste collector for delivery to an appropriate transfer station or processing facility.

(d) Packaging used to contain food or beverages intended for immediate consumption shall be considered zero waste packaging only when the food establishment provides consumers with an on-site opportunity to recycle and/or appropriately manage compostable packaging and compostable plastics and utilizes a qualified recycling and/or organics management system.

(1) A qualified recycling system shall have the following elements:
   a. A clear and verifiable process for separating recyclable packaging from discarded solid waste.
   b. Collection and delivery of recyclable packaging to a recycling facility for processing in the same or at least similar manner as recyclable packaging collected in a city-approved recycling program;

(2) A qualified organics recycling system shall have the following elements:
   a. A clear and verifiable process for separating organic materials from discarded solid waste; and
   b. Collection and delivery of organic materials to an organics composting or anaerobic digestion facility in the same manner or at least similar manner as organic materials collected in a municipally approved city’s organized collection organics management program.

(3) A food establishment that does not have dine-in seating for consumers except a mobile use-food establishment, is exempt from the requirement to provide consumers with an on-site opportunity to recycle and/or manage compostable packaging/compostable plastics as defined in Sec. 12-203(b).

Sec. 12-204. Violations and Enforcement.

(a) When a violation of this ordinance has occurred, the food establishment shall be subject to the penalties set forth below.

(b) A violation of this ordinance is a misdemeanor.

(c) Violations of this ordinance shall be punishable as an administrative offense pursuant to City Code Section 1-14, Administrative Penalties, as follows:
   (1) A warning notice in writing for the first violation;
   (2) A fine of $100 for the second violation;
   (3) Repeat subsequent violations within 24 months will incur a fine double the amount of the fine imposed for the previous violation, up to a maximum of $2,000. For example, if there were four occurrences of a violation that carried a $100 fine: first is $0 (warning); second is $100, third is $200, fourth is $400.

(d) At the time a violation occurs, the food establishment will be given 14 calendar days to take corrective action before a subsequent fine is issued.
Sec. 12-205. Rules and regulations.

The St. Louis Park Public Works Division may, upon notice and hearing, promulgate such rules and regulations as may be necessary to carry out the purposes of this article and protect the health of the public, including:

(a) the development of a list of recyclable and compostable packaging that meets definitions under Section 12-202;
(b) a list of third party certification or testing bodies that meet the requirements under Section 12-203(b)(2);
(c) and development of a list of exemptions under Section 12-206(e) for packaging for which there is no reasonable commercially available alternative.

In promulgating such rules, the division shall consider the legislative purposes provided in Section 12-201 of this ordinance and shall consult with the operators of affected food establishments, local material recovery facilities and local commercial composting facilities. The Public Works Division rules and regulations shall be approved by council annually.

Sec. 12-206. Exclusions and exemptions.

Notwithstanding any other provisions to the contrary, this ordinance shall not apply to:

(a) Manufacturers, brokers, distributors or warehouse operators who conduct or transact no retail food or beverage business;
(b) Food and beverage service provided through patient care at hospitals and nursing homes;
(c) Food packaging pre-packaged by a manufacturer, producer or distributor;
(d) Plastic films less than ten (10) mils in thickness;
(e) Any packaging which is not zero waste packaging, but for which there is no commercially available alternative as determined by the St. Louis Park Public Works Division by rule promulgated pursuant to Section 12-205. In determining whether there are commercially available alternatives, the Public Works Division will consider whether there is availability of zero waste packaging for affected products. Every rule creating an exemption under this paragraph will be reviewed annually by the Public Works Division to determine whether current conditions continue to warrant the exemption.

Sec. 12-207. Violations and enforcement.

(a) Violations of this ordinance shall be punishable as a misdemeanor pursuant to City Code Section 1-13, and/or an administrative offense pursuant to City Code Section 1-14, Administrative Penalties.
(b) The administrative offenses provided for in this article shall be in addition to any other legal or equitable remedy available to the city for city code violations.
(c) At the time a violation occurs, a warning notice will be given in writing. The food establishment will be given 14 calendar days to take corrective action before a fine is issued.
Sec. 12-208207. Severability.

If any part or provision of this ordinance or the application thereof to any person, entity, or circumstances shall be judged unconstitutional or invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application which is directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this ordinance or the application thereof to other persons, entities, or circumstances.

Sec. 12-210169--12-250200. Reserved.

SECTION 2. This ordinance shall take effect fifteen dates after its publication.

<table>
<thead>
<tr>
<th>First Reading</th>
<th>May 20, 2019</th>
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<tr>
<td>Second Reading</td>
<td>June 17, 2019</td>
</tr>
<tr>
<td>Date of Publication</td>
<td>June 27, 2019</td>
</tr>
<tr>
<td>Date Ordinance takes effect</td>
<td>July 12, 2019</td>
</tr>
</tbody>
</table>

Reviewed for administration: 

Thomas K. Harmening, City Manager

Attest: 

Melissa Kennedy, City Clerk

Adopted by the City Council June 17, 2019

Jake Spano, Mayor

Approved as to form and execution:

Soren Mattick, City Attorney
Executive summary

Title: Mixed use zoning district amendment

Recommended action: Motion to approve first reading of an Ordinance amending Division 9. M-X Mixed Use and additional amendments relating to the MX district to land use, parking regulations, sign regulations, and architectural design (Sections 36-115, 36-361, 36-362, and 36-366) and set the second reading of Ordinance for June 17, 2019.

Policy consideration: Does city council wish to update the mixed use zoning district and related provisions?

Summary: The City of St. Louis Park’s current M-X Mixed Use zoning district requires a planned unit development (PUD) overlay in order to allow for mixed-use buildings. In 2015, the city adopted a specific PUD zoning district, which made the existing M-X district obsolete, except for mixed use developments previously approved under the old code.

On December 17, 2018 the city council approved the St. Louis Park 2040 comprehensive plan for submittal to the Metropolitan Council. It is expected that the Metropolitan Council will accept the plan July 10, 2019, and the plan will be placed into effect immediately following. The plan re-guides several properties on the future land use map to mixed use. Therefore, it is a high priority to update the mixed-use zoning ordinance so it is consistent with the St. Louis Park 2040 land use plan.

City council reviewed and discussed portions of the proposed mixed-use zoning ordinance on March 11, 2019, and on May 13, 2019 staff provided a written report explaining the density bonus concepts and point values that are proposed in the ordinance in more detail.

On April 17, 2019 the planning commission held a public hearing, and voted unanimously to recommend adoption of the updated mixed-use zoning ordinance.

Financial or budget considerations: None.

Strategic priority consideration: St. Louis Park is committed to providing a broad range of housing and neighborhood oriented development.

Supporting documents:
- Discussion
- 2040 comprehensive plan future land use map highlighting properties guided mixed use
- Draft mixed use zoning district ordinance
- Excerpts from planning commission April 17, 2019 minutes
- Excerpts from City council study session minutes March 11, 2019

Prepared by: Jennifer Monson, Planner
Reviewed by: Sean Walther, Planning and Zoning Supervisor
Karen Barton, Community Development Director
Approved by: Tom Harmening, City Manager
**Discussion**

**Background:** Historically, the City of St. Louis Park rezoned properties to an M-X Mixed Use zoning district and applied a planned unit development (PUD) overlay to allow for mixed-use buildings. In 2015, the city adopted a new PUD zoning district, which made the existing M-X district obsolete, except for existing mixed use developments that had previously been approved by the city.

On December 17, 2018 the city council approved the *St. Louis Park 2040* comprehensive plan for submittal to the Metropolitan Council. It is expected that the Metropolitan Council will accept the plan on July 10, 2019, and the plan will be placed into effect immediately following. The plan re-guides several properties on the future land use map to mixed use. Therefore, it is a high priority to update the mixed use district regulations so they are consistent with the *St. Louis Park 2040* land use plan.

**Present considerations:** The city proposes amendments to the existing M-X district to provide a zoning district that creates a district-wide standard for mixed-use developments that are site and context sensitive, and will weave more mixed-use buildings into the fabric of St. Louis Park’s built environment. As of today, there are no undeveloped (or underdeveloped) parcels zoned for mixed-use, so the city will need to amend the zoning map to apply this new district to more properties. An open house meeting regarding proposed rezonings of properties throughout the city due to the comprehensive plan, including specific properties proposed to be rezoned to the M-X District, was held on May 8, 2019. Approximately 10 people attended and feedback received regarding the mixed use district was positive.

Since the fall of 2017, the planning commission conducted 10 study sessions, including a walking tour of the West End, to discuss regulations within the MX district including building orientation, scale, height, build-to-lines, building length, uses, density, density bonuses, and the draft ordinance. Items that were not discussed during study sessions, including references to other portions of the code, have no proposed changes.

City council conducted a study session on [March 11, 2019](#) to review and discuss new concepts and portions of the draft ordinance, and on May 13, 2019 staff provided a written report to city council that presented more details about the density bonus concepts and point values proposed in the ordinance.

The planning commission held a public hearing on April 17, 2019. There were no public comments made, and the commission voted unanimously to recommend the adoption of the updated mixed-use zoning ordinance.
2040 comprehensive plan future land use map highlighting mixed use guided properties

Legend

2040 Mixed Use Guided Properties
Ordinance No. ___-19

Ordinance relating to the mixed use district and related land use, parking, sign, and architectural design requirements

The City of St. Louis Park does ordain:

Section 1. The City Council has considered the advice and recommendation of the Planning Commission (Case No. 19-08-ZA).

Section 2. Chapter 36 of the St. Louis Park City Code is hereby amended by completely deleting and reinstating Division 9. M-X Mixed Use District and by adding underscored text and deleting strikethrough text. Section breaks are represented by ***.

ARTICLE IV. ZONING DISTRICTS
DIVISION 9. M-X MIXED USE DISTRICT

Sec. 36-261. Purpose.

The purposes of the M-X mixed use district are to:

(1) Provide appropriate areas for and facilitate quality mixed use development in activity centers that are consistent with the Comprehensive Plan’s land use and transportation goals and strategies;

(2) Provide a variety of residential housing types and densities to assure activity and support a mix of uses, and enhance the housing choices of city residents;

(3) Integrate new mixed use development with its surroundings by encouraging connections for pedestrians, bicyclists, and vehicles and by assuring sensitive, compatible use, scale, and operational transitions to neighborhood uses;

(4) Encourage reductions in impervious surface by minimizing surface parking and retain open space by encouraging taller buildings for high-density uses; and

(5) Promote high quality architectural design, materials, and innovative site design.

Sec. 36-262. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

Building Height to Street Width means the percentage of the building height compared to the adjacent street width. The street width means half of the right-of-way width from the centerline, including all sidewalks, easements and street yard. This regulation shall not prohibit additional building height with the addition of a stepback.
Example: Building height is 60 percent of the street width.

**Build-to Zone** means the minimum and maximum distance a structure may be placed from a lot line. Build-to zones are measured from the outside edge of any public access easement for sidewalk or the right-of-way, if no public access easement for sidewalk is required or exists.

**Commuter Bicycle Facilities** means bike lockers, on-site showers, and a bicycle repair station.

**Courtyard** means an outdoor area enclosed by a building facade on at least 3 sides and open to the sky.

**Frontage** means the building and lot area facing and directly adjacent to a street right-of-way line.

**Frontage, Primary** means a frontage that receives priority over other frontages, defining a higher level of pedestrian orientation. The primary frontages is identified in the comprehensive plan as a collector or arterial. If there are two primary streets, or no primary streets, the Zoning Administrator shall determine the most appropriate frontage to serve as the primary street. Orientation of other parcels along the street and status of the street shall be considered.

**Frontage, Secondary** means a frontage that is secondary to the Primary Frontage, requiring less streetwall coverage and lower transparency levels, and permitting more interruptions by driveways. Secondary frontages are all frontages not identified as a primary frontage, and are categorized as a side yard abutting a street.

**Impervious Site Coverage** means the percentage of a lot developed with principal or accessory structures and impervious surfaces, such as driveways, sidewalks, and patios.

**Inclusionary Commercial Space** means a specified reduction of commercial rent only for small local businesses, based on the fair market commercial rents for the building.

**Lot Line Coverage** means the minimum percent of lot frontage that must contain a building.

**Micro Store Front** means a commercial or industrial space a maximum of 1,500 square feet in size only for a small local business.

**Occupied Space** means an interior building space regularly occupied by the building users. It does not include storage areas, utility space, or parking.

**Pedestrianway** means an open and available pathway designed for use by pedestrians; it can be located mid-block allowing pedestrian movement from one street to another without traveling along the block’s perimeter.
Small Local Business means a local, independently owned, non-franchised business. Local means located in the Twin Cities Metro Area.

Story, Ground. Also referred to as ground floor means the first floor of a building that is level to or elevated above the finished grade on the front and corner facades, excluding basements or cellars.

Story, Half means a story either in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with transparency facing the street.

Story, Upper. Also referred to as upper floor means the floors located above the ground story of a building.

Street Face means the facade of a building that faces a street right-of-way.

Yard, Street means the space on a lot between the principal structure and the primary or secondary street frontage line or street side lot line for the lot and extending to any minimum side or rear setback line.

Yard Definition. Yard is defined in Section 36-3 Definitions. For the purposes of this Section, the following standards shall supplement and, where inconsistent, supersede the definition of Section 36-3:

1. Side and Rear Yards Abutting Other Lots, an Alley, or a Rail Right-of-Way means a property located in an area designated as Mixed Use MX, only yards abutting a lot, an alley, or a rail right-of-way at the lot line, and not a street, waterway or other Primary or Secondary frontage, are considered side or rear yards.

2. Front Yards and Side Yards abutting a street are regulated through the designation of Primary and Secondary frontages.

Visible Basement means a half story partially below grade and partially exposed above with required transparency on the street facade.

Zoning Administrator means the zoning administrator or her/his designee.

Sec. 36-263. Mixed use restrictions and performance standards.

The following restrictions and performance standards shall govern structures and uses permitted in any MX mixed use district:

(1) All buildings shall have a vertical mix of land uses, such as residential and commercial, with a strong pedestrian orientation. A use on the ground floor must be different from a use on an upper floor. The second floor may be designed to have the same use as the ground floor so long as there is at least one more floor above the second floor that has a different use from the first two floors.

(2) More than one mixed-use building may be placed on one lot in the MX District.

(3) Along at least 75 percent of the primary frontage, the building must be designed for non-residential uses. Lobbies and amenity areas serving a residential use or a hotel lobby in the building shall not count as a non-residential use.

(4) All non-residential uses located on the ground floor primary and secondary frontage shall have a direct and primary access to and from the primary and/or secondary frontage building façade and the access shall remain open during business hours.
(5) All business activities including but not limited to sales, rentals, service, storage, merchandise display, repair, and processing, except for off-street vehicular parking and off-street loading, shall be conducted wholly within an enclosed structure except as specifically permitted elsewhere in this chapter.

(6) Outdoor storage shall be prohibited except when specifically permitted elsewhere in this chapter.

(7) Business uses shall front on a public way or an interior arcade.

(8) All delivery service entrances to a building shall be from a public alley, service-alley, off-street parking lot, or all deliveries shall be made from the curb.

(9) All trash, garbage, waste materials, trash containers, and recycling containers shall be located within the building or behind all build-to-lines and shall be kept in the manner required by this Code. All trash handling and loading areas shall be screened from view within a waste enclosure which shall be constructed of complementary materials as the principal building.

(10) There shall be no vehicular access within 50 feet of the intersection of the projection of the nearest curblines of any public streets to a parcel on which a commercial use is operated.

(11) No storage, display or parking of vehicles shall be allowed in any of the required yards or landscaped areas.

(12) Surface parking spaces, mechanical equipment, refuse and recycling areas, and loading areas shall not be located within any build-to zone, minimum setback, or street yard.

(13) New structures and structures which expand the gross square footage of the structure by more than 50 percent shall be required to place all utility service lines underground. Any new service to an existing building shall be placed underground.

(14) Vehicular access for all non-residential uses shall be from a roadway identified in the comprehensive plan or as a collector or arterial or otherwise located so that access can be provided without generating significant traffic on local residential streets.

(15) Sidewalks shall be provided along all sides of the lot that abut a public street.

(16) A separate pedestrian access shall connect the principal building to the public street or a public trail, on all sides of the lot which front on a public right-of-way or public trail. This access shall be separated from parking areas by curbed, landscaped islands which have a minimum width of 20 feet inclusive of sidewalk. If a transit stop is located on any adjacent public street, access shall be located convenient to that transit stop.

Sec. 36-264. Uses.

(1) Permitted uses (P). Uses listed in Table 36-264 with a “P” symbol are permitted by-right in the Frontage Types in which they are listed.

(2) Uses permitted in limited stories (PL). Uses listed in Table 36-264 with a “PL” symbol are permitted by-right in the Frontage Types in which they are listed, provided that the uses are located in the upper stories of a structure; the basement; or in the ground story, a minimum of 30 feet behind any primary street façade and behind a permitted use.

(3) Uses permitted with conditions (PC). Uses listed in Table 36-264 with a “PC” symbol are permitted provided compliance with the listed conditions and requirements.
(4) **Uses permitted by conditional use permit (CUP).** Uses listed in Table 36-264 with a “CUP” symbol require a Conditional Use Permit; refer to 36-33 Conditional Use Permits.

<table>
<thead>
<tr>
<th>Table 36-264 Mixed Use District Uses</th>
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<tbody>
<tr>
<td><strong>RESIDENTIAL &amp; LODGING USES</strong></td>
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<tr>
<td>Multifamily Residential</td>
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<td>Live-Work Unit</td>
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<td>Roominghouse</td>
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<td>State-licensed residential facility</td>
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<td>Group home/non-statutory</td>
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<td>Nursing Home</td>
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<td>Hotel/Motel</td>
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<td>Bed and Breakfast establishment</td>
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<td><strong>CIVIC &amp; INSTITUTIONAL USES</strong></td>
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<td>Education/Academic</td>
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<td>Museum/Library Category</td>
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<td>Police/Fire Station</td>
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<tr>
<td><strong>COMMERCIAL USES</strong></td>
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<tr>
<td>Brewery/Micro-distillery</td>
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<td>Business/trade school/college</td>
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<td>Dental Office</td>
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<td>Food Service</td>
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<td>Grocery Store</td>
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<td>Liquor Store</td>
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<td>Medical Office</td>
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<td>Offices</td>
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<tr>
<td>Private Entertainment (Indoor)</td>
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<td>Research and development</td>
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<tr>
<td>Retail, less than 8,000 square feet</td>
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<td>Retail, 8,000 square feet or larger</td>
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<td>Retail, Large Item</td>
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<td>Restaurants</td>
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<td>Service facilities, less than 8,000 square feet</td>
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<td>Service facilities, 8,000 square feet or larger</td>
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<td><strong>INDUSTRIAL USES</strong></td>
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<td>Studios</td>
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<td>Printing process/supply</td>
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<td>Showrooms</td>
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<tr>
<td><strong>TRANSPORTATION &amp; INFRASTRUCTURE USES</strong></td>
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<tr>
<td>Communication antennas</td>
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<td>Transit Stations</td>
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</table>

Sec. 36-265. Uses permitted with conditions (PC).

Multifamily Residential Category.

(1) Shall be located in the upper stories of a structure; the basement; or in the ground story, a minimum of 30 feet behind any primary street façade and behind a permitted use, or on a secondary, rear, or side façade.

(2) Dwelling unit entrances are not required to be internal to the building, and individual exterior entrances are encourage for ground floor units.
(3) Balconies shall serve a single dwelling unit
(4) Buildings are discouraged from being massive in scale or institutional in appearance.
(5) Use may include leasing and/or property management offices, gym or other fitness facilities for tenants, and meeting rooms as accessory uses.

**Live-Work Unit.**
(1) The units shall only be located on a Secondary Street Frontage.

**Hotel/motel.**
(1) Shall be located in the upper stories of a structure; the basement; or in the ground story, a minimum of 30 feet behind any primary street façade and behind a permitted use.
(2) Rooms shall be accessed from the interior of the building.
(3) Secondary service uses may also be provided, such as food service, meeting rooms, pools, and fitness rooms as accessory uses.
(4) A lobby and secondary service uses serving the hotel/motel may be provided along 25 percent of the primary frontage. The remaining 75 percent of the primary frontage shall be non-residential uses.

**Bed and Breakfast establishment.**
(1) Shall be located in the upper stories of a structure; the basement; or in the ground story, a minimum of 30 feet behind any primary street façade and behind a permitted use.
(2) Rooms shall be accessed from the interior of the building.
(3) Secondary service uses may also be provided, such as food service and meeting rooms as accessory uses.

**Police/Fire Station.**
(1) Garage doors are permitted on the front facade.
(2) Stations are exempt from maximum driveway widths.

**Brewery/Micro-distillery.**
(1) The brewery/distillery shall not produce more than 20,000 barrels of malt liquor or cases of hard liquor per year.
(2) The following additional conditions apply:
   a. The maximum overall gross floor area is limited to 20,000 square feet.
   b. A taproom and/or retail outlet is required and shall be located in the Primary Street storefront of the building.
   c. The taproom and/or retail outlet shall occupy a minimum of 20 percent of the gross floor area with no maximum limit.
   d. Retail outlet does not include liquor store, which shall be permitted only in accordance with the requirements for liquor store uses for the frontage type.
(3) This use may also include associated facilities such as offices and small scale warehousing, but distribution is limited to vans and small trucks. Distribution access shall be from the rear.

**Grocery Store.**
(1) When the grocery store is part of a mixed use development with residential or office uses above the grocery, the following applies:
   a. No activity results in any noxious or offensive odors, sounds, vibrations, emissions, or any external nuisances upon adjacent properties.
   b. Hours of operation, including deliveries, shall be limited to 6 a.m. to 12 a.m.

**Retail, 8,000 square feet or larger.**
(1) The retail space shall have an exterior entrance on the primary facade.
(2) The retail space shall be located at a corner of the building or near a primary building entrance.
(3) The retail space shall not occupy more than 25 percent of the gross floor area of the ground floor.

Retail, Large Item
(1) The establishment shall be less than 20,000 square feet in size.

Restaurant
(1) Restaurants with or without intoxicating liquor licenses.
   a. If there is a wine and/or beer liquor and/or intoxicating liquor license, there shall be no separate bar area within the restaurant.

Service Facilities, 8,000 square feet or larger.
(1) The service space shall have an exterior entrance on the primary facade.
(2) The service space shall be located at a corner of the building or near a primary building entrance.
(3) The service space shall not occupy more than 25 percent of the gross floor area of the ground floor.

Catering; studio; printing process/supply; showrooms.
(1) This use may also include associated facilities such as offices and small scale warehousing, but distribution is limited to vans and small trucks. Distribution access shall be from the rear.
(2) The maximum overall gross floor area is limited to 12,000 square feet.
(3) A showroom or retail outlet is permitted.
(4) If located on a Secondary Frontage the following additional conditions apply:
   a. The use is permitted only in specifically designated live/work spaces on the ground floor and with its own exterior entrance.
   b. Distribution shall be from a designated loading area only.
(5) If located on a Primary Frontage, the following additional conditions apply:
   a. A showroom and/or retail outlet is required and shall be located in the Primary Street storefront of the building.
   b. The showroom and/or retail outlet shall occupy a minimum of 25 percent of the gross floor area.

Sec. 36-266. Uses permitted by conditional use permit (CUP). Uses listed in Table 36-264 with a “CUP” symbol require a Conditional Use Permit; refer to 36-33 Conditional Use Permits.

Liquor Store.
(1) The lot must be at least 1,000 feet from the property line of a site containing a pawnshop, currency exchange, payday loan agency, firearms sales or sexually-oriented business. The distance shall be measured from the portion of the center or building occupied by the liquor store.

Private Entertainment (Indoor).
(1) No activity results in any noxious or offensive odors, sounds, vibrations, emissions, or any external nuisances upon adjacent properties.

Communication antennas.
(1) Shall be developed in accordance with 36-368 Communication towers and antennas, except that communication antennas located in the MX district shall be co-located atop a permitted building.

Sec. 36-267 Accessory Uses. The following uses shall be permitted accessory uses in any MX district.
(1) **Accessory Off-Street Parking.** The following are types of accessory parking permitted:

a. Parking Lot.

b. Accessory Parking Ramp.
   
   i. Accessory parking ramps may be located only behind the rear of the building.
   
   ii. Accessory parking ramps located on the secondary frontage shall have active uses on the ground floor street facing facades, and.
   
   iii. Accessory parking ramps shall meet the façade requirements for the building.

c. Accessory Parking in the Building. Parking may be provided in the rear of the building or fully in any basement, and shall meet the façade requirements for the building.

d. Residential parking may be allowed for more than 24 hours.

(2) Incidental repair or processing which is necessary to conduct a permitted use and not to exceed 10 percent of the gross floor area of the associated permitted use.

(3) Outdoor seating and service of food and beverage, subject to the following conditions:

a. Shall be directly adjacent to the structure containing the associated use;

b. No speakers or other electronic devices which emit sound are permitted if the use is located within 500 feet of a residential use;

c. The hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. if the use is located within 500 feet of a residential use; and

d. Additional parking will not be required if the outdoor seating area does not exceed 500 square feet or ten percent of the gross floor area of the principal use, whichever is less. Parking will be required at the same rate as the principal use for that portion of outdoor seating area in excess of 500 square feet or ten percent of the gross building area, whichever is less.

(4) **Bar,** if accessory to a restaurant, hotel or private entertainment (indoor).

(5) **Catering,** if accessory to a restaurant, food service, delicatessen, grocery store or retail bakery.

(6) **Break rooms,** if accessory to a non-residential use and are not located along the primary frontage.

(7) **Visitor lodging associated with residential care facilities.**

(8) **Warehouse/storage** which is necessary for a permitted use and not to exceed 20 percent of the gross floor area of the associated permitted use.

(9) **Home occupations** complying with all of the conditions in the R-C district.

(10) Outdoor sales are permitted only as accessory uses with garden and nursery sales.

(11) **Public transit stops/shelters.**

(12) **Community gardens**
Accessory Utility Structures including:

a. Anaerobic digesters;

b. Small wind energy conversion system, as defined in 36-4 Definitions.

c. Solar energy systems. A solar energy system with a supporting framework that is either placed on, or anchored in, the ground and that is independent of any building or other structure; or that is affixed to or an integral part of a principal or accessory building, including but not limited to photovoltaic or hot water solar energy systems which are contained within roofing materials, windows, skylights, and awnings.

d. Cisterns and Rainwater Collection Systems. A container or series of containers for the collection and reuse of rainwater. A cistern may be exempted from inclusion in the Site Impervious Area calculation.

e. Where accessory utility structures are permitted with conditions, the following apply:

   i. Accessory Use. The equipment shall be located on a lot with a building and is a secondary use for the lot.

   ii. Roof Mounted Location. Roof mounted equipment shall be located per one of the following:

       1. Pitched Roof. Locate the equipment on a rear facing surface of the roof, if feasible for communication purposes.

       2. Flat Roof. Locate the equipment towards the rear portion of the roof, where visibility is limited from the street to the maximum extent possible.

   iii. Ground Mounted Location. Ground mounted equipment is limited to the rear yard. Equipment may be located in the side yard if the equipment is screened from the street with an opaque wall, of the same or similar material of the street facade of the building.

   iv. Height. The height of the equipment is either a maximum of 12 feet or the maximum that is not visible from any street sidewalk, whichever is greater.

   v. Performance Standards. When noxious or offensive odors, sounds, vibrations, emissions, or any external nuisances upon adjacent properties, including truck traffic, will be generated by this accessory use above any generated by the principal use, a conditional use permit is required. Refer to 36-33 Conditional Use Permits.

   vi. Freestanding Wind Energy Conversion Systems (WECS). Refer to Sec. 36-369, with the exception of the following requirements which shall replace the provisions of Table 36-369 A for all projects within the Mixed use District:

       1. Height Limit: 110 feet

       2. Maximum Number of WECS per lot: 2

       3. Minimum Lot Size: 1.5 acres
Notwithstanding the provisions of Section 36-32, the following standards and requirements cannot be modified or waived except as specifically stated:

(1) The maximum nonresidential density is 1.5 FAR and the maximum residential density is 50 units per acre. In determining density, the total nonresidential floor area or number of residential units shall be divided by the land associated with each use, including building coverage and parking areas associated with the use and a proportion of the on-site usable open space. Stormwater ponds and public/private streets and alleys shall be excluded from land calculations. Maximum residential densities may be increased by up to 50 percent based on Table 36-268 (a).

Table 36-268 (a)

<table>
<thead>
<tr>
<th>Points</th>
<th>Increase in Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>10% increase in density</td>
</tr>
<tr>
<td>6</td>
<td>20% increase in density</td>
</tr>
<tr>
<td>9</td>
<td>30% increase in density</td>
</tr>
<tr>
<td>12</td>
<td>40% increase in density</td>
</tr>
<tr>
<td>15</td>
<td>50% increase in density</td>
</tr>
</tbody>
</table>

a. Inclusionary housing (maximum 6 points may be earned)
   
i. Provide affordable housing at the levels required in the city’s Inclusionary Housing Policy, as amended from time to time, whether or not the development includes city financial assistance (6 points);

b. Environmental, energy, and water resources (maximum 8 points may be earned)
   
i. Meet the requirements of the city’s Green Building Policy as amended from time to time, whether or not the development includes city financial assistance (5 points);
   
ii. Provide 0.5 W of on-site renewable energy per gross square foot of building area (3 points)

c. Inclusionary commercial (Maximum 4 points may be earned)
   
i. Inclusionary commercial space for retail and service less than 8,000 square feet, food service, and restaurant uses (4 points):
      
1. 10 percent of total commercial space provided at 80 percent fair market rent for 10 years; or
2. 20 percent of total commercial space provided 90 percent fair market rent for 10 years.
   
ii. Provide 20 percent or up to 5,000 square feet, whichever is less, of the total commercial space as micro storefronts (4 points)

d. Travel demand management (maximum 2 points may be earned)
   
i. Complete a travel demand management plan and implement all recommended strategies (1 points)
Commuter Bicycle Facilities provided onsite (1 points)

1. In addition to the bicycle parking requirements in Section 36-361, an additional 10 percent of the required bicycle parking facilities shall be provided as bike lockers, on-site showers shall be available for building occupants, and a bicycle repair station shall be provided.

e. Gathering spaces (maximum 2 points may be earned)

   i. Provide and maintain a publically accessible space which may include a plaza, courtyard, or community room (1 points)

   ii. Provide and maintain a publically accessible community garden (1 points)

(2) The development site shall include a minimum of 12 percent designed outdoor recreation area based on private developable land area.

(3) Building shall be constructed to the form requirements specific to the frontage type in Table 36-268(b).

Table 36-268 (b)

<table>
<thead>
<tr>
<th>Feature</th>
<th>Primary Frontage</th>
<th>Secondary Frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td>BUILDING SITING</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Primary Lot Line Coverage</td>
<td>80%</td>
<td>50%</td>
</tr>
<tr>
<td>Build-to Zone</td>
<td>10’ to 15’</td>
<td>10’ to 20’</td>
</tr>
<tr>
<td>Maximum Building Length</td>
<td></td>
<td>200 feet(^a)</td>
</tr>
<tr>
<td>HEIGHT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building to Street Width Minimum</td>
<td>60%</td>
<td>60%</td>
</tr>
<tr>
<td>Building to Street Width Maximum</td>
<td>100%</td>
<td>200%</td>
</tr>
<tr>
<td>Minimum Height</td>
<td>2 stories</td>
<td>2 stories</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>6 stories(^b) or 75 feet, whichever is less</td>
<td></td>
</tr>
<tr>
<td>Primary Ground Story Height</td>
<td>12’ to 20’(^c)</td>
<td></td>
</tr>
<tr>
<td>All Other Stories Height</td>
<td>10’ to 15’</td>
<td></td>
</tr>
<tr>
<td>FAÇADE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Entrance Elevation</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

   a. Maximum Building Length may be increased up to 50 percent if a pedestrianway is provided. These pedestrianways can be pedestrian easements and pathways or exterior through building linkages at least every 200 feet.

   b. Step-backed stories. All stories that exceed the maximum building to street width shall be stepped back from the front façade a minimum of 10 feet and a maximum of 30 feet.

   c. Tall stories: 18’ or more in floor-to-floor ground story height counts as 2 stories toward maximum building height.

(4) Side and Rear Yards:

   a. Buildings with side or rear property lines adjacent to R-1 or R-2 zoned and used districts shall have a maximum building height of 40 feet, and minimum side and rear yards of 15 feet. Buildings may exceed 40 feet in height if the portion of the building above 40 feet is stepped back from the side and rear property lines a distance equal to the additional height.

   (5) Parapet walls shall be utilized to completely screen rooftop equipment from ground and street level view and rooftop equipment must be painted to match the color of the roof in order to minimize the visual impact as viewed from other buildings.
(6) Developments shall include sidewalks and/or bikeways along all private and public street rights-of-way as determined appropriate and on-site pedestrian/bicycle facilities that provide logical connections to off-site uses and are separated from off-street surface parking areas by curbed, landscaped islands a minimum of 20 feet in width inclusive of sidewalk.

(7) Developments served by public transit must provide at least one transit stop that conveniently serves the development.

(8) Driveway location. Vehicular driveway access is managed through the primary and secondary street frontages. The order of access is as follows:
   a. An alley permits unlimited access.
   b. If no alley exists, one driveway per secondary street frontage is permitted.
   c. If no other option exists, one driveway may be permitted off the primary street and shared access with abutting properties is encouraged.

(9) Signage shall be allowed with the following conditions:
   a. Pylon signs are prohibited;
   b. Freestanding monument signs shall utilize the same exterior materials as the principal buildings and shall not interfere with pedestrian, bicycle or automobile circulation and visibility.
   c. Maximum allowable number, sizes, heights and yards for signs shall be regulated by Section 36-362, MX requirements.
   d. Wall signs of non-residential uses shall only be placed on the ground floor and exterior walls of the occupied tenant lease space, and/or a monument sign.
   e. Wall signs shall not be included in calculating the aggregate sign area on the lot if they meet the following outlined conditions:
      i. Non-residential wall signs permitted by this section that do not exceed seven percent of the exterior wall area of the ground floor tenant lease space.
      ii. The sign is located on the exterior wall of the ground floor tenant lease space from which the seven percent sign area was derived.
      iii. No individual wall sign shall exceed 100 square feet in area.
   f. Pedestrian scale signs visible from public sidewalks shall be encouraged. Such signs shall be no more than three feet in vertical dimension unless flush with the building wall.

(10) A development agreement is required as part of the development approval and shall address, at a minimum, approved site and building design criteria, approved sign locations and design criteria, construction phasing, density bonuses, specifications for inclusionary commercial space, cash escrow or letter of credit for construction of on-site and off-site improvements generated by the development, and maintenance.

(11) The development shall comply with all other applicable chapter provisions unless specifically modified by subsections (1) through (10) of this section.
Section 36-115 Land Use

Land uses permitted in limited stories. Land uses listed as “permitted in limited stories” are permitted subject to all of the requirements of land uses permitted by right plus those additional controls which specify the story of a building the use can occur. Land uses permitted in limited stories do not require a public hearing process.

***********

36-361 Parking Regulations

**

(k) Design Requirements

**

(10) Yards. Required parking areas shall be subject to the following requirements:

a. In the R-4 and R-C districts, parking areas shall be subject to the requirements for front yards and side yards abutting a street.

b. In the C-2, O, I-P and I-G districts, parking areas shall be permitted in the front yard and side yards abutting a street, provided that the yard shall not be reduced to less than five feet. (Ord. No. 2466-15, 5-18-2015)

c. In the C-1 and MX districts:
   1. Parking spaces and drive aisles shall not be located between a building and a street, except that a through lot may have parking between the building and less prominent street, as determined by the Zoning Administrator.
   2. The minimum yard requirement for parking spaces and drive aisles shall be zero (0.0) when located adjacent to a non-residential district
   3. The minimum yard requirement for parking spaces and drive aisles shall be eight feet when abutting a residentially zoned property.
   4. The minimum yard requirement for parking spaces shall be five feet when adjacent to a street. (Ord. No. 2466-15, 5-18-15)

***********

36-362 Sign Regulations

**

(f) General provisions. Subject to the following regulations, signs are a permitted accessory use in all use districts:

**

(12) Durable Materials. All permanent sign faces and supports shall be made of durable materials. Canvas, cloth and similar materials such as flexible vinyl, are not allowed except for canopies, awnings and temporary signs other than pedestrian signs. Awnings shall be constructed of heavy canvas fabric, metal, and/or glass. Plastic, vinyl, and backlit awnings are prohibited. All permanent wood signs must be constructed of durable hardwood products. The wood must be treated against rot and decay, and cannot be constructed of plywood, chipped wood, hardboard, fiber board or similar materials. Sign Support structures shall not be constructed of wood
36-366 Architectural design

(b) Standards.

(1) Building Design.

**

 g. All developments shall consider the effect of sun angles and shade patterns on other buildings. All new multiple-family and nonresidential buildings and additions thereto shall be located so that the structure does not cast a shadow that covers more than 50 percent of another building wall for a period greater than two hours between 9:00 a.m. and 3:00 p.m. for more than 60 days of the year. This section will not prohibit shading of buildings in an industrial use district, two or more buildings on the same lot in the MX district, or as approved for buildings covered by the same PUD, CUP, or Special Permit. Shading of existing public spaces and outdoor employee break areas shall be minimized to the extent reasonable and possible.

Section 3. This ordinance shall take effect (July 2, 2019)

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Reading</td>
<td>May 20, 2019</td>
</tr>
<tr>
<td>Second Reading</td>
<td>June 17, 2019</td>
</tr>
<tr>
<td>Date of Publication</td>
<td>June 27, 2019</td>
</tr>
<tr>
<td>Date Ordinance takes effect</td>
<td>July 2, 2019</td>
</tr>
</tbody>
</table>

Reviewed for administration: Adopted by the City Council (June 17, 2019)

Thomas K. Harmening, City Manager

Attest: Jake Spano, Mayor

Approved as to form and execution:

Melissa Kennedy, City Clerk

Soren Mattick, City Attorney
1. Call to Order – Roll Call

2. Approval of Minutes: March 20, 2019 and April 17, 2019

Commissioner Robertson made a motion to approve the minutes. Commissioner Carper seconded the motion, and the motion passed on a vote of 7-0.

3. Public Hearings

   A. Mixed use zoning ordinance
   Applicant: City of St. Louis Park
   Case Nos: 19-08-ZA

   Jennifer Monson, Planner, presented the staff report. The proposed amendments are for the mixed use zoning district and explained several of the parcels currently guided for mixed use in the city.

   Commissioner Peilen asked for more detail on exactly what a glazed transom is and why it is encouraged.

   Ms. Monson responded that a glazed transom is a window above a door or window, to add visual interest, daylight to internal spaces and pedestrian activity to the street.

   Commissioner Carper asked for more detail regarding the inclusionary commercial policy.

   Mr. Walther said the Economic Development Coordinator is looking into the details to effectively administer the ordinance.

   Commissioner Carper asked a question regarding the 20 foot wide pedestrian connection through parking lots, and asked for other examples in the city.
Ms. Monson said the language is taken from another portion of the code, and a good example where this was applied would be the renovations to the Shoppes at Knollwood.

Chair Eckholm sited the sidewalks located at the Highway 7 Target, and the purpose of them is to provide a safer route through a large parking lot to get to the store.

Commissioner Robertson commented that he took issue with the reference to ensuring high quality architecture design. He stated it is not something the commission can ensure. He suggested using the word ‘promote’ instead.

Commissioner Robertson stated the performance standards should be revised to clarify that residential uses are allowed, but not required, in a mixed use building. It could have retail uses on the first floor with offices uses above.

Commissioner Robertson discussed the conditions for private entertainment uses.

Ms. Monson said private indoor entertainment was prohibited in buildings with residential uses due to fitness equipment vibration and noise.

Commissioner Johnston-Madison agreed with Commissioner Robertson that the conditions should be amended to not prohibit all private indoor entertainment with residential uses.

Commissioner Carper asked for clarifications regarding conditions for hotel and motel uses.

Ms. Monson said permitted accessory uses are allowed on 25% of the building frontage and the other 75% have to be non-residential active uses. A quarter of the ground floor building frontage could be the hotel lobby or entrance. She said the rooms for a hotel or motel are not allowed to be along the front ground floor of the building. She said she would clarify the language in the code.

Commissioner Carper asked about the transparency description and how we go about determining what high transparency and low reflecting is. Starbucks was given as an example of the window transparency and how difficult it can be to see in. How are we able to define it so everyone is following the same rule and go out and define the ordinance.

Ms. Monson said since the planning commission and city council are still discussing window transparency throughout the city, we can delete the definition and all references to transparency in the mixed-use district, and reference whatever is adopted for the rest of the zoning ordinance.

Chair Eckholm opened the public hearing and then closed the public hearing as no one was present to speak.

Chair Eckholm asked if the commission had any amendments or motions.
Commissioner Robertson motioned to strike the transparency section until it can be discussed further, which would also include the definition of transparency.

Commissioner Carper seconded the motion.

Commissioner Kraft asked if the mixed use district will reference the proposed transparency ordinance still being review by the commission and city council.

Ms. Monson responded that the mixed use district references all other required portions of the zoning code when rules are not specified in the district.

Commissioners voted and the motion passed on a vote of 7-0.

Commissioner Robertson made a motion to remove conditions 1 and 3 under private indoor entertainment. Commissioner Carper seconded the motion, and the motion passed on a vote of 7-0.

Commissioner Carper made a motion to remove the discussion on inclusionary commercial. Commissioner Kraft seconded the motion.

Commissioner Robertson said he believes this to be an important enough provision to maintain, even if it needs later refinement, and that it would help start the discussion with developers.

Chair Eckholm agreed with Commissioner Robertson.

Commissioner Carper said after hearing commissioners’ arguments, he agreed and withdrew his motion, and Commissioner Kraft agreed to withdraw her second to the motion.

Commissioner Robertson stated that 80% class I materials is too high of a minimum and asked for thoughts from the other Commissioners.

Chair Eckholm said he would prefer to remove the material requirements in the mixed-use district at this time, and instead reference the architectural standards used elsewhere in the zoning code, because the planning commission will be working on an ordinance updating material requirements throughout the city.

Commissioner Kraft agreed.

Commissioner Robertson made a motion to strike the requirements for 80% class I materials. Commissioner Kraft seconded the motion. Commissioner Carper asked if striking this will create problems later and asked Mr. Walther for his opinion.

Mr. Walther said it would defer to the existing class materials contained elsewhere in the zoning code and should not cause any problems.
The motion passed on a 7-0 vote.

Commissioner Robertson made a motion to replace the word ensure with promote and to delete the second promote in the purpose section regarding high quality architectural design. Commissioner Johnston-Madison seconded the motion, and the motion passed on a vote of 7-0.

Commissioner Robertson made a motion to recommend approval of the ordinance with the changes that have been made. Commissioner Peilen seconded the motion, and the motion passed on a vote of 7-0.
Executive summary

Title: Zoning ordinance amendment regarding home occupations

Recommended action: Motion to approve first reading of an Ordinance amending Chapters 36 of the St. Louis Park Code of Ordinances regarding home occupations, and set the second reading for June 17, 2019.

Policy consideration: Does city council support the changes to the home occupations regulations to prohibit firearm sales as a home occupation and allow retail sales with conditions.

Summary: Last year the city council directed staff to prepare an ordinance that prohibits firearm sales as a home occupation. Staff drafted a narrowly focused amendment to update the land use description to add firearm sales to the list of uses that do not qualify as home occupations.

The planning commission held a public hearing and tabled action on the item after raising concerns about the proposed amendment and existing restriction on retail sales. Following planning commission study sessions on the topic, another public hearing was held on a somewhat broader ordinance that allowed retail sales under certain conditions. The home occupation regulations are repeated in each residential district, so the text is amended in multiple locations.

Following the second public hearing, the planning commission voted 5-1 to recommend against adoption of the proposed ordinance. Three commissioners opposed the prohibition of firearm sales as a home occupation. Five commissioners took issue with other existing regulations contained in the city code unrelated to firearm sales or retail sales and that were not proposed to be amended. Both planning commission and city council are scheduled to discuss various additional policy elements of the home occupation regulations, beyond the scope of the amendments proposed in this ordinance, in the coming months.

The city received about a dozen email messages and received testimony from a representative of the Minnesota Gun Owners Caucus prior to the first public hearing. The planning commission did not receive additional testimony at the second public hearing.

Strategic priority consideration: St. Louis Park is committed to providing a broad range of housing and neighborhood oriented development.

Supporting documents: Discussion
Draft ordinance
Excerpts of the planning commission minutes from September 5, 2018, October 3, 2018, February 20, 2019, and April 3, 2019 meetings Letters and emails received at the first public hearing

Prepared by: Sean Walther, Planning and Zoning Supervisor
Reviewed by: Karen Barton, Community Development Director
Approved by: Tom Harmening, City Manager
Discussion

Background: The city council directed staff to prepare an ordinance that prohibits firearm sales as a home occupation. Staff prepared the ordinance and suggested other refinements to the home occupations definition to improve the city’s ability to enforce the code.

Previous public input: The planning commission held a public hearing on September 5, 2018. A representative of the Minnesota Gun Owners Caucus spoke at the public hearing in opposition to the prohibition of firearm sales as a home occupation. The city also received approximately 12 emails opposing the firearms sales restriction. All of these emails appeared to be from members of the Minnesota Gun Owners Caucus.

Since several months elapsed since the first public hearing, staff re-advertised the public hearing and planning commission held a second public hearing on April 3, 2019 on the expanded home occupations ordinance. The commission did not receive any additional public testimony at the second hearing.

Process: On September 5, 2018, the planning commission closed the public hearing and following discussion voted to table the item. The commission requested clarifications regarding retail sales and firearm sales, and more information about firearm sales as a home occupation.

Planning commission discussed the ordinance in two study sessions on October 3, 2018, and February 20, 2019. Staff provided examples of other cities’ home occupation regulations related to retail sales and firearm sales, responded to questions raised at the first public hearing, and provided a summary of an applicable Minneapolis court case that was provided by the city attorney. The city attorney’s opinion is that the city has the authority to prohibit firearm sales as a home occupation.

Staff further revised the proposed ordinance to modify how product sales are regulated when related to a home occupation, as requested by the planning commission. Below is a description of the current and proposed ordinance language.

Current land use description: The zoning code currently describes home occupations as follows:

*Home occupation* means an occupation, profession, or activity which provides gainful employment to a resident of a dwelling unit which is clearly an incidental and subordinate use to the residential use and which does not alter the exterior of the property or affect the residential character of the neighborhood. Auto body/painting, motor vehicle sales, motor vehicle service and repair, retail sales, massage, medical/dental office, animal handling, beauty shop and barbershop, warehouse/storage and manufacturing/processing do not qualify as home occupations.

Proposed land use description: The ordinance proposes to remove the list of prohibited uses from the land use description and move the list to the conditions for home occupations. The ordinance also modifies the language to apply the rules to both for-profit and non-profit activities. The proposed land use description would read as follows:
Home occupation means an occupation, profession, or activity conducted in a dwelling unit, which is clearly an incidental and subordinate use to the residential use and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Current home occupation performance standards: The current code allows home occupations to operate as an accessory use in residential districts when they meet the following conditions:

a. All material or equipment shall be stored within an enclosed structure.
b. Operation of the home occupation is not apparent from the public right-of-way.
c. The activity does not involve warehousing, distribution, or retail sales of merchandise produced off the site.
d. No person is employed at the residence who does not legally reside in the home except that a licensed group family day care facility may have one outside employee.
e. No light or vibration originating from the business operation is discernible at the property line.
f. Only equipment, machinery, and materials which are normally found in the home are used in the conduct of the home occupation.
g. No more than one non-illuminated wall sign limited to two square feet in area is used to identify the home occupation.
h. Space within the dwelling devoted to the home occupation does not exceed one room or ten percent of the floor area, whichever is greater.
i. No portion of the home occupation is permitted within any attached or detached accessory building.
j. The structure housing the home occupation conforms to the building code. If the home occupation is day care or if there are any customers or students, the home occupation has received a certificate of occupancy.

Proposed home occupation performance standards: The ordinance proposes amending the conditions to read as follows:

a. The city has approved a Registration of Land Use for any home occupation established after [insert the effective date of this ordinance], that has customers or students coming to the site.
b. The home occupation and structure housing the home occupation meets all applicable fire and building codes, as well as any other City, County, State, or Federal regulations.
c. The home occupation is clearly incidental and subordinate to the residential use of the property and does not change the character of the property.
d. Space within the dwelling devoted to the home occupation does not exceed one room or ten percent of the floor area, whichever is greater.
e. No portion of the home occupation is conducted within any attached or detached accessory building.
f. Operation of the home occupation is not apparent from the public right-of-way.
g. Only equipment, machinery, and materials which are normally found in the home are used in the conduct of the home occupation.
h. All material or equipment is stored within an enclosed structure.
i. The home occupation does not produce nuisance noise, odors, smoke, heat, glare, vibration, or electrical interference beyond the residential lot occupied by the home occupation.
j. No person is employed at the residence who does not legally reside in the home except that a licensed group family day care facility may have one outside employee.

k. Persons do not come to the location of the home occupation to be dispatched to other locations.

l. Sale of products related to the home occupation is allowed with the following conditions:
   1. products are shipped to and from the premises, or
   2. products sales occur off-site at a permissible location, or
   3. a customer visits the premises by appointment only, or
   4. products are sold on the premises at garage sales as regulated by this chapter.

m. No more than one non-illuminated wall sign up to two square feet in area is used to identify the home occupation.

n. The home occupation does not include any of the following uses: auto body/painting, motor vehicle sales, motor vehicle service and repair, small engine repair, massage, medical/dental office, animal handling, beauty shop and barbershop, firearm sales, currency exchange, payday loan agency, sexually-oriented business or high-impact sexually oriented business.

Next steps: If city council approves the first reading of the ordinance, the second reading will be scheduled for held on June 17, 2019.

NOTE – Staff is bringing this ordinance forward to address the council’s direction last year regarding firearm sales. Given the lengthy process and public involvement related to firearm sales and home occupations, staff feels it’s important to provide closure to this item now. The council is scheduled to have a broader policy discussion regarding other considerations related to home occupations at its June 10 study session. It is expected that any policy direction stemming from that discussion will be referred to planning commission for further study and consideration, and future amendments to the home occupation regulations may be considered to implement the policy direction.
Ordinance No. ___-19

Ordinance regarding home occupations

The City of St. Louis Park does ordain:

Section 1. Chapter 36, Section 36-142(d)(14) of the St. Louis Park City Code is hereby amended to read as follows.

(14) Home occupation means an occupation, profession, or activity conducted in a dwelling unit, which is clearly an incidental and subordinate use to the residential use and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Section 2. Chapter 36, Sections 36-163(e)(4) and (5) of the St. Louis Park City Code are hereby amended in their entirety to read as follows.

(4) Family day care facilities serving 14 or fewer persons with the following condition:
   a. No person is employed at the residence who does not legally reside in the home except that a licensed family day care facility may have one outside employee.

(5) Home occupations complying with all the following conditions:
   o. The city has approved a Registration of Land Use for any home occupation established after [July 12, 2019], that has customers or students coming to the site.
   p. The home occupation and structure housing the home occupation meets all applicable fire and building codes, as well as any other City, County, State, or Federal regulations.
   q. The home occupation is clearly incidental and subordinate to the residential use of the property and does not change the character of the property.
   r. Space within the dwelling devoted to the home occupation does not exceed one room or ten percent of the floor area, whichever is greater.
   s. No portion of the home occupation is conducted within any attached or detached accessory building.
   t. Operation of the home occupation is not apparent from the public right-of-way.
   u. Only equipment, machinery, and materials which are normally found in the home are used in the conduct of the home occupation.
   v. All material or equipment is stored within an enclosed structure.
   w. The home occupation does not produce nuisance noise, odors, smoke, heat, glare, vibration, or electrical interference beyond the residential lot occupied by the home occupation.
   x. No person is employed at the residence who does not legally reside in the home.
   y. Persons do not come to the location of the home occupation to be dispatched to other locations.
   z. Sale of products related to the home occupation is allowed with the following conditions:
      5. products are shipped to and from the premises, or
      6. products sales occur off-site at a permissible location, or
7. customers visit the premises by appointment only, or
8. products are sold on the premises at garage sales as regulated by this chapter.

aa. No more than one non-illuminated wall sign up to two square feet in area is used to identify the home occupation.

bb. The home occupation does not include any of the following uses: auto body/painting, motor vehicle sales, motor vehicle service and repair, small engine repair, massage, medical/dental office, animal handling, beauty shop and barbershop, firearm sales, currency exchange, payday loan agency, sexually-oriented business or high-impact sexually oriented business.

Section 3. Chapter 36, Sections 36-164(e)(4) and (5) of the St. Louis Park City Code are hereby amended in their entirety to read as follows.

(4) Family day care facilities serving 14 or fewer persons with the following condition:
    a. No person is employed at the residence who does not legally reside in the home except that a licensed family day care facility may have one outside employee.

(5) Home occupations complying with all the following conditions:
    a. The city has approved a Registration of Land Use for any home occupation established after [July 12, 2019], that has customers or students coming to the site.
    b. The home occupation and structure housing the home occupation meets all applicable fire and building codes, as well as any other City, County, State, or Federal regulations.
    c. The home occupation is clearly incidental and subordinate to the residential use of the property and does not change the character of the property.
    d. Space within the dwelling devoted to the home occupation does not exceed one room or ten percent of the floor area, whichever is greater.
    e. No portion of the home occupation is conducted within any attached or detached accessory building.
    f. Operation of the home occupation is not apparent from the public right-of-way.
    g. Only equipment, machinery, and materials which are normally found in the home are used in the conduct of the home occupation.
    h. All material or equipment is stored within an enclosed structure.
    i. The home occupation does not produce nuisance noise, odors, smoke, heat, glare, vibration, or electrical interference beyond the residential lot occupied by the home occupation.
    j. No person is employed at the residence who does not legally reside in the home.
    k. Persons do not come to the location of the home occupation to be dispatched to other locations.
    l. Sale of products related to the home occupation is allowed with the following conditions:
        1. products are shipped to and from the premises, or
        2. products sales occur off-site at a permissible location, or
        3. customers visit the premises by appointment only, or
        4. products are sold on the premises at garage sales as regulated by this chapter.
    m. No more than one non-illuminated wall sign up to two square feet in area is used to identify the home occupation.
n. The home occupation does not include any of the following uses: auto body/painting, motor vehicle sales, motor vehicle service and repair, small engine repair, massage, medical/dental office, animal handling, beauty shop and barbershop, firearm sales, currency exchange, payday loan agency, sexually-oriented business or high-impact sexually oriented business.

Section 4. Chapter 36, Sections 36-165(e)(4) and (5) of the St. Louis Park City Code are hereby amended in their entirety to read as follows.

(4) Family day care facilities serving 14 or fewer persons with the following conditions:
   a. No person is employed at the residence who does not legally reside in the home except that a licensed family day care facility may have one outside employee.

(5) Home occupations complying with all the following conditions:
   a. The city has approved a Registration of Land Use for any home occupation established after [July 12, 2019], that has customers or students coming to the site.
   b. The home occupation and structure housing the home occupation meets all applicable fire and building codes, as well as any other City, County, State, or Federal regulations.
   c. The home occupation is clearly incidental and subordinate to the residential use of the property and does not change the character of the property.
   d. Space within the dwelling devoted to the home occupation does not exceed one room or ten percent of the floor area, whichever is greater.
   e. No portion of the home occupation is conducted within any attached or detached accessory building.
   f. Operation of the home occupation is not apparent from the public right-of-way.
   g. Only equipment, machinery, and materials which are normally found in the home are used in the conduct of the home occupation.
   h. All material or equipment is stored within an enclosed structure.
   i. The home occupation does not produce nuisance noise, odors, smoke, heat, glare, vibration, or electrical interference beyond the residential lot occupied by the home occupation.
   j. No person is employed at the residence who does not legally reside in the home.
   k. Persons do not come to the location of the home occupation to be dispatched to other locations.
   l. Sale of products related to the home occupation is allowed with the following conditions:
      1. products are shipped to and from the premises, or
      2. products sales occur off-site at a permissible location, or
      3. customers visit the premises by appointment only, or
      4. products are sold on the premises at garage sales as regulated by this chapter.
   m. No more than one non-illuminated wall sign up to two square feet in area is used to identify the home occupation.

n. The home occupation does not include any of the following uses: auto body/painting, motor vehicle sales, motor vehicle service and repair, small engine repair, massage, medical/dental office, animal handling, beauty shop and barbershop, firearm sales, currency exchange, payday loan agency, sexually-oriented business or high-impact sexually oriented business.
**Section 5.** Chapter 36, Section 36-166(e)(4) of the St. Louis Park City Code is hereby amended in its entirety to read as follows.

(4) Family day care facilities serving 14 or fewer persons with the following conditions:
   a. No person is employed at the residence who does not legally reside in the home except that a licensed family day care facility may have one outside employee.

**Section 6.** Chapter 36, Section 36-166(e)(7) of the St. Louis Park City Code is hereby amended in its entirety to read as follows.

(7) Home occupations complying with all the following conditions:
   a. The city has approved a Registration of Land Use for any home occupation established after [July 12, 2019], that has customers or students coming to the site.
   b. The home occupation and structure housing the home occupation meets all applicable fire and building codes, as well as any other City, County, State, or Federal regulations.
   c. The home occupation is clearly incidental and subordinate to the residential use of the property and does not change the character of the property.
   d. Space within the dwelling devoted to the home occupation does not exceed one room or ten percent of the floor area, whichever is greater.
   e. No portion of the home occupation is conducted within any attached or detached accessory building.
   f. Operation of the home occupation is not apparent from the public right-of-way.
   g. Only equipment, machinery, and materials which are normally found in the home are used in the conduct of the home occupation.
   h. All material or equipment is stored within an enclosed structure.
   i. The home occupation does not produce nuisance noise, odors, smoke, heat, glare, vibration, or electrical interference beyond the residential lot occupied by the home occupation.
   j. No person is employed at the residence who does not legally reside in the home.
   k. Persons do not come to the location of the home occupation to be dispatched to other locations.
   l. Sale of products related to the home occupation is allowed with the following conditions:
      1. products are shipped to and from the premises, or
      2. products sales occur off-site at a permissible location, or
      3. customers visit the premises by appointment only, or
      4. products are sold on the premises at garage sales as regulated by this chapter.
   m. No more than one non-illuminated wall sign up to two square feet in area is used to identify the home occupation.
   n. The home occupation does not include any of the following uses: auto body/painting, motor vehicle sales, motor vehicle service and repair, small engine repair, massage, medical/dental office, animal handling, beauty shop and barbershop, firearm sales, currency exchange, payday loan agency, sexually-oriented business or high-impact sexually oriented business.
Section 7. Chapter 36, Section 36-167(e)(4) of the St. Louis Park City Code is hereby amended in its entirety to read as follows.

(4) Family day care facilities serving 14 or fewer persons with the following conditions:
   a. No person is employed at the residence who does not legally reside in the home except that a licensed family day care facility may have one outside employee.

Section 8. Chapter 36, Section 36-167(e)(6) of the St. Louis Park City Code is hereby amended in its entirety to read as follows.

(6) Home occupations complying with all the following conditions:
   a. The city has approved a Registration of Land Use for any home occupation established after [July 12, 2019], that has customers or students coming to the site.
   b. The home occupation and structure housing the home occupation meets all applicable fire and building codes, as well as any other City, County, State, or Federal regulations.
   c. The home occupation is clearly incidental and subordinate to the residential use of the property and does not change the character of the property.
   d. Space within the dwelling devoted to the home occupation does not exceed one room or ten percent of the floor area, whichever is greater.
   e. No portion of the home occupation is conducted within any attached or detached accessory building.
   f. Operation of the home occupation is not apparent from the public right-of-way.
   g. Only equipment, machinery, and materials which are normally found in the home are used in the conduct of the home occupation.
   h. All material or equipment is stored within an enclosed structure.
   i. The home occupation does not produce nuisance noise, odors, smoke, heat, glare, vibration, or electrical interference beyond the residential lot occupied by the home occupation.
   j. No person is employed at the residence who does not legally reside in the home.
   k. Persons do not come to the location of the home occupation to be dispatched to other locations.
   l. Sale of products related to the home occupation is allowed with the following conditions:
      1. products are shipped to and from the premises, or
      2. products sales occur off-site at a permissible location, or
      3. customers visit the premises by appointment only, or
      4. products are sold on the premises at garage sales as regulated by this chapter.
   m. No more than one non-illuminated wall sign up to two square feet in area is used to identify the home occupation.
   n. The home occupation does not include any of the following uses: auto body/painting, motor vehicle sales, motor vehicle service and repair, small engine repair, massage, medical/dental office, animal handling, beauty shop and barbershop, firearm sales, currency exchange, payday loan agency, sexually-oriented business or high-impact sexually oriented business.
Section 7. This ordinance shall take effect fifteen days after its publication.

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<td>June 27, 2019</td>
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Reviewed for administration: 

Thomas K. Harmening, City Manager 

Attest: 

Melissa Kennedy, City Clerk 

Adopted by the City Council June 17, 2019 

Jake Spano, Mayor 

Approved as to form and execution: 

Soren Mattick, City Attorney
September 5, 2018 planning commission meeting minutes (excerpt)

B. Zoning ordinance regarding home occupations

Applicant: City of St. Louis Park
Case No.: 18-43-ZA

Sean Walther, Planning and Zoning Supervisor, presented the staff report. He stated that the city council directed staff to explicitly prohibit firearm sales as a home occupation. He discussed the home occupation land use description currently in the zoning code. He explained the purpose of the proposed amendment is to clarify that the rules apply to both for-profit and not-for-profit home occupations and to also explicitly prohibit certain additional home occupational uses. He stated those uses include firearm sales, currency exchange, payday loan agency, sexually-oriented business and high impact sexually oriented businesses. All of these uses are currently required to be separated from residential uses when located in a commercial district.

Chair Robertson and Mr. Walther discussed the difference between a firearm sale and a retail sale.

Commissioner Peilen asked about a ban on retail sales. She said there are any number of women’s clothing lines that are sold in the home. She described these sales as occurring approximately four times a year. Samples are shipped back to the retailer and items purchased are shipped directly to the customer.

Mr. Walther said the type of activity as described by Commissioner Peilen is not prohibited.

Commissioner Johnston-Madison said many multi-level marketing businesses are run out of homes. Product is being stored in homes. She said she didn’t think those businesses could be construed as retail sales.

Commissioner Johnston-Madison asked city council’s intent in prohibiting firearm sales as a home occupation.

Mr. Walther responded it came up when council asked how the city currently regulates firearm sales and where they are permitted.

Commissioner Johnston-Madison asked if any Federal Firearms Licensees (FFLs) are selling firearms from their homes today in St. Louis Park.

Mr. Walther stated he believed there are approximately six current FFLs operating as home occupations at this time.

Commissioner Johnston-Madison noted for the record that she didn’t appreciate some of the wording in the emails received from the public on the proposed amendment. She asked about the procedure of licensing.
Mr. Walther said he doesn’t know all the details of how the licenses are issued. He said the zoning division is asked whether or not that use is allowed in the zoning ordinance. That is asked initially when a license is being obtained and again when it is renewed. The zoning division is asked if the FFL meets the local regulations.

The Chair said he would like more definition about firearm sales as a primary home occupation or as a related home occupation like gunsmith. He said sometimes gunsmiths will make a sale of a custom item that was manufactured on site.

Mr. Walther said the city will have to look at every case individually. He said he doesn’t believe gunsmith would meet current regulations for home occupations. He added that conditions for home occupations as an accessory use in each district are noted in the zoning code.

Chair Robertson said with gunsmith there seems to be a gray area that a firearm might be produced off site but modified on site. He went on to say this is a complex item and he doesn’t have enough information such as wording and definitions to feel comfortable voting on the item. He suggested holding the public hearing and tabling the vote.

Commissioner Johnston-Madison said she agreed. She said she doesn’t have enough information and also wants background information on why this is being proposed.

Mr. Walther asked the commission to provide him with specific questions.

Commissioner Peilen said she would not vote to table. She said she doesn’t think guns have any business being sold in private residences.

The Chair said he would like to sit down with the six FFLs and see how they do business. He said he doesn’t see the purpose of the extra proposed step.

Mr. Walther said there are approximately six FFL holders that operate as a home occupation. He’s spoken with one FFL holder who primarily does internet sales of collector antique firearms. He explained how the proposed amendment would limit new future home occupations.

Chair Robertson said he sees zero issue with this and doesn’t see why it should be prohibited.

Commissioner Kraft asked what surrounding cities are doing about this.

Mr. Walther responded it varies from city to city. Conditions are similar but there are differences in each city. He added that the city attorney attended the city council study session where the issue was discussed and the attorney’s opinion is that cities can place reasonable limits upon firearm sales, including the proposed zoning code amendment.

Chair Robertson opened the public hearing.
Rob Doar, political director and vice president of MN Gun Owners Caucus, 716 County Hwy. 10, Minneapolis, distributed his letter opposing the proposed ordinance to the commission. He said commissioners’ questions were good. He said the question of why is important as state statute specifically protects firearms dealers, and requires that any ordinances to be enacted be reasonable, non-arbitrary and non-discriminatory. He stated there has to be a very significant justification of why the ordinance would be enacted.

Mr. Doar said the major function of FFLs is firearm transfers. He said FFLs have to renew their license every three years which includes a federal inspection. He said many gunsmiths are often FFL dealers. He stated the vast majority of FFL dealers sell at gun shops and gun shows and are not handling customer traffic at their front doors. Mr. Doar said there are important distinctions of the functions of what FFL dealers do that go beyond the scope of the intent of retail sales. He said prohibiting those functions would be discriminatory and arbitrary.

Mr. Walther noted that email correspondence opposing the proposed amendment and comments on 2nd amendment rights had been received and distributed to the commission at the beginning of the meeting. Email correspondence opposing the ordinance was received from David H. Anderson, Robert J. De brey, Ryan Daniels, James Guertin, Taylor Jones, Kevin S., Thomas Knute, Marc Olivier, Matthew Race, Rocky Vandal and James Allison, 5639 Nicollet Ave., Mpls. Emails were received by city staff after 3:30 p.m. on September 5, 2018.

The Chair closed the public hearing as no one else was present wishing to speak.

Chair Robertson stated he understands the logic of separating gun sales from neighborhoods, but a retail gun sale with transfer is different. This kind of firearm sale is already separated from the neighborhood. He said he wouldn’t vote to approve the amendment as it seems discriminatory and he doesn’t see that there is an issue. He said his understanding is that the federal regulations are pretty strict and guns aren’t being sold out the door. He added that to force someone to rent an office space to do their business is burdensome and he isn’t comfortable with it.

Commissioner Peilen said she isn’t comfortable with storage and distribution of guns from homes.

Commissioner Johnston-Madison remarked that she wants to receive more information. She wants a good reason for the amendment that is definable and explainable. She stated she wants facts. She referenced a gun study in one of the emails. Commissioner Johnston-Madison said she’d like to see the item tabled.

The Chair asked Commissioner Franklin, youth member, for her thoughts about gun issues.
Commissioner Franklin responded that students are scared. She said students aren’t fully educated about this issue. She said the ones who are fully educated about the issue are speaking up about their fears. She said she would like to know more about the proposed amendment.

Commissioner Tatalovich stated that none of the emails received appeared to come from St. Louis Park residents.

Commissioner Tatalovich made a motion recommending tableing the request. He added that his opinion on this subject is much closer to Commissioner Peilen’s. Commissioner Johnston-Madison seconded the motion, and the motion to table passed on a vote of 4-1 (Peilen opposed).

In summary, the Chair requested information on what the city is trying to fix and if there is an issue to be addressed. Commissioner Johnston-Madison asked to know why the council is recommending this and if there are any studies that we should be aware of. Commissioner Peilen added that details regarding home based sales need to be developed.

Mr. Walther asked commissioners in clarifying the ordinance broader restrictions on retail sales if they wanted it to be more restrictive or less restrictive than the current rules.

The Chair responded it needs to be more defined.

Commissioner Tatalovich spoke about finding a certain threshold the city should be looking at in terms of home occupations and retail sales.

Commissioner Peilen said a lot of people could be put out of business so a greater definition of what is allowed and what isn’t allowed needs to be determined.
October 3, 2018 planning commission study session minutes (excerpt)

2. Discussion upcoming applications

Sean Walther, Planning and Zoning Supervisor, spoke about firearm sales and home occupations. He provided some background for commissioners who did not attend the public hearing on September 5, 2018. He distributed an information summary of a recent case regarding a City of Minneapolis ordinance which restricted where firearm sales can be located. He said St. Louis Park is able to regulate this and this is a local policy question. He spoke about retail sales and how that can be defined. He said he is continuing to look for examples and guidance on how the city might address this.

Commissioner Peilen commented about the need to flesh out language in the clause in the current ordinance about the sales of goods manufactured outside the home. Something is needed to provide guidelines.

Chair Robertson said he agreed and said he didn’t think reading it literally is what the city wants to do.

Gary Morrison, Assistant Zoning Administrator, said he doesn’t hear complaints about home sales of make-up or clothing. He said he does receive complaints when sales are regularly occurring at a residence. The subject is generated on a complaint basis or in conversations with a new business seeking guidance.

It was suggested that non-transference of goods on premise might be included in a definition of what is allowed.

Mr. Walther shared ordinances from Stillwater and Roseville. Other resources discuss transfer of goods, dispatching and employees coming in to the site.

The Chair said he continued to ask why the ordinance might be necessary. He asked why one product would be singled out. He said it’s necessary to explain why.

Commissioner Tatalovich spoke about threshold of activity and specifying what makes a business more disruptive or conspicuous.

Mr. Walther asked commissioners to direct additional questions and issues to him prior to the Planning Commission’s next consideration of the zoning ordinance amendment to help staff prepare for the meeting.
February 20, 2019 planning commission study session minutes (excerpt)

2. Home Occupations (no written report)

Mr. Walther reviewed staff’s responses to questions the planning commission raised regarding firearm sales following the public hearing.

As of January 2019 there are six federal firearm licensed holders (FFL) in St. Louis Park. Five of those are home occupations and Frontiermen is the sixth. All responsible persons go through an extensive process including background checks and an in-person interview, done by the Bureau of Alcohol and Tobacco Firearms and Explosives.

City staff has tried to find the research mentioned in one of the letters received during the public hearing, but no such study has been found. The closest thing staff found was a study to do a study, which did not appear to have any bearing on the current discussion.

The planning commissioners had also asked if there have been incidences of violence at or due to the home based firearm sales, in comparison with commercial locations. The police department reviewed all police calls within the past ten years at all addresses that hold FFL’s and there were no incidences of violence, burglary or stolen inventory reported.

Commissioner Robertson asked why is this being proposed? He stated he feels this is a mis-direction in response to the concerns brought up by the students at St. Louis Park after the Florida High School shooting and this may not be enough of an action.

Mr. Walther acknowledged that the students’ concerns initiated the city council’s inquiry regarding city firearm sales regulations and policies in the city. This proposed change to the home occupations regulations is being proposed, because that review highlighted discrepancy in city policy, whereby firearm sales in commercial districts are prohibited from being within 350 feet of a residential area, and yet firearm sales are being allowed as a home occupation in a residential property. This change would prevent any more home occupations from starting up. This does not eliminate the current businesses that are already operating. Those home occupations would be allowed to continue as a non-conforming use, because they were operating before the new rules were adopted. It would also prevent existing home occupations from expanding.

Commissioner Kraft stated the city may want to take a position to prevent new FFL home occupations from coming into the community. It might be something we should change now and put into effect to save from the trouble of doing it in the future when there may be more businesses effected.

Chair Eckholm asked if rules should be added to further regulate the FFL home occupations, if not prohibiting them, in order to ensure that if problems occur in the future, that the city could act to achieve compliance or shut them down.
Commissioner Robertson believed this ordinance isn’t addressing the concerns of the students and protecting them from violence. With the request of change from the students within St. Louis Park it’s not enough of a difference moving forward and then telling them something was done.

Commissioner Carper suggested examples of other regulations that may be put into place.

Discussion from group ended with agreement of sending out another public hearing notification as it has been some time since the hearing was held and to gather the feedback from council when it moves forward.
April 3, 2019 Unofficial planning commission study session minutes (excerpt)

Mr. Sean Walther, Planning and Zoning Supervisor, presented the staff report.

Commissioner Peilen asked why the City of St. Louis Park would care what happens within the house.

Commissioner Carper asked about the same issue as Commissioner Peilen and added, how we would address the issue of space that is allowed within a home when it comes down to a full basement.

Mr. Walther responded that staff would consider that to be one room.

Commissioner Carper asked if that would mean it’s impossible to have any of the business upstairs above the basement, would it all need to be downstairs?

Mr. Walther responded that in that situation that would be correct.

Commissioner Carper asked about business not being able to be conducted within in any attached or detached accessory building, would this also mean they cannot use the accessory building for storage.

Mr. Walther responded that if the items are specifically related to the home occupation then it would be prohibited, but if the items could be used for the principal use of the site, which is a residence, then that may be allowed. It’s a fine line but this rule has been in place for many years. Additionally, this is not a change that’s being proposed, this is the current regulation.

Commissioner Carper asked how we can go about changing this rule.

Mr. Walther responded that if there was complete agreement in what the rule ought to be the commission could make the change and edit the rule this evening. If it’s something that will need additional discussion, it would be best to hold off to discuss this at a future date.

Commissioner Peilen asked when this item would be going to council.

Mr. Walther responded if it’s moved on this evening, it will likely go to council in May.

Commissioner Peilen stated if this is the current rule, then we’re debating something that’s already been adopted by a previous council.

Commissioner Carper brought up the issue of only being able to have items related to the home reside in an accessory building and related it to a possible mailing business where you may need to ship things out. This would require you to have a scale for weighing packages, packing materials and other various material to get the job done. These items aren’t usually found in the home.
Commissioner Carper asked about the policy regarding no person should be employed at the residence who does not legally reside in the home, the exception being a licensed group family. He asked if this is only full-time employment, or are we itemizing any type of employment? He provided an example of a business owner having their book keeper coming in to do paperwork and financials for the business. The rule would say they could not come in because they are an employee of the home owner.

Mr. Walther responded that this is a fine point, but if they are employed simply and only by that business, that would not be allowed if they’re not residing on the site. This policy is intended for the residence of the home who is running the business, not for outside employees being dispatched to the location.

Commissioner Carper asked about how the businesses were chosen to be excluded as home occupations.

Mr. Walther responded he can only speak on the items that were added, not to the previous uses already listed. The newly listed items are added because zoning includes restrictions from being located within a certain distance to residential and so therefore should not be allow in residences and residential zoning districts.

Commissioner Johnston-Madison said she shares similar issues of that of Commissioner Peilen and Commissioner Carper. She stated the commissioners were asked if they would agree to add restricting firearm sales as a home occupation. Planning commission learned more about the ordinance that has been in effect for several years and hasn’t been reviewed for some time. Commissioner Johnston-Madison said she wants to review this ordinance further to make more changes to the policy.

Commissioner Carper asked Mr. Walther about the repetition of the ordinance in multiple sections.

Mr. Walther explained that the home occupation rules are listed in each residential zoning district under the accessory uses that are allowed in the district. This makes the rules easier to find for residents when viewing the uses allowed in the district they live in.

Commissioner Robertson asked about the accessory building section where it discusses attached and detached accessory buildings and clarified that an attached accessory building would include an attached garage.

Mr. Walther responded in the affirmative.

Chair Eckholm opened the public hearing. As no one was present wishing to speak, the Chair closed the public hearing.

Commissioner Kraft commented that she can buy the argument on the suggested exclusions for home occupations as those uses already are required to be a certain distance away from residential. It would seem counterintuitive to then allow them to be a home occupation.
Commissioner Roberts said he agrees with Commissioner Johnston-Madison, that the ordinance needs to be relooked at. Having issues with how the ordinance is and adding to it does not help it, nor does it seem necessary.

Commissioner Peilen said some of the proposals could have a negative impact on people’s ability to be successful in a home-based business. She offered a motion to strike the rule that says, “Space within the dwelling devoted to the home occupation does not exceed one room or 10 percent of the floor area whichever is greater”.

The chair said the motion is on the table and asked if anyone would second. There was no second on the motion.

Mr. Walther added that the purpose behind having a restriction on the amount of space in the home that is used for the home occupation is to get at the heart of this as an accessory use. It is common to find this rule in an ordinance like this throughout the country, whether 10% is the right number is another question.

Commissioner Peilen responded that what makes the use incidental is the frequency.

Commissioner Carper commented that we need something that will restrict but doesn’t leave the door open for abuse.

Commissioner Peilen stated there is never going to be a perfect ordinance. Someone can always find a way around one if they want to and felt this will do more harm than good. She shared a hypothetical example when using more than one room or 10% of a house may be needed at times. She stated she is open to redefining the amount of space.

Commissioner Robertson said he believes there should be a percentage and 10% seems too low, but that it also should be noticeably less than 50% because we do want it to be an accessory use. The ordinance needs to be reworked and he does not want to approve anything to move ahead without doing so.

Commissioner Peilen withdrew her previous motion.

Commissioner Carper responded that the commissioners were brought the ordinance solely look at firearm sales in the home and have discovered that there’s other issues in terms of appropriate restriction within the ordinance. It’s important this ordinance not go through and to start immediately convening study sessions to work on redoing the ordinance.

Commissioner Johnston-Madison said if they are to consider adding the five categories she is against it.

Commissioner Kraft added that a lot of the issues everyone seems to have with this ordinance are already in effect today and having everyone vote for this or against it
doesn’t change those items. It’s something everyone should be considering while voting tonight.

Commissioner Robertson made a motion to not approve these changes to the zoning code. Commissioner Johnston-Madison seconded the motion.

Commissioner Peilen said she also supports the motion, but she comes from a different place because she would like to support the restriction of firearm sales. She is tempted to vote for it, but cannot support the overall proposal.

Chair Eckholm said he also supports the firearm restrictions as written as well as the other four businesses, but the topic has revealed deeper issues with this ordinance that need to be addressed that might not ever be addressed if we just pass it as written.

Commissioner Carper said if we were to prevent firearm sales under this ordinance it wouldn’t make any difference in terms of gun ownership to people who live in St. Louis Park, Minneapolis, Minnesota and the United States. He continued his response by saying it doesn’t cut off a supply of guns to criminals or anyone else and if we were to add another gun seller to the city it wouldn’t make a big difference either due to how well regulated they are.

Commissioner Robertson presented the motion again, to not approve the changes to the zoning code, and the motion passed on a vote of 4-1-1 (Commissioner Kraft opposed, Chair Eckholm abstained).
Mayor Jake Spano  
Commissioner Carl Robertson  
Commissioner Claudia Johnston-Madison  
Commissioner Jessica Kraft  
Commissioner Lisa Pellen  
Commissioner Lynne Carper  
Commissioner Matt Eckholm  
Commissioner Joe Tatalovich  
City Manager Tom Harmening  
City of Saint Louis Park  
5005 Minnetonka Blvd  
St. Louis Park, MN 55416

September 5, 2018

Dear Mayor, Planning Commissioners, and Mr. Harmening,

The Minnesota Gun Owners Caucus is the largest and leading gun rights organization in Minnesota. We represent the interest of Minnesota’s more than two-and-a-half million law-abiding gun owners.

We write again, some of you for the first time, warning about a proposed ordinance that is currently pending for discussion by the Planning Commission this week that would prohibit home-based Federal Firearms Licensees from operating in the City of St. Louis Park.

The City and its elected officials have yet to put forward any sort of a rationalization for limiting home-based Federal Firearms Licensees. There is absolutely no evidence or studies that show that home-based FFLs are somehow responsible for an increase in violent crime, criminal activity involving firearms, or school shootings.

As your City Attorney has previously made you aware, the authorities granted to local governments for firearms regulation only permit regulating the discharge of a firearm and implementing zoning ordinances for gun shops that are “reasonable, nondiscriminatory, and nonarbitrary” (MN 471.633 & 471.635). Minnesota law also supersedes any regulation of the carrying of possession of firearms in MN 624.717.

Please take the necessary steps to ensure that any potential ordinances are considered in the scope of legal authority for a city in the State of Minnesota. Similar ordinances and policy provisions have been litigated here and in other states and strong precedent has been set that protects an individual’s right to access, keep, and bear arms.
Again, we’re willing to be a part of any discussion on these complex issues and provide the perspective of Minnesota’s law-abiding gun owners.

We would urge that this ordinance be struck down in the process and the council’s attention turned to efforts that would actually impact violent crime and criminal activities involving firearms.

We’ll continue to monitor further developments on this issue in your city.

Sincerely,

Bryan Strawser
Chair

Rob Doar
Political Director
This is against the constitution and I hope you don't go through with a senseless law. I will never go to this town again if this passes and move my business elsewhere.
Hi Mr. Walther,

To start, a brief background on myself.

I have legally carried and currently carry a firearm in the best interest of Personal, Public and Federal Safety and Security. I have been doing this for over 3 decades.

Banning home based FFL's for the reason of "just because" or "we have to do something" is illogical, irrational and down right immature. There are better solutions to achieve a better result.

Please don't allow this to happen.

Thank you,

Rocky Vandal
Mr. Walther:

I am a resident of a community near St. Louis Park. I write to ask that your commissioners abandon their effort to limit firearm sales from private homes. This is AMERICA, and the constant legal limitations imposed on our citizen's private lives is becoming overbearing. Such a law only punishes law-abiding citizens, making life more difficult. Gun laws are not working in Chicago and they will not work in St. Louis Park for the same reasons.

Robert J. De brey
your banning of ffl's in your city serves no purpose! thank you, david anderson
Hi, I am a person who frequently visits St. Louis Park and I don't think an FFL dealer ban is the appropriate measure to secure our schools etc. There are many other options that don't include prohibiting the actions of law abiding citizens. Please drop the proposed FFL dealer ban in your jurisdiction. Thank you for your service and consideration.

Sent from Yahoo Mail on Android
Dear Mr. Walther:

I am a law-abiding taxpayer and gun owner who votes with my ballots as well as my dollars. I shop and visit St. Louis Park, but that is subject to change. It has come to my attention that yet another act of discrimination is being planned, a ban on home-based federal firearms dealers. This latest outrage directed at gun owners and the Second Amendment discriminates against home-based businesses solely on the grounds of an unconstitutional -and demonstrably irrational- bias.

These kinds of actions must stop, and St. Louis Park stands to lose sales revenue from me if it continues.

Sincerely,

Marc Olivier
<table>
<thead>
<tr>
<th>From:</th>
<th>Taylor Jones</th>
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<tbody>
<tr>
<td>Sent:</td>
<td>Wednesday, September 05, 2018 4:56 PM</td>
</tr>
<tr>
<td>To:</td>
<td>Sean Walther</td>
</tr>
<tr>
<td>Subject:</td>
<td>Home based FFL Ban</td>
</tr>
</tbody>
</table>

I’m deeply disturbed by the commissions recent attempt to limit home based businesses in St. Louis Park. Limitations on the second amendment notwithstanding, (and with your egregious disdain for self defense and the constitution noted) I find it incredibly upsetting that you feel you have the moral authority to propose restricting what forms of lawful commerce may be carried out in the city.

Home based businesses provide valuable income for numerous families, and allow for members of the community to shop with their neighbors instead of being required to go to large retailers with high overhead costs that lead to exorbitant prices on firearms that many need for the lawful defense of themselves and their property. By limiting the number of small and independent FFL’s available to consumers, you’ll be making it harder for low income individuals to buy guns legally online and transfer them through an affordable dealer. Large storefront locations often require large fees in order to process the required background check that goes along with buying a firearm online, something that home-based FFL’s are especially adept at, and who often only charge a small fee. Limiting the number of options for these already cash-strapped consumers looking to defend themselves just makes noncompliance with existing laws more likely than ever.

This is an obvious attack on the gun rights of Minnesotans from an elitist group of local politicians who hold The Bill of Rights and its protections with contempt. This is an attack on the self defense rights of the poor and the vulnerable. And this is undoubtedly an attack on the regular folks who wish to exercise their rights as provided for under the US Constitution.

Sincerely,
Taylor Jones
Mr. Walther,

I understand the desire and the need to protect our communities and our children as everyone from every angle has that goal as their desired outcome.

And as someone that not only cares about my community and the neighboring Community but also shops regularly in St Louis Park I am concerned on this issue to.

The one thing I do whenever an issue is of important to me is I look at the facts. Some of the most relevant facts concerning this issue can be found in the 2013 CDC research done by the order of President Barack Obama.

President Obama wanted to base his new gun regulations on facts in order to reach a desired outcome, so he ordered the CDC to do research.

He found out a number of things. One thing is back in the 90s when the CDC did their last study they found out that legal gun owners stop millions of violent crimes per year. And the new 2013 study found that legal gun owners still stop millions of violent crimes per year.

We can also see that the areas with increased gun regulations have increased gun violence.

Another thing that they found in the 2013 study that they did not study into it all in the 90s was How likely a legal gun owner that legally Carries a Gun is going to commit a crime. Prior to the 2013 study off duty police were considered the least likely group of people to ever commit a crime in our nation. In the 2013 study the CDC found out that legal gun owners that legally carry their guns are 6 times less likely to commit crimes than even off-duty police officers.

One last thing is that we found out is that almost 100% of all crimes committed with guns are done by felons with illegally obtained guns.

With the fact that the 2013 CDC study showed that legal gun owners not only stop millions of violent crimes but are less likely to ever commit a crime and that almost 100% of gun crimes are done by felons that illegally obtained guns we have also been able to see that the areas that stop legal gun use ownership or sales are the exact areas that have gun crime increase on a regular basis.

While considering your decision on what to do in St Louis Park please keep in mind the biggest study ever done into gun violence. You can go and read the rest of the study and you will find that throughout the whole thing it was proven time and again that when gun regulations effect normal law obiding citizens it creates more violence not less.

It is not a coincidence that the areas of our country that have increased there gun regulations have also increased there gun violence.
Thank you
James Allison
5639 Nicollet Ave
Minneapolis.
I oppose the attempt to restrict the rights of small businesses to operate lawfully within St. Louis Park.

Federal Firearms Licensees are subject to a thorough background check before being issued a license. This process includes fingerprinting, photographs, and interviews with ATF field agents. They are subject to audits and random inspection by the ATF.

They are not a contributing factor to crime of any type.

This attempt to restrict lawful business and prevent access to a constitutional right is disgusting. It is un-American, and makes me feel ashamed to be a resident of the state of Minnesota.

Sincerely,

Matthew Race
I think it is great for those who hate our constitution to stand up and proclaim it. We need to know who they are. For decades people who despise our fundamental rights have hidden it and pretended they were Americans.

So do what ever you would do. Violate people’s 2nd Amendment Rights or let people know you are an American... You can't do both at the same time.
I heard you folks are jumping on the misguided anti-2nd amendment bandwagon. As someone who actually knows a thing or 2 about the subject, I call bs. For years, us "crazy gun nuts" have been warning people about our tyrannical government (on all levels) stripping the rights of law abiding citizens. We are told over and over by the anti-gunners that they are not after our guns, not anti 2nd amendment, and not after law abiding citizens. I say, don't believe them they are lying. I'm here to tell you more and more people are on to you and finally figuring this out. People in this country are oblivious and need to learn things the hard way, then try to reverse it later. You know darn well punishing ffl's in your area wont change a thing so why don't you admit you are anti 2nd and get it over with?