6:30 p.m. CITY COUNCIL MEETING – Council chambers

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

2. Presentations
   2a. Westwood Hills Nature Center Junior Naturalist Recognition
   2b. Minnesota Recreation and Park Association Award of Excellence Presentation
   2c. Recognition of donations

3. Approval of minutes
   3a. Study session minutes of July 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 youth and regular representatives to boards and commissions
       Recommended action: Motion to appoint youth and regular representatives to the boards and commissions as listed in exhibit A.

6. Public hearings
   6a. First reading of ordinance vacating portions of drainage and utility easements at 2631 and 2635 Xylon Ave S
       Recommended action: Mayor to open the public hearing, take testimony, and then close the public hearing. Motion to approve the first reading of Ordinance vacating portions of drainage and utility easements and set the second reading of an ordinance for September 3, 2019.
   6b. First reading of ordinance vacating portions of a utility easement for 5051 Highway 7
       Recommended action: Mayor to open the public hearing, take testimony, and then close the public hearing. Motion to approve first reading of an ordinance vacating a portion of a utility easement and set the second reading of ordinance for September 3, 2019.
   6c. First reading interim ordinance extending moratorium on use and development of 3745 Louisiana Ave. S.
       Recommended action: Mayor to open the public hearing, accept testimony, and close the public hearing. Motion to approve first reading of an interim ordinance extending the moratorium temporarily restricting development at 3745 Louisiana Avenue South, St. Louis Park (“Subject Property”) and set the second reading for August 26, 2019 at a city council special meeting.
7. Requests, petitions, and communications from the public – None

8. Resolutions, ordinances, motions and discussion items
   8a. Traffic Study 707: Authorize removal of parking restrictions on County Road 25 Service Road
       **Recommended action:** Motion to adopt Resolution authorizing removal of parking
       restrictions on the north side of the County Road 25 Service Road west of Glenhurst
       Avenue (by rescinding Resolution 91-203 item 1).
   8b. Traffic Study 708: Authorize installation of all-way stop controls at Zarthan Avenue and 29th
       Street (Petition)
       **Recommended action:** Motion to adopt Resolution authorizing installation of all-way stop
       controls on Zarthan Avenue and 29th Street.

9. Communications – None

Auxiliary aids for individuals with disabilities are available upon request. To make arrangements, please call
the administration department at 952/924-2525 (TDD 952/924-2518) at least 96 hours in advance of meeting.
Meeting of Aug. 19, 2019
City council agenda

Consent calendar

4a. Approve second reading of and Adopt Ordinance amending the zoning map under Chapter 36 and directing staff to publish the revised official zoning map.

4b. Approve an extension until August 15, 2020 for Melrose Company to record the final plat for Arlington Row Apartment East and Arlington Row Apartment West.

4c. Approve the Living Streets Policy.

4d. Approve entering into a Small Wireless Facility Collocation Agreement with Verizon.

4e. Adopt Resolution approving acceptance of the following donations:
   • American Legion Post 282 donated $3,300 for purchasing fire equipment
   • Girl Scouts of Minnesota donated $50.00 for purchasing fire equipment

4f. Adopt Resolution authorizing removal of timed parking restrictions on Lake Street from Dakota Avenue/Wooddale Avenue to Library Lane (by rescinding Resolution 4834) and the permit parking restrictions on the Lake Street municipal parking lot (by modifying Resolution 88-106).

4g. Adopt Resolution authorizing the removal of parking restrictions on the north side of Walker Street west of Republic Avenue as well as outdated non-existent restrictions (by rescinding Resolution 7039, Items 3e and 4).
Executive summary

Title: Westwood Hills Nature Center Junior Naturalist Recognition

Recommended action: The mayor is asked to recognize and thank the junior naturalists for their service this summer. Westwood Hills Nature Center activity specialist Rachel Mattson, along with naturalist Becky McConnell, will be in attendance to assist with the presentation.

Policy consideration: Not applicable

Summary: There are 63 youth volunteers involved in the junior naturalist program. This summer, they have volunteered over 1,600 hours. Several of these volunteers have been involved for seven years and the program has been part of Westwood Hills Nature Center for 28 years. Junior naturalists are students entering 7th grade through those just completing their senior year of high school. They are interested in serving their community while gaining knowledge and experience in the outdoors.

There are five areas that they can be involved in:

- **Animal care**: Junior naturalists feed, care for, handle, and educate the public about Westwood’s display and programming animals.

- **Program aide**: Junior naturalists assist staff members with supervising and running Westwood’s various summer camps and children’s programs.

- **Wild hikes**: Junior naturalists hike Westwood’s trails, identify various organisms and learn alongside a staff naturalist. They then apply their knowledge to other project areas.

- **Behind the scenes**: Junior naturalists maintain Westwood’s birdfeeders and complete various small projects around the center.

- **Water Garden**: Junior naturalists maintain and monitor Westwood’s water garden for public use.

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: None

Prepared by: Stacy Voelker, Senior Office Assistant
Becky McConnell, Westwood Hills Nature Center Naturalist

Reviewed by: Mark Oestreich, Westwood Hills Nature Center Manager
Cynthia S. Walsh, Director of Operations and Recreation

Approved by: Tom Harmening, City Manager
Executive summary

Title: Minnesota Recreation and Park Association Award of Excellence Presentation

Recommended action: The Minnesota Recreation and Park Association Representative, Alyssa Fram, will be in attendance to present the City of St. Louis Park with the Award of Excellence for the Be The Light Winter Solstice Event at Westwood Hills Nature Center.

Policy consideration: Not applicable.

Summary: Every year, the Minnesota Recreation and Park Association (MRPA) recognizes agencies or organizations in Minnesota that set a standard of excellence in the field of recreation, parks and leisure services. This past year there were 28 award applications received for the award of excellence in the programming and events category. The City of St. Louis Park was selected to receive the Award of Excellence for the Be The Light Winter Solstice Event at Westwood Hills Nature Center. The event was developed to bring awareness to mental health issues, provide resources for mental health, build community, and capitalize on the therapeutic value of spending time outdoors. The event was held on Friday, December 21, 2018 (on the shortest day of the year). This event was very successful with over 200 people participating. Staff plans to hold this as an annual event.

Financial or budget considerations: None at this time.

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

Supporting documents: None

Prepared by: Mark Oestreich, Manager of Westwood Hills Nature Center
Reviewed by: Cynthia S. Walsh, Director of Operations and Recreation
Approved by: Tom Harmening, City Manager
Executive summary

**Title:** Recognition of donations

**Recommended action:** Mayor to announce and express thanks and appreciation for the following donations being accepted at the meeting and listed on the consent agenda:

<table>
<thead>
<tr>
<th>From</th>
<th>Donation</th>
<th>For</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Legion Post 282</td>
<td>$3,300</td>
<td>Purchase of fire department equipment</td>
</tr>
<tr>
<td>Girl Scouts of Minnesota</td>
<td>$50</td>
<td>Purchase of fire department equipment</td>
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**Strategic priority consideration:** Not applicable.

**Supporting documents:** None

**Prepared by:** Debbie Fischer, Administrative Services Office Assistant

**Approved by:** Tom Harmening, City Manager
The meeting convened at 6:40 p.m.

Councilmembers present: Mayor Jake Spano, Tim Brausen, Rachel Harris, Anne Mavity, Thom Miller, and Margaret Rog.

Councilmembers absent: Steve Hallfin

Staff present: City Manager (Mr. Harmening), Police Chief Harcey, Fire Chief Koering, Deputy Fire Chief Wolff, CFO (Mr. Simon), Operations and Recreation Director (Ms. Walsh), Public Works Superintendent (Mr. Hanson), Deputy City Manager/Human Resources Director (Ms. Deno), and Recording Secretary (Ms. Pappas).

Guests: David Zoll, consultant.

1. Future study session agenda planning – August, 2019

Councilmember Miller proposed revisiting housing setback, FRA, and how to create and retain more affordable housing in the city.

Councilmember Rog stated she would like to add into this conversation some concerns she has heard from residents related to very large homes being built next to very small homes.

Councilmember Mavity agreed and asked staff to prepare background materials for the council for briefing prior to this discussion, so as to understand all aspects.

Mayor Spano stated this feels very small bowl and he would prefer to discuss larger bowl items related to housing.

Councilmember Rog noted the council just spent a very long time reviewing C1 requirements, which is a very small portion of the city’s commercial areas and from her perspective, the issue of tear downs should be discussed.

2. Reilly site amended consent decree update

Ms. Walsh presented the report and asked if the council is in agreement on moving forward with the amended consent decree.

Mr. Hanson noted the changes in the report and Mr. Zoll, legal counsel, provided updates on the process for amending the consent decree and next steps for approval.
Councilmember Harris asked about the 30-day comment period and what timeframe that involved. Ms. Walsh stated the public listening session was held in October 2018. The meeting was recorded and might be used as communication to refer the public back to the information, rather than have another listening session.

Councilmember Harris asked from a financial perspective if the consent decree changes will fulfill city goals. Mr. Hanson stated yes, there is a potential long-term savings by reducing pump and dump.

Councilmember Miller asked for the quantitative savings on this project per year. Mr. Hanson stated it will be approximately $60,000 per year and will increase over time.

It was the consensus of the council to support the amended consent decree and to also have the information communicated to the public.

3. **2020 budget – public safety overview**

Police Chief Harcey and Fire Chief Koering, along with Deputy Fire Chief Wolff, presented their respective reports to the council as it relates to 2020 budget, along with an overview of department programs, operations, and future considerations.

Councilmember Rog thanked them all for the wonderful work they do in the community. She asked Chief Harcey what the average change to the police budget has been over the past five years. Chief Harcey indicated 6.7% but noted the city also has received revenues for some of the new officer hiring, which offsets the first couple of years of salaries.

Councilmember Rog noted the increase in spending for police seems to be higher than in other departments and asked what have residents received increases in, considering this.

Chief Harcey stated the city community policing program and service is far beyond traditional police response. He added it involves working on reducing the number of weekly calls and is a problem-solving approach to target and address ongoing issues.

Councilmember Rog asked if the police had data on this. Chief Harcey stated yes, as it relates to specific crimes. He added calls for service are requiring that more be done by policy, and higher-quality service is being given.

Councilmember Harris stated she did a ride along with the police recently, which was very informative, and she encouraged other councilmembers to also do this. She stated the police provide compassion and she did see the ripple effects of increased service, beyond responding to emergency calls. She asked what the impetus has been for the added service from police.

Chief Harcey stated 23 years ago, the city switched from traditional policing to looking deeper and really solving problems. He added this has been a great fit for the police department and with city functions. He stated this has been a cultural change and the expectation now is that all officers provide all services to all.
Councilmember Harris asked about the implications to a typical household in St. Louis Park with a levy increase, in light of what the police department is asking for in their budget for 2020. Mr. Simon stated it would be an increase of 5.6% for fire and 5.9% for police, per household. Mr. Harmening reminded the council that he and staff are still reviewing all department budget requests, and nothing has been finalized for recommendation to the council yet.

Councilmember Mavity asked about healthcare cost increases. Ms. Deno stated those costs have already been built into the salaries and budget requests.

Councilmember Brausen noted the police organization chart, with 13 officers on the investigations side. He asked if this includes solving crimes and prosecutions. Chief Harcey stated yes.

Councilmember Brausen asked for Chief Harcey's opinion of the efficacy of the DARE officer. Councilmember Mavity stated the DARE program has been proven not to work.

Mayor Spano asked about full-time service and why that is not a priority for the city moving forward. Chief Koering stated there are fewer folks volunteering to be part of the non-career workforce, and with changes in demand for this job, the model is not as effective any longer. He noted it is harder and harder to think about how to sustain the part-time firefighter, and also if this is the best way to spend money. He stated they continue to review this model. Chief Koering added if St. Louis Park would like to go back to the full-time model, it would require the legislature to make a change, adding the fire program sees healthcare management as its main business going forward.

Councilmember Mavity asked Chief Harcey about constrained resources and if this is a problem with the force and how it’s being addressed.

Chief Harcey stated they have seen an increase in calls since 2013, and a combination of this along with the increase in the amount of leave police officers are now allowed to take, including PTSD leave, and retirements, has driven down their ability to be as responsive as they would like to be. He added there is a lag time in new hires getting up to speed and they are trying to address this issue.

Chief Harcey added they do have public safety officers helping and supervision of the dispatchers will also address the issue.

Councilmember Mavity asked about data tracking of race and if it might be best to work toward a statewide standard, so all police departments are tracking in the same way, and have a system implemented to help with this.

Chief Harcey stated the system St. Louis Park police will use is being built from the ground up and will use different benchmarks and best practices. He added the department is partnering with Edina on this work and creating a process, while also sharing the costs of the same consultant.

Councilmember Rog asked why officers continue to be hired for SWLRT, when the project won’t be completed for another three years. She also asked why there are five officers working on the DARE program, when DARE has been proven to be ineffective.
Chief Harcey stated of the four school officers they have, only one does DARE work in the elementary schools.

The council thanked the chiefs for their reports and the work they do for the city. Further information will be forthcoming related to finalized budget requests from both departments.

**Communications/meeting check-in (verbal)**

Mr. Harmening noted it is time for a city council mid-year check-in meeting, which will be scheduled in the near future.

The meeting adjourned at 9:10 p.m.

Written Reports provided and documented for recording purposes only:

4. June 2019 monthly financial report
6. Housing Authority (HA) Board 2019 annual work plan
7. Food security and access study update

____________________________________________  ______________________________________
Melissa Kennedy, City Clerk                    Jake Spano, Mayor
Executive summary

Title: Comprehensive plan related zoning map amendments

Recommended action: Motion to approve second reading of and Adopt Ordinance amending the zoning map under Chapter 36 and directing staff to publish the revised official zoning map. *(A comprehensive rezoning requires 5 affirmative votes from the city council.)*

Policy consideration: Does council support the proposed zoning changes based on the land use guidance in the *St. Louis Park 2040* comprehensive plan?

Summary: The city council adopted the *St. Louis Park 2040* comprehensive plan on August 5, 2019. Land use changes in the plan result in a number of parcels throughout the city having a mismatch between the new land use guidance and the existing zoning district. The city must bring the zoning into substantial conformance with the plan within nine months.

Due to the number of parcels (72) and size of the areas proposed to be rezoned, the city is following the procedures for a comprehensive rezoning of all the parcels at once. The procedures are somewhat different than smaller zoning map amendments. *(A comprehensive rezoning requires 5 affirmative votes from the city council.)*

Staff held an open house on the proposed comprehensive rezoning on May 8, 2019. Notices were mailed to all properties to be rezoned, plus all property owners within 350 feet of those parcels. Social media and emails were also used. Ten community members attended, and no one in attendance objected to the proposed changes.

Planning commission held the public hearing on June 19, 2019. Owners of four properties spoke at the hearing, and two of the owners objected to the changes to their respective parcels. Planning commissioners unanimously recommended approval of the zoning map amendments.

The city council unanimously approved the first reading of the ordinance on August 5, 2019, without any amendments.

Financial or budget considerations: Not applicable.

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

Supporting documents: Discussion
   Ordinance (including an attached list of parcels)
   Comprehensive plan related zoning map amendments index map
   Area maps showing existing and proposed zoning for each area

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

**Background:** The 2040 comprehensive plan sets out goals, strategies and direction to carry out the city’s vision for its future. It includes specific plan sections on land use, housing, mobility, parks, water resources, racial equity, climate and energy, community health and other elements required by state law. The planning commission made formal recommendations to city council on December 5, 2018, and council authorized submittal of the plan to the Metropolitan Council for review on December 17, 2018. The Metropolitan Council authorized the *St. Louis Park 2040* comprehensive plan on July 10, 2019. City adoption of the comprehensive plan is on the agenda this evening. Land use changes in the plan result in a number of parcels throughout the city having a mismatch between the new land use guidance and the existing zoning district. The city must bring the zoning into substantial conformance with the plan within nine months, as required by Met Council.

**Proposed zoning changes:** There are 72 parcels located in 12 different areas of the city that are proposed to be rezoned through this comprehensive rezoning process. Attached to the report is a citywide zoning map showing the proposed zoning and providing an index of the 12 areas. Also attached are additional illustrations showing the twelve areas in more detail and comparing side by side the existing and proposed zoning. Parcels to be rezoned have the lot lines shown in thick black lines, compared to the thinner grey lot lines of all other parcels. The zoning of the parcels that are changing are also labeled in the more detailed illustrations.

Due to the number of parcels (72) and size of the areas proposed to be rezoned, the city is following the procedures for a comprehensive rezoning of all the parcels at once. The procedures are somewhat different than smaller zoning map amendments. *A comprehensive rezoning requires 5 affirmative votes from the city council.*

**Transit oriented development (TOD) land use category:** The *St. Louis Park 2040* comprehensive plan created a new land use category called transit-oriented development (TOD). The goal of this designation is to facilitate pedestrian-scale development within a 10-minute walk of future Southwest Light Rail (SWLRT) stations. This land use allows a mix of commercial, office, residential, civic and park/open space uses. The focus of the designation is on block sizes, lot sizes, and building forms that create a pedestrian-rich environment, rather than a specific mix of uses.

In order to meet all the goals of this new land use designation, it is expected that new zoning district(s) will need to be created in the future. City staff anticipate a form-based code will be utilized around the SWLRT stations. However, in the interim, staff recommends rezoning these parcels to one of the city’s present zoning categories in order to more closely match the mix of uses desired in these areas and that are more closely tied to the TOD land use designation. These TOD guided parcels are located in areas 7 through 11 as shown in the attached maps. Staff anticipates reintroducing the form-based code to planning commission in the third or fourth quarter of 2019.

**Public input:** Staff held an open house on the proposed comprehensive rezoning on May 8, 2019. Notices were mailed to all properties to be rezoned, plus all property owners within 350 feet of those parcels. Social media and emails were also used. Ten community members attended, and no one in attendance objected to the proposed changes.
Planning commission held a public hearing on June 19, 2019. Owners of four properties spoke at the hearing, and two of them objected to the changes for their parcels. Following discussion summarized in the attached draft of the meeting minutes, the planning commission unanimously recommended approval of the zoning map amendments as proposed.

**Next steps**: city staff will publish the revised official zoning map in the official newspaper legal notices.
Ordinance No. ___-19

Ordinance amending the St. Louis Park official zoning map

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. 19-09-Z).

Section 2. The St. Louis Park official zoning map is hereby amended by changing the zoning district boundaries to reclassify 72 parcels as indicated in the attached list.

Section 3. This ordinance shall take effect fifteen days after its publication.

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<table>
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<tr>
<td>Second Reading</td>
<td>August 19, 2019</td>
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<td>August 29, 2019</td>
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Reviewed for administration: Adopted by the City Council August 19, 2019

Thomas K. Harmening, City Manager

Attest: Jake Spano, Mayor

Approved as to form and execution:

Melissa Kennedy, City Clerk

Soren Mattick, City Attorney
### Table 1: Proposed list of parcels to be rezoned

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Comprehensive plan related zoning map amendments
Area 1

City of Golden Valley

Existing zoning: C-1 Neighborhood Commercial & C-2 General Commercial

Proposed zoning: O Office

Area 2

City of Golden Valley

Existing zoning: C-2 General Commercial

Proposed zoning: O Office

Area 3

Existing zoning: I-P Industrial Park

Proposed zoning: BP Business Park
Area 4

Existing zoning: C-1 Neighborhood Commercial & C-2 General Commercial

Proposed zoning: MX Mixed Use

Area 5

Existing zoning: C-2 General Commercial

Proposed zoning: MX Mixed Use

Area 6

Existing zoning: R-1 Single-Family Residence

Proposed zoning: POS Park and Open Space
Areas 7, 8, 9

Existing zoning: I-P Industrial Park, I-G General Industrial & BP Business Park

Areas 7, 8, 9

Proposed zoning: R-4 Multiple-Family Residence, BP Business Park, & MX Mixed Use
Area 10

Existing zoning: I-P Industrial Park, C-2 General Commercial, & MX Mixed Use

Proposed zoning: R-C High-Density Multiple-Family Residence, MX Mixed Use, & POS Park and Open Space

Area 11

Existing zoning: I-G General Industrial, C2 General Commercial

Proposed zoning: BP Business Park

Area 12

Existing zoning: C-2 General Commercial

Proposed zoning: R-2 Single-Family Residence
Executive summary

Title: Arlington Row Apartments East and Arlington Row Apartments West plat extensions

Recommended action: Motion to approve an extension until August 15, 2020 for Melrose Company to record the final plat for Arlington Row Apartment East and Arlington Row Apartment West.

Policy consideration: Does the council wish to allow Melrose Company an additional year to record the final plat for Arlington Row East and Arlington Row West?

Summary: Per the city code, Melrose Company was required to record the final plat within two years after city council approval or request that the city council approve an extension. On August 15, 2018, Arlington Row East and West received an extension to record the final plat by August 15, 2019. The city received a written request from Melrose Company for an extension on both plats again.

The project is not ready to proceed at this time, however the developer plans to move forward within the next year. Staff recommends approval of a one year extension to file the plat by August 15, 2020.

Site Location Map:

Financial or budget considerations: Not applicable

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

Supporting documents: Extension request letter

Prepared by: Julie Grove, Economic Development Specialist
Reviewed by: Sean Walther, Planning and Zoning Supervisor
Karen Barton, Community Development Director

Approved by: Tom Harmening, City Manager
August 1, 2019

Julie Grove
City of St. Louis Park
5005 Minnetonka Boulevard
St. Louis Park MN 55416

Re: Final Plat Extension Request
  Arlington Row East
  Arlington Row West

Dear Julie:

We are requesting an extension for a period of one year for filing the Final Plat on Arlington Row East and Arlington Row West. We had anticipated requesting modification of the existing PUD in order to proceed with a new design. Upon meeting with staff in April to discuss the plans, we learned of the new inclusionary housing policy on all new PUD applications and on modifications of existing plat applications. We had planned to file for the final plat in anticipation of an approval of the modification to the PUD. However, the inclusionary housing policy sent us (literally) back to the drawing board and has moved a probable start date forward to Spring of 2020.

We have engaged in subsequent discussions with staff and believe we have two viable design solutions for the ultimate development of both Arlington Row East and Arlington Row West. We feel that we can work with the staff, Planning Commission and City Council to implement an elegant solution and be underway next year. Therefore, we do not anticipate any subsequent request for extensions.

Thank you for your consideration and we look forward to presenting the evolution of our planning and designs in the coming weeks.

Very truly yours,

Robert H. Cunningham
Principal
Executive summary

Title: Living Streets Policy

Recommended action: Motion to approve the Living Streets Policy.

Policy consideration: Does the council support applying the principles of Living Streets to transportation projects in St. Louis Park?

Summary: At the March 27, 2017 study session, staff presented a draft Living Streets policy. At the study session, the council was generally supportive of the draft policy but asked staff to:
   • Review the written comments from the Environment and sustainability commission.
   • Come back to the council with a revised draft policy at a future study session.

At the time of the study session, the city was starting work on the following planning initiatives:
   • Vision 3.0 (completed January 2018)
   • Climate Action Plan (approved February 27, 2018)
   • Comprehensive Plan 2040 – Mobility chapter (Approved August 6, 2019)

Staff waited to bring this draft policy back to the city council until after these initiatives were completed to ensure that the foundation for the principles in the policy was consistent with the vision, goals, and policies established in these planning documents. In addition, staff used the public process for these initiatives to influence and inform this revised policy.

The draft policy was provided to the city council at the November 13, 2018 study session. Since that time the draft has been reviewed by our Race Equity manager and updated to recognize our race equity strategic priority. In addition, the Environment and sustainability commission discussed it at their August meeting, voting unanimously to support the policy.

Financial or budget considerations: The application of the principles described in the policy are already incorporated into the design and planning process for our transportation projects. In 2017, staff included living streets elements in the 10-year CIP for every transportation project. Living streets elements are funded using pavement management, stormwater, and general obligation bonds.

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.

AND

St. Louis Park is committed to continue to lead in environmental stewardship.

Supporting documents: Discussion
   Living streets policy
   Study session November 13, 2018, p. 172 - Living streets policy update

Prepared by: Debra Heiser, Engineering Director
Approved by: Tom Harmening, City Manager
Discussion

**Background:** This policy formalizes practices currently used by the engineering department for public and private transportation projects. For purposes of discussion, a transportation project is any construction project that involves the city’s network of bikeways, sidewalks, trails, and streets. This can be the retrofit of an existing facility or the proposed expansion of the network.

The living streets principles apply to all types and phases of transportation projects, including programming, planning, design, and construction.

The attached policy guides how the scope of our transportation projects are developed. It is not meant to be a prescriptive “one size fits all” policy covering every contingency. Instead, it establishes principles that will be applied to each project as it goes through the planning and design process. The principles will be used to develop the project scope and the recommended design to the city council. Ultimately the final decision on all items incorporated into a transportation project is made by the city council.

**Present considerations:** The revised draft incorporates comments from the ESC transportation workgroup, goals from the Climate Action Plan, and goals from our 2040 comprehensive plan.

The revised policy includes the following as vision statements:

- The city will plan, design, build, and operate the city’s mobility system in a way that prioritizes walking first, followed by bicycling and transit use, and then motor vehicle use;
- Transportation will occur via complete, integrated, efficient, safe, and comfortable networks for all users regardless of age or abilities, including pedestrians, bicyclists and transit passengers, as well as trucks, buses, and automobiles;
- The city-wide network of bikeways, sidewalks and trails will be expanded to provide connections to and from parks, schools, restaurants, transit, and commercial areas, providing users with transportation choices not involving a single-use vehicle, supporting the climate action plan goals of a reduction in vehicle miles traveled and reduction in greenhouse gases.
- The health of our residents, workers, and visitors will be improved through walking and biking;
- The environment, in terms of local air and water quality and in terms of global impacts like climate change, will be positively impacted by the city’s transportation-related decision-making;
- The local economy will be supported and strengthened through the provision of safe, efficient transportation options and vibrant public spaces;
- City streets and sidewalks – our largest public space – will foster livable, walkable, bicycle-friendly, green neighborhoods by including healthy trees, permeable surfaces, and design features that help enhance the character of a street while providing added benefits of shade, summer cooling, reduced energy consumption, and improved water quality;
- The transportation system will benefit all users equitably, particularly vulnerable users and the most underinvested and underserved neighborhoods;
- St. Louis Park will create an integrated transportation network that provides everyone access to employment, education, and other needs for daily living, regardless of their age, access to, or ability to operate a motorized vehicle.
Next steps: The application of the principles described in the policy have been incorporated into the design and planning process for our transportation projects since 2017. Staff included a budget for living streets elements in the 10-year CIP for every transportation project. The funding for these elements comes from pavement management, stormwater, and general obligation bonds.

Some examples of Living streets elements that have been incorporated in projects since 2017. Please note, these are in addition to any connect the park bikeway, sidewalk and trail connections installed as a part of the projects:

2017 Texas Avenue project
- Stone benches at bus stops.
- Bump outs at intersections to narrow crossing distances for pedestrians and slow traffic.
- Reconstruction of the sidewalk to create a green boulevard buffer. This improved the aesthetic and comfort of sidewalk users by moving them away from vehicles traveling on the road.
- Installation of street trees to increase our urban forest and provide shade. In addition, this creates a narrower feel to the corridor to influence driver speeds.
- Permanent speed board to educate drivers on their travel speed and slow traffic.

2017 Pavement management project
- Sidewalk gap construction throughout the Sorenson neighborhood.
- Street narrowing to reduce impervious, reduce cost and slow traffic. Less pavement also means a lower cost to construct and maintain, fewer trucks to bring in construction materials resulting in reduction of carbon emissions due to construction activity.
- Stormwater quality manholes and infiltration basins throughout the project.
- Installation of street trees to provide a narrower feel to the corridors to influence driver speeds and provide shade.

2018 Pavement management project
- Sidewalk gap construction throughout the Elmwood neighborhood.
- Neighborhood traffic circles on Brunswick Avenue to reduce cut-through traffic and speed on this local street.
- Bump outs at the Alabama Avenue/ 36th Street intersection to narrow the crossing distance for pedestrians crossing at that intersection.
- Street narrowing to reduce impervious, reduce cost and slow traffic. Less pavement also means a lower cost to construct and maintain, fewer trucks to bring in construction materials resulting in reduction of carbon emissions due to construction activity.
- Stormwater quality manholes and infiltration basins throughout the project.

Utica Avenue Trail (Connect the park)
- The installation of three enhanced pedestrian crossings in this corridor.

Wooddale Bridge modifications
- Installation of a median in Wooddale Avenue at the north ramps. This was done to reduce impervious, plant trees, and narrow the feel of the corridor to slow traffic.
- Reconstruction of the sidewalks on both sides of the bridge to create a green boulevard buffer. This improved the aesthetic and comfort of sidewalk users by moving them away
from vehicles traveling on the road. It also provided space to plant trees, which will increase our urban forest and narrow the feel of the corridor to slow traffic.

2019 Pavement management project
- Sidewalk along Hampshire Avenue to connect the naturally occurring affordable housing to the Cedar Lake Road community sidewalk.
- A rain garden in Willow Park.
- Street narrowing to reduce impervious, reduce cost and slow traffic. Less pavement also means a lower cost to construct and maintain, fewer trucks to bring in construction materials resulting in reduction of carbon emissions due to construction activity.
- Stormwater quality manholes and infiltration basins throughout the project.

Cedar Lake Road project:
- Stone benches at bus stops.
- Sidewalk on the south side of Cedar Lake Road between Kentucky Avenue and Zarthan Avenue.
- Sidewalk along Ridge Drive to connect the naturally occurring affordable housing to the Cedar Lake Road community sidewalk.
- The installation of three enhanced pedestrian crossings in this corridor.
- Narrowed Cedar Lake Road under TH100 to provide a wider trail for bicycles and pedestrians. This improved the comfort of trail users by moving them away from vehicles traveling on the road. Installing a grass buffer in other areas adjacent to the trail.
- Installation of a roundabout at the Zarthan Avenue intersection. Improving vehicle movement and reducing carbon emissions.

Historic Walker Lake project
- 2019 construction
  - Bike racks.
  - Bump outs at intersections to narrow the crossing distance for pedestrians.
  - Gap sidewalk along the east side of Library Lane and the west side of Library Lane at Walker Street.
  - Narrowing the street to provide more space for pedestrians and trees between the curb and building.
  - Tree trenches for stormwater infiltration.
- 2020 construction:
  - Gap sidewalk along the south side of Walker Street from Lake Street to The American Legion, the south side of Lake Street between the parking lot and Dakota Street and 36th Street from The Block to Lake Street.
  - Installation of an enhanced pedestrian crossing of Lake Street.
Purpose and vision

The public right-of-way is not only used for travel from place to place, it is also the front yard for homes and businesses. The elements that we include in our new and retrofit transportation projects within the right-of-way contribute to neighborhood livability.

The City of St. Louis Park is committed to building a complete and integrated public right-of-way that has a positive impact on the livability of our neighborhoods. To support neighborhood livability and equity, streets must be vital, healthy places. To accomplish this, the city has developed this Living Streets Policy that will inform decision-making throughout all phases of transportation projects.

Living streets:

- Build community: improve public health; increase safety; create a sense of place; strengthen a sense of community; provide positive impact upon people of all ages and abilities.
- Provide environmental benefits: improve water quality; improve air quality; reduce greenhouse gases; reduce the urban heat island effect; promote the planting of trees, reduce materials and energy used in street construction and maintenance.
- Provide economic benefits: lower initial construction costs; lower on-going maintenance costs; increased property values; support economic revitalization.

By implementing this policy:

- The city will plan, design, build, and operate the city’s mobility system in a way that prioritizes walking first, followed by bicycling and transit use, and then motor vehicle use.
- Transportation will occur via complete, integrated, efficient, safe, and comfortable networks for all users regardless of age or abilities, including pedestrians, bicyclists and transit passengers, as well as trucks, buses, and automobiles.
- The city-wide network of bikeways, sidewalks and trails will be expanded to provide connections to and from parks, schools, restaurants, transit, and commercial areas, providing users with transportation choices not involving a single-use vehicle, supporting the climate action plan goals of a reduction in vehicle miles traveled and reduction in greenhouse gases.
- The health of our residents, workers, and visitors will be improved through walking and biking.
- The environment, in terms of local air and water quality and in terms of global impacts like climate change, will be positively impacted by the city’s transportation-related decision-making.
- The local economy will be supported and strengthened through the provision of safe, efficient transportation options and vibrant public spaces.
- City streets and sidewalks – our largest public space – will foster livable, walkable, bicycle-friendly, green neighborhoods by including healthy trees, permeable surfaces,
and design features that help enhance the character of a street while providing added benefits of shade, summer cooling, reduced energy consumption, and improved water quality.

- The transportation system will benefit all users equitably, particularly vulnerable users and the most underinvested and underserved neighborhoods.
- St. Louis Park will create an integrated transportation network that provides everyone access to employment, education, and other needs for daily living, regardless of their age, access to, or ability to operate a motorized vehicle.

Living streets principles
The following six principles will guide the implementation of this policy. These principles will be incorporated into the planning and design of transportation projects and referenced when making land use decisions.

1. **Enhance walking/ biking conditions and connections**
   By prioritizing mobility in an explicit way, leading with pedestrians, followed by bicycles and transit, and supporting them with vehicular movement, the city will be well positioned for future mobility and can continue its growth.

   The city has pedestrian and bicycle networks dedicated to the use of non-vehicular transportation. The purpose of these networks is to provide safe connected routes to and from transit, parks, schools, commercial areas, and the region for all users regardless of age and ability. Filling in the gaps in this network will benefit our most vulnerable users and underserved neighborhoods by eliminating current historical barriers.

   As a part of project development, the existing bikeway, sidewalk and trail networks will be reviewed. In addition, locations of naturally occurring affordable housing (NOAH) will be identified. Recommendations will be made to close gaps in the networks, provide additional connections, and make safety improvements based on the context of the specific transportation project under consideration.

2. **Traffic management**
   Traffic is an important element of livability. The methods for traffic management depend largely on the type of roadway, its function, and the modes of travel expected on the roadway. The concept of traffic management is usually focused on limiting cut-through traffic, decreasing the speed of vehicles, and enhancing safety for pedestrians and bicyclists.

   Traffic management measures for consideration include but are not limited to the following:
   - Medians
   - Right sizing streets
   - Roundabouts
   - Traffic circles
• Barriers/ diveters
• Bump-outs at intersections
• Narrowing lanes
• Traffic signal timing optimization
• Installing street trees to narrow the feel of the corridor

Each traffic management measure can have both positive and negative effects in terms of cost, time, feasibility, emergency response, safety, parking, maintenance, and aesthetics. As a part of project development, data will be collected on existing conditions. Recommendations will be made on which traffic management measure(s) could be utilized based on the context of the specific transportation project.

3. Stormwater management
As a part of project development, opportunities to install stormwater best management practices (BMPs) will be identified in order to improve stormwater quality, reduce volume, and reduce the temperature of solar-heated runoff.

BMPs for consideration include but are not limited to the following:
• Reduce impervious by street right-sizing
• Pervious pavement
• Underground chamber systems
• Ponds
• Infiltration trenches
• In line treatment manholes
• Tree planting to create shade
• Sidewalks with green boulevards
• Rain gardens
• Native plantings

Each BMP can have both positive and negative effects in terms of cost, time, feasibility, maintenance, and aesthetics. As a part of project development, data will be collected on existing conditions. Recommendations will be made on which BMP(s) could be utilized based on the context of the specific transportation project.

4. Support the urban forest
Trees have numerous environmental, stormwater, and community benefits. Trees are part of the urban forest, and the urban forest can be enhanced and expanded by proper management.

To accomplish this transportation projects will incorporate the following:
• Narrow existing streets to provide wider green boulevards for tree planting (street right-sizing).
• Install additional trees to increase the tree canopy in the city and create shade.
• Use context-sensitive design to preserve existing trees.
• If a tree is removed, tree replacement will follow the city’s ordinances.
• Annually plant trees around the city to offset future tree removals and build up a reserve of mature trees. This will grow our tree canopy at a greater rate and proactively compensate for unavoidable tree loss.
5. **Create a sense of place**

Streets, as well as utilities, within the public right-of-way, perform a necessary function in supporting the developed environment. Beyond their base functionality, they also provide opportunities for complementing and contributing to the identity of the neighborhood. Creating an atmosphere that is positive, pleasant, and safe, helps attract and retain residents in the community.

Our streets should provide a sense of well-being, belonging, and contribute to the quality of life. Projects can create this sense of place by bringing about an increase in activity in the right-of-way.

To create a sense of place, the following elements should be considered and included as appropriate in the design and implementation of projects:

- Sidewalks installed with green boulevards to create safer walking environments by providing distinct edges to sidewalks and separation from the street.
- Installation of boulevard trees to create a more pleasant walking environment.
- Narrowing streets to increase the green space in the right-of-way.
- Installation of medians/islands for landscaping.
- Elimination of signals, signs, or utility poles.
- Street lights to enhance safety.

6. **Ensure cost-effective and practical solutions**

It is important that transportation projects minimize construction, replacement, and maintenance costs. Being cost-effective and practical is important for acceptance by the general public and to keep projects within budget. The ways in which cost-effectiveness and practicality can be accomplished include but are not limited to the following:

- Use construction materials with recycled content.
- Select the appropriate street section based on roadway type and function. Narrower streets cost less to build and maintain. (i.e. context-sensitive design, street right-sizing).
- Locate stormwater BMPs where they will be effective.
- Select tree species appropriate to the site condition.
- Use native plants, when appropriate, to reduce long term maintenance costs.
- Use street lights that are low energy.
- Ensure street lights provide adequate, not excessive, lighting for the need and minimize spillover beyond the right-of-way.
Application

This policy will apply to:

- City transportation projects including those involving new construction, reconstruction, or changes in the allocation of pavement space on an existing roadway.
- All private projects and initiatives that are within the public right-of-way.
- Transportation projects or land use decisions under the jurisdiction of another agency.

Consideration will be given to the logical termini by mode, not just by project limits. For example, the logical termini for a bikeway or sidewalk may extend beyond the limits of the transportation project, in order to ensure network connectivity and continuity.

Implementation

All transportation projects within the city will follow this policy. This includes all types and phases of transportation projects, including programming, planning, design, and construction.

The process by which this policy is applied will be scaled appropriately for each individual project or initiative, including private developments that influence the public right-of-way.

The city will engage stakeholders in a cooperative manner throughout implementation of this policy. Stakeholders can include but are not limited to: residents, partner agencies, schools, businesses, neighborhood associations, and developers.

Project recommendations will be based upon project-specific objectives and context-sensitive design solutions (i.e. street type, opportunities, functionality, environmental or social factors, right-of-way impacts, and feedback from the community). This context-sensitive approach to process and design gives consideration to stakeholder and community values. The overall goal of this approach is to preserve and enhance the livability of the street while improving or maintaining safety, mobility, and infrastructure conditions.

Design

Project design sign shall follow accepted or adopted design standards and use the best or latest design standards, policies, principles and guidelines available. Guidelines and standards may include but not be limited to National Association of City Transportation Officials (NACTO), Federal Highway Administration (FHWA), American Association of State Highway (and transportation) AASHTO, Institute of Transportation Engineers (ITE), public right-of-way accessibility guidelines (PROWAG) and Municipal State Aid standards.

The city will continue to; explore flexible designs, monitor the latest design standards and evaluate innovative concepts for application on transportation projects.
Exceptions
This policy will be applied to all transportation projects, except under one or more of the conditions listed below. Exemptions shall be considered on a case by case basis and approved by the city council.

- A project involves only ordinary maintenance activities designed to keep assets in serviceable condition, such as sealcoating, pavement overlays, mowing, cleaning, sweeping, spot repair, concrete joint repair, pothole filling, or when interim measures are implemented on a temporary detour.
- Cost of accommodation is excessively disproportionate to the need or probable use.
- Project timing allows more efficient construction at a later date.
- It is determined that the construction is not practically feasible because of adverse impacts.

Benchmarks and performance measures
The ability to measure the performance of a policy, as well as knowing that it is functioning as it is intended, is important to overall success and the ability to sustain it. With this in mind, the city will monitor and measure performance relative to this policy. Benchmarks that will demonstrate success include:

- Sidewalk installed (miles)
- Sidewalk users (number)
- Bikeways installed (miles)
- Bikeway users (number)
- Trails installed (miles)
- Trail users (number)
- Reduction of street impervious (sq ft)
- Number of stormwater BMPs installed (number)
- BMP performance (phosphorus removal, infiltration etc)
- Trees installed (number, caliper inches)
- Livability index (score)
- Meeting pedestrian and bicycle demand
- Provide sidewalk connections from all naturally occurring affordable housing properties to community sidewalk corridors. (% of properties served)

The city will monitor and measure its performance relative to this policy using metrics outlined in Green Steps Cities. Additional performance measures may be identified as this policy is implemented.
Executive summary

Title: Approve Small Wireless Facility Collocation Agreement with Verizon

Recommended action: Motion to approve entering into a Small Wireless Facility Collocation Agreement with Verizon.

Policy consideration: Does the city council have questions about the requirements included in the Small Wireless Facility Collocation Agreement?

Summary: In February 2017, the city entered into a master license agreement with Verizon Wireless to allow small cell antennas on city owned light poles or signal poles within the right of way. Since that time, the State of Minnesota and the Federal Communications Commission have established specific rules that limit the city’s regulatory authority and cap fees associated with small cell.

The attached document is an updated agreement between the City of St. Louis Park and Verizon Wireless. This new agreement has been prepared and reviewed by the City Attorney and follows the new laws. This document replaces the agreement from 2017.

A Small Wireless Facility Collocation Agreement will be required for each service provider intending to install small cell antennas in the city right-of-way. The agreement spells out requirements for small cell installations that protect the city’s interest, ensure that they do not interfere with other utilities, and that they meet public safety standards.

Once an applicant has entered into an agreement with the city, the applicant will be required to submit individual permits to be reviewed and processed administratively for each small cell facility installation.

Financial or budget considerations: The cost associated with installation and operation of these facilities within the right-of-way would be the responsibility of the provider. The license and permit fees are established by ordinance and in state statute. Details regarding cost are spelled out in the Agreement.

Strategic priority consideration: Not applicable.

Supporting documents: Small Wireless Facility Collocation Agreement

Prepared by: Phillip Elkin, Senior Engineering Project Manager
Reviewed by: Debra Heiser, Engineering Director
Approved by: Tom Harmening, City Manager
STANDARD SMALL WIRELESS FACILITY COLLOCATION AGREEMENT

This Standard Small Wireless Facility Collocation Agreement (the "Agreement") made this day of , 2019, between the CITY OF ST. LOUIS PARK, MINNESOTA, with its principal offices located at 5005 Minnetonka Boulevard, St. Louis Park, Minnesota 55416, hereinafter designated as “CITY”, and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless with its principal offices located at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 (telephone number 866-862-4404), hereinafter designated as “USER”. CITY and USER are at times collectively referred to hereinafter as the "Parties" or individually as a "Party".

WITNESSETH:

WHEREAS, the Federal Communications Act of 1934, as amended, authorizes CITY to manage and control access to and use of Public Right-Of-Way within CITY limits; and

WHEREAS, CITY has elected to manage its Right-Of-Way as authorized by Minnesota Statutes, Sections 237.162-.163 and CITY’S municipal code of ordinances (the “Code”); and

WHEREAS, CITY is the owner of, or holds a leasehold or other possessory interest in, certain wireless support structures that are located within the public right-of-way (“ROW”) that are designed to support or determined by the City to be capable of supporting small wireless facilities; and

WHEREAS, USER desires to collocate small wireless facilities in and/or upon certain of CITY’S wireless support structures located within the ROW and/or install new City-owned wireless support structures in the ROW; and

WHEREAS, CITY and USER desire to enter into this Agreement to define the terms, covenants, and conditions which govern their relationship with respect to particular sites at which USER may collocate the small wireless facilities as hereinafter set forth; and

WHEREAS, CITY and USER acknowledge that they will enter into a supplement to this Agreement, a copy of which is attached hereto as Exhibit A ("Supplement"), with respect to each particular location or site which CITY agrees to permit collocation.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the adequacy and sufficiency of which is hereby acknowledged, the parties hereto, for themselves, their successors and assigns, do hereby covenant and agree as follows:

I. DEFINITIONS.

For purposes of this Agreement, the following terms, phrases, words, and their derivations shall have the meaning given below, unless more specifically defined within a
specific Article or Paragraph of this Agreement. When not inconsistent with the context, words used in the present tense include the future and past tense, and words in the singular number include the plural number. The words “shall” and “will” are mandatory and “may” is permissive. Words not defined shall be given their common and ordinary meaning.

a. "Collocate" or "collocation": to install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within, or adjacent to an existing wireless support structure that is owned privately or by a local government unit.

b. "Equipment": wireless facilities and small wireless facilities, as those terms are defined in this Agreement.

c. Intentionally omitted.

d. "Management Costs" the actual costs the CITY incurs in managing its Public Rights-Of-Way, and includes such costs, if incurred, as those associated with registering applicants; issuing, processing, and verifying Right-Of-Way or Small Wireless Facility Permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user equipment during Public Right-Of-Way work; determining the adequacy of Right-Of-Way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking Right-Of-Way or Small Wireless Facility Permits. Management Costs do not include: (1) payment by a telecommunications right-of-way user for the use of the Public Right-Of-Way; (2) unreasonable fees of a third-party contractor used by a local government unit as part of managing its Public Rights-Of-Way, including but not limited to any third-party contractor fee tied to or based upon customer counts, access lines, revenue generated by the telecommunications right-of-way user, or revenue generated for a local government unit; or (3) the fees and cost of litigation relating to the interpretation of Minnesota Statutes Sections 237.162-.163 or any ordinance enacted under those Sections, or the CITY’S fees and costs related to appeals taken pursuant to Minnesota Statutes Section 237.163, Subdivision 5.

e. "Micro wireless facility": a small wireless facility that is no larger than 24 inches long, 15 inches wide, and 12 inches high, and whose exterior antenna, if any, is no longer than 11 inches.

f. “Public Right-Of-Way” or “Right-Of-Way” or “ROW”: the area on, below, or above a public roadway, highway, street, cartway, bicycle lane, and public sidewalk in which the local government unit has an interest, including other dedicated Rights-Of-Way for travel purposes and utility easements of local government units.

g. "Small wireless facility":

(1) a wireless facility that meets both of the following qualifications:

(i) each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the
antenna and all its exposed elements could fit within an enclosure of no more than six cubic feet; and

(ii) all other wireless equipment associated with the small wireless facility, excluding electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment, is in aggregate no more than 28 cubic feet in volume; or

(2) a micro wireless facility.

h. "Utility pole": a pole that is in whole or in part to facilitate telecommunications or electric service.

i. "Wireless facility":

(1) equipment at a fixed location that enables the provision of wireless services between user equipment and a wireless service network, including:

(i) equipment associated with wireless service;

(ii) a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration; and

(iii) a small wireless facility.

(2) "Wireless facility" does not include:

(i) wireless support structures;

(ii) wireline backhaul facilities; or

(iii) coaxial or fiber-optic cables (i) between utility poles or wireless support structures, or (ii) that are not otherwise immediately adjacent to or directly associated with a specific antenna.

j. "Wireless service": means any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by means of a mobile device, that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including a cable service under United States Code, title 47, section 522, clause (6).
k. "Wireless support structure": a new or existing structure in a public right-of-way designed to support or capable of supporting small wireless facilities, as reasonably determined by a local government unit.

l. "Wireline backhaul facility": a facility used to transport communications data by wire from a wireless facility to a communications network.

II. USER REQUEST TO USE PREMISES.

a. Before USER shall collocate any Equipment on CITY’S wireless support structures or install a new wireless support structure, as shall be more fully described in each Supplement to be executed by the Parties, hereinafter referred to as the "Premises" under this Agreement, USER shall request permission from CITY in writing, which writing shall include a proposed Supplement, and shall comply with the procedures set forth in this section.

b. USER may submit a consolidated request to CITY for permission to collocate up to fifteen (15) small wireless facilities, provided that the small wireless facilities in the consolidated request: (1) are located within a two-mile radius; (2) consist of substantially similar Equipment; and (3) are to be placed on similar types of wireless support structures. Such consolidated request shall include a separate proposed Supplement for each small wireless facility.

c. Approval of this Agreement by CITY shall be in the form of an approved City Council Resolution. Following said approval of this Agreement, each individual Supplement may be approved by the City Manager or his/her designee.

d. USER shall have the non-exclusive right, at its sole cost and expense, to use the Premises, as identified in each individual Supplement, for the purpose of collocating Equipment on CITY’S wireless support structure(s) or installing new wireless support structure(s) and uses incidental thereto, in a manner consistent with each Supplement ("Approved Use").

e. Regarding USER’S application for each individual Supplement: If, in the judgment of CITY, USER’S use under the circumstances is contrary to generally applicable and reasonable health, safety, and welfare regulations consistent with the CITY’S public right-of-way management, CITY shall have the right to reject the application. In any event, within sixty (60) days after receipt of an executed Application and a Supplement for collocation of a small wireless facility on a preexisting wireless support structure and within ninety (90) days after the receipt of an executed Application and Supplement for attachment of a small wireless facility on a new wireless support structure, CITY shall notify USER in writing whether the application is approved or rejected and, if rejected, shall document the basis for the rejection. If CITY does not notify USER within ninety (90) days, the application and supplement shall be deemed approved, unless the ninety (90) day period has been tolled as provided by state law. To toll the time periods set forth above, CITY must provide USER with a written notice of incompleteness within 30 days of receipt of the Application and Supplement as provided in Minn. Stat. § 237.163, subd. 3c(b). USER shall use the Premises only in accordance with good engineering
practices and in compliance with all applicable Federal Communications Commission ("FCC"), federal, state, and local rules, laws and regulations.

f. Along with each application for an individual Supplement, USER shall furnish CITY detailed Construction Plans and drawings for each individual Premises, together with necessary maps, indicating specifically the wireless support structures of CITY to be used, the number and character of the small wireless facilities to be placed on such structures, Equipment necessary for USER'S use, replacements of existing wireless support structures, any additional CITY-owned wireless support structures which USER is proposing to install, and any new installations for transmission conduit, pull boxes, and appurtenances (the "Work"). The Parties shall execute a Supplement for each Premises. Upon execution of the Supplement, USER shall have the right to use the Premises and proceed with the Work in accordance with the terms of the Supplement and this Agreement. USER shall perform all Work at its own expense and in such manner as to not interfere with CITY's use of the Property or the Premises.

g. All wireless support structures used by USER under this Agreement, including wireless support structures installed by USER, shall be and remain the property of CITY, and any payments made by USER for changes to existing wireless support structures, conduits, conductor pull boxes, facilities, and appurtenances, or installation of any new wireless support structures, conduits, conductor pull boxes, facilities, or appurtenances, under this Agreement shall not entitle USER to ownership of any of said infrastructure (unless otherwise specified in the individual Supplement). Any new or replacement wireless support structure installed by USER pursuant to this Agreement shall be deemed to be a fixture on the Property and the structure shall be and remain the property of the CITY, without further consideration to or from USER.

h. CITY reserves the right to exclude any of CITY'S wireless support structures, conduits, conductor pull boxes, appurtenances, public ROW and/or real property from use by USER if CITY determines that USER'S proposed use is contrary to generally applicable and reasonable health, safety, and welfare regulations.

III. PREMISES.

Pursuant to all of the terms and conditions of this Agreement, and the applicable Supplement, CITY may approve USER'S application for a particular Premises described in the Supplement, for the installation, operation and maintenance of Equipment; together with the non-exclusive right of ingress and egress from a public ROW, seven (7) days a week, twenty-four (24) hours a day to and from the Premises.

The primary use and purpose of the Premises, is to provide for traffic control, street lighting and other governmental purposes ("Primary Use"). CITY'S operations take priority over USER'S operations.

USER agrees that the following priorities of use, in descending order, shall apply in the event of communication interference, emergency public safety needs, Premises repair or
reconditioning, or other conflict while this Agreement is in effect, and USER'S use shall be subordinate accordingly:

(1) CITY, its employees, agents and contractors;

(2) Public safety agencies, including law enforcement, fire, and ambulance services, that are not related to CITY;

(3) Other governmental agencies where use is not related to public safety;

(4) Pre-existing licensees or permittees of CITY (if any);

(5) USER referenced in this Agreement.

When an event occurs that poses an immediate threat of substantial harm or damage to the health, safety, and welfare of the public and/or the Premises, as solely determined by CITY ("Public Threat"), the CITY may take actions the CITY determines are required to address such Public Threat provided that promptly after such actions that affect the Premises, and in no event later than seventy-two (72) hours after such actions, CITY gives written notice to USER of CITY'S emergency actions.

If CITY determines that the conditions of a Public Threat would be benefited by cessation of USER'S operations, USER shall immediately cease its operations on the Premises upon notice from CITY to do so, and the Term (as defined herein) of the applicable Supplement shall terminate.

In the event there are not sufficient electric, telephone, cable, or fiber utility sources located at the Premises, USER may request approval from the CITY, by submitting to CITY a written plan for installation, to install such utilities on, over, and/or under the ROW and to the Premises as necessary for USER to operate its Approved Use ("Utility Plan"). All electric, telephone, cable, fiber, or other utility necessary for operation of USER’s Equipment, hereinafter referred to jointly as "Utilities" shall be installed underground by use of directional boring or within the applicable wireless support structure. CITY shall, in its sole discretion, notify USER that it approves, denies or modifies the plan within thirty (30) business days of receipt of the Utility Plan, and in the case of any denial or modification of the Utility Plan, CITY shall state the reasons therefor.

USER must, at the time of Application and at any future time as requested by CITY, obtain and submit to CITY a structural engineering study carried out by a qualified structural engineer, showing that the wireless support structure(s) is (are) able to support the Equipment. Said study must be signed by an engineer licensed in Minnesota per Minnesota Rule 1800.4200 and Minnesota Statutes Chapter 326. If the study finds that any proposed structure is inadequate to support the proposed loads, USER shall not install the Equipment and the Application shall be denied.
IV. INSTALLATION OF EQUIPMENT.

a. Construction Plans

For the initial installation of all Equipment and for any and all subsequent revisions and/or modifications thereof, or additions thereto except as set forth in subpart (i), at the time of application for each individual Supplement, USER shall provide CITY with two (2) sets of construction plans ("Construction Plans") consisting of the following:

Complete plan set in both PDF and AutoCAD formats. For a plan set to be considered complete it shall include: (1) an area map showing pole and location of power source; (2) dated photographs of existing site conditions of pole, pole base, existing electrical components and simulation of proposed microcell antenna; (3) location of existing utility lines, proposed utility lines and utility trench detail; (4) identification of existing and proposed fiber optic and electrical service sources and routes; (5) Construction Specifications and Product Specifications for all planned installations; (6) Diagrams and Shop Drawings of proposed Antenna Facilities, including mounting details, proposed cabinets, minimum separation distances from all Equipment; (7) wiring diagram; (8) details of any removals associated with antenna work; (9) a complete and detailed inventory of all Equipment and personal property of USER actually placed on the Premises; (10) design plan and route for hauling; (11) Traffic Control plan

One hard copy of complete plan set (paper)

CITY retains the right to survey the installed Equipment.

All Plans shall be easily readable, scalable, and show the location and materials of all planned installations, including field verified existing utilities, and subject to prior written approval by CITY, prior to installation of the applicable USER’S Equipment, which approval shall not be withheld, conditioned or delayed without cause. In accordance with Section II.e, above, CITY shall have sixty (60) days for collocation of a small wireless facility on a preexisting wireless support structure and ninety (90) days for attachment of a small wireless facility on a new wireless support structure to review and comment on the Plans, unless the applicable sixty (60) or ninety (90) day period is tolled as provided by state law. If, within such time periods, CITY directs that the Plans need to be revised to comply with Laws including generally applicable and reasonable health, safety and welfare regulations, no construction of the applicable USER’S Equipment shall commence until final approval has been granted by CITY. Final Plans shall have affixed to them the signature of USER'S engineer who shall be licensed in the State of Minnesota pursuant to Minnesota Rule 1800.4200 and Minnesota Statutes Chapter 326.

b. Construction Scheduling

At least ten (10) business days prior to USER'S construction mobilization for installation of USER’S Equipment for the applicable Property, USER shall conduct a meeting with CITY and all the applicable contractors on the Property or other location as agreed upon and at a
minimum the meeting shall be attended by a representative of CITY and USER’S contractors and all of the parties involved in the installation of USER’S Equipment.

c. Construction Inspection

All construction activity shall be subject to inspection and approval by CITY and/or CITY’S engineers. Inspection may be performed at any time during the course of the construction activity reasonably determined by CITY, at USER’S expense. Construction work performed without approval of CITY will not be accepted and shall be removed or uninstalled at USER’S sole expense. USER shall be solely responsible for all costs associated with said inspection and approval of the installation of USER’S Equipment by CITY and/or its engineers.

d. Exposed Equipment

All of USER’S Equipment that is to be affixed to a wireless support structure on the Premises which has exterior exposure shall be as close to the color of the wireless support structure as is commercially available to the USER. Cables, wires or appurtenances shall be placed inside of the wireless support structure whenever possible and CITY reserves the right to require USER to provide cables, wires or appurtenances that must be exposed to be made of materials that match the color of the wireless support structure.

e. Damage by USER

Any damage to the Premises, or ROW or CITY’S wireless support structures or equipment thereon caused by USER in any manner shall be repaired or replaced at USER’s sole cost and expense and to CITY’S satisfaction within thirty (30) days of written notice by CITY to USER setting forth the required repairs.

f. As-Built Drawings

Within thirty (30) days after USER activates the USER’S Equipment, USER shall provide CITY with an “As-Built” drawing in electronic file format compatible with CITY’S record file system consisting of As-Built drawings of the Equipment installed at the applicable Premises, which shall show the actual location of all USER’S Equipment. Said drawings shall be accompanied by a complete and detailed site survey of the Property and an inventory of all USER’S Equipment.

g. Permits for Installation

USER is required to obtain from CITY, or any other applicable governing agency, any and all permits required for a complete installation of USER’S Equipment or any utilities necessary for the operation of USER’S Equipment, at USER’S sole cost and expense. Said permits shall include, but not be limited to: Right of Way permit for obstruction or excavation of the ROW, Small Wireless Facility Permit, Meter Hooding, Storm Water, etc. Subject to Laws, applicable fees for any permits shall be borne by USER and USER shall be bound by the requirements of said permits.
h. New Wireless Support Structures

If CITY permits USER to install a new wireless support structure in the ROW, such wireless support structure shall not exceed fifty (50) feet above ground level, subject to local zoning regulations, and shall be separated from other wireless support structures by a minimum of 150 feet. If CITY permits USER to install a new wireless support structure that replaces an existing wireless support structure that is higher than fifty (50) feet above ground level, the replacement structure may be placed at the height of the existing structure.

i. Alteration or Modifications

USER may not add, change, modify or alter any of USER’S Equipment from that set forth and/or shown on the applicable Plan or as then currently constructed, without the prior written approval of the CITY, which approval shall not be unreasonably withheld, conditioned or delayed. Notwithstanding anything herein to the contrary, USER may, without submitting revised Construction Plans or obtaining the approval of the CITY, perform routine maintenance, or replace any part of USER’S small wireless facility on the Property with a facility that is substantially similar or smaller in size, weight, height, and wind or structural loading than the small wireless facility being replaced. If such routine maintenance or replacement activities will obstruct the ROW, USER shall provide notification to the CITY at least two (2) days in advance of such activities.

V. MAINTENANCE AND REPAIR OF EQUIPMENT.

a. Premises

CITY reserves the right to take any and all action CITY deems necessary, in its sole discretion, to repair, maintain, alter, or improve the Premises.

b. Structure Reconditioning and Repair

(1) From time to time, CITY paints, reconditions, or otherwise improves or repairs its wireless support structures or improvements thereon ("Reconditioning Work"). USER shall reasonably cooperate with CITY to allow CITY to carry out Reconditioning Work in a manner that minimizes interference with CITY’S Reconditioning Work.

(2) Except in cases of emergency, prior to commencing Reconditioning Work, CITY shall provide USER with not less than thirty (30) days prior written notice of the Reconditioning Work CITY intends to perform. Upon receiving such notice, it shall be the sole responsibility of USER to take adequate measures to cover or otherwise protect the applicable USER’S Equipment from the consequences of such activities, including but not limited to paint splatter and/or debris fallout. CITY reserves the right to require USER to remove all USER’S Equipment during CITY’S Reconditioning Work, provided such requirement is communicated to USER in the CITY’S notice of the proposed Reconditioning Work.
(3) During CITY’S Reconditioning Work, and with written approval of CITY in CITY’S sole discretion, USER may maintain a mobile site on the Premises or on any land owned or controlled by CITY in the immediate area of the Premises determined suitable by CITY. If the Premises will not accommodate mobile equipment, it shall be USER’S responsibility to locate auxiliary sites for USER’S Equipment during the Reconditioning Work.

(4) USER may request a modification of CITY’S procedures for carrying out Reconditioning Work in order to reduce the interference with USER’S Approved Use. If CITY agrees to the modification, USER shall be responsible for all incremental cost related to the modification of CITY’S procedures for Reconditioning Work.

c. Premises

USER shall, at its own cost and expense, maintain the USER’S Equipment in good and safe condition, and in compliance with applicable fire, health, building, and other life safety codes. USER shall obtain from CITY any and all permits required for the purposes of maintaining the USER’S Equipment, other than for routine maintenance or replacement work pursuant to Minn. Stat. § 237.163, subd. 3a(d), and pay all applicable fees for any permits required by the CITY.

d. Notice of completion of Maintenance and Repair

CITY shall provide notice to USER when the Reconditioning Work has been completed, after which USER may, at its own cost, remove any measures installed to cover or protect the Equipment. Within ten (10) days of said notice, USER shall remove any mobile site placed on the Premises or any other land owned by CITY or any auxiliary site within the CITY.

VI. CONDITION OF PREMISES.

CITY will keep and maintain its wireless support structures in good repair and condition as CITY deems necessary for their primary use and in the ordinary course of business of CITY. CITY makes no warranty or guarantee as to the condition of any wireless support structure with regard to USER’S intended use.

VII. TERM; RENTAL.

a. Term.

(i) This Agreement shall remain in effect for ten (10) years from the Agreement Effective Date (the “Initial Term”). This Agreement shall be renewed for three (3) additional terms of five (5) years each (each a “Renewal Term”) unless USER provides CITY notification of its intent not to renew this Agreement not less than one hundred eighty (180) days prior to the scheduled termination of the Initial Term or the current Renewal Term, as the case may be. The Initial Term and Renewal Terms are herein referred to as the “Agreement Term.” Notwithstanding anything
herein, after the expiration of this Agreement, its terms and conditions shall survive and govern with respect to any remaining Supplements in effect until their expiration and termination.

(ii) Each Supplement shall be effective as of the date of execution of the applicable Supplement by both Parties (the “Effective Date”), provided however, the term of each Supplement shall commence on the first day of the month after USER commences installation of the equipment on the Premises (the “Commencement Date”). The parties shall acknowledge in writing the Commencement Date. Consistent with Minnesota Statutes Sections 237.162-.163, the term of each Supplement shall be equal to the length of time that the small wireless facility is in use (the “Term”), unless the Supplement is terminated pursuant to this Agreement.

b. Rent. To reimburse CITY for its costs related to the management of the Premises, USER shall pay to CITY a Base Rent (“Base Rent”) equal to One Hundred Seventy-Five and No/10 Dollars ($175.00) per year for rent and maintenance of each Premises (i.e., wireless support structure) upon which USER has installed the Equipment. Rent shall be increased as provided by Law. As provided by Minnesota Statutes Sections 237.162-.163, an annual fee for electricity used to operate the Equipment, if not purchased directly from a utility, shall be paid with the Base Rent due under each Supplement at the rate of (i) $876 per node less than or equal to 100 max watts, (ii) $2,184 per node over 100 max watts, (iii) the actual costs of electricity, if the actual costs exceed the amount in item (i) or (ii), or (iv) as agreed upon by CITY and USER. If USER obtains electrical service from the local utility, then USER shall furnish and install an electrical meter at the Premises, if required by the utility, for the measurement of electrical power used by USER’S installation and shall pay the electric service provider directly for the cost of electricity used by USER. The amount of any such annual fee for electricity shall be set forth in each Supplement and shall be paid with the Base Rent.

On all Supplements with a Commencement Date other than January 1, the first year’s Base Rent and payment for electrical service, if applicable, shall be prorated to the end of the year in which the Commencement Date occurs. Similarly, for all Supplements that expire or otherwise terminate on a date other than December 31, the Base Rent and payment for electrical service, if applicable, shall be prorated from the beginning of the year to the end of the month in which the Supplement expires or otherwise terminates. CITY and USER acknowledge and agree that the initial rental and electrical service payment for each Supplement may not actually be sent by USER until 90 days after USER receives the written acknowledgment of the Commencement Date. Subsequent to the initial payment of pro-rated rents in the year of the Commencement Date, the Base Rent and electrical service payment due hereunder for all subsequent years shall be paid prior to January first (1st) of each succeeding year.

Upon agreement of the Parties, USER may pay Base Rent by electronic funds transfer and in such event, CITY agrees to provide to USER the CITY’S bank routing information for such purpose upon request of USER.

USER shall pay CITY upon USER’S execution of any Supplement and Small Wireless Facility Permit Application a one-time competitively neutral and nondiscriminatory permit fee
equal to the FCC’s current presumptively reasonable fees subject to any change to those fees by the FCC or court. The permit fee shall be established in the City’s Fee Schedule.

VIII. USE; GOVERNMENTAL APPROVALS.

USER shall use the Premises only for the Approved Use. It is understood and agreed that USER’S permission to use the Premises is contingent upon its obtaining and maintaining all of the certificates, permits and other approvals (collectively the "Governmental Approvals") that may be required by any Federal, State or other governmental authorities as well as a satisfactory structural analysis, and a radio frequency analysis as stated in "ENVIRONMENTAL" below. CITY shall cooperate with USER in its effort to obtain such approvals. In the event that (i) any application for such Governmental Approvals should be finally rejected; (ii) any Governmental Approval issued to USER is canceled, expires, lapses, or is otherwise withdrawn or terminated; or (iii) USER determines that such Governmental Approvals may not be obtained in a timely manner, USER shall have the right to terminate the applicable Supplement. Notice of USER's exercise of its right to terminate shall be given to CITY in accordance with the notice provisions set forth herein and shall be effective upon the later of: (a) the receipt of such notice as set forth in the NOTICE section of this Agreement; (b) upon such later date as designated by USER; or (c) upon USER's removal of USER'S Equipment as required under the terms and conditions of this Agreement. All Base Rent paid and costs paid to said termination date shall be retained by CITY. Upon such termination, the applicable Supplement shall be of no further force or effect except to the extent of the representations, warranties and indemnities made by each Party to the other thereunder. Otherwise, the USER shall have no further obligations for the payment of rent to CITY for the terminated Supplement.

IX. INDEMNIFICATION.

USER shall, to the extent permitted by law, indemnify, defend, and hold CITY harmless against any claim of liability or loss from personal injury or property damage resulting from or arising out of the use of the ROW and/or the Premises by USER, its employees, contractors or agents, except to the extent such claims or damages may be due to or caused by the negligence or willful misconduct of CITY, or its employees, contractors, or agents.

X. INSURANCE.

a. The Parties hereby waive and release any and all rights of action for negligence against the other, its officers, directors, employees, and agents which may hereafter arise on account of damage to the Premises resulting from any fire, or other casualty of the kind covered by standard fire insurance policies with extended coverage, regardless of whether or not, or in what amounts, such insurance is now or hereafter carried by the Parties, or either of them. These waivers and release shall apply between the Parties and they shall also apply to any claims under or through either Party as a result of any asserted right of subrogation. All such policies of insurance obtained by either Party concerning the Premises shall waive the insurer’s right of subrogation against the other Party.
b. USER agrees that at its own cost and expense, it will maintain commercial general liability insurance with limits of $4,000,000 per occurrence for bodily injury (including death) and property damage and $4,000,000 general aggregate including premises operations, products-completed operations, personal injury, advertising injury, and contractual liability.

c. USER shall maintain worker's compensation insurance in compliance with the statutory requirements of the State of Minnesota and Employer's Liability with a limit of $1,000,000 each accident/disease/policy limit and shall provide for waiver or subrogation by the insurance company.

d. USER shall maintain Commercial Automobile Liability Insurance with a limit of $1,000,000 combined single limit each accident, which shall include coverage for all owned, hired and non-owned vehicles.

e. Additional Insurance Conditions.

   (i) USER shall deliver to CITY a certificate of insurance as evidence that the above coverages are in full force and effect including CITY as an additional insured as its interest may appear under this Agreement. The insurance policies shall be issued by a company (rated A minus: VII or better by Best Insurance Guide) licensed, authorized, or permitted to do business in the State of Minnesota.

   (ii) USER’S required policies shall be primary insurance and non-contributory to any other valid and collectible insurance available to CITY with respect to any claim arising under this Agreement.

   (iii) Upon receipt of notice from its insurer(s) USER shall provide the CITY with at least thirty (30) day’s advanced written notice of cancellation of any required coverage.

XI. LIMITATION OF LIABILITY.

Except for indemnification and contribution obligations pursuant to Paragraph IX, neither party shall be liable to the other party, or any of its respective agents, representatives, or employees for any lost revenue, lost profits, loss of technology, rights or services, incidental, punitive, indirect, special or consequential damages, loss of data, or interruption or loss of use of service, even if advised of the possibility of such damages, whether under theory of contract, tort (including negligence), strict liability or otherwise. USER shall not be liable for or responsible for addressing environmental or industrial hygiene conditions that result from hazardous substances that existed in the vicinity of CITY’s poles before the execution of this Agreement, or that otherwise do not result from the activities of USER.

XII. ANNUAL TERMINATION.

Notwithstanding anything to the contrary contained herein, provided USER is not in default hereunder beyond applicable notice and cure periods, USER shall have the right to
terminate each Supplement upon the annual anniversary of the Commencement Date provided that three (3) months prior notice is given to CITY. Upon such termination, the applicable Supplement shall be of no further force or effect except the representations, warranties and indemnities made by each Party to the other thereunder shall survive and be enforceable after termination.

XIII. INTERFERENCE.

USER shall implement all measures at the transmission site required by FCC regulations, including but not limited to posting signs and markings. CITY shall cooperate with and permit USER to implement all reasonable measures in order for USER to fulfill FCC obligations. CITY agrees that in the event any future party causes an applicable Premises to exceed FCC Radio Frequency radiation limits, as measured on the Premises, CITY shall hold such future party liable for all such later-arising non-compliance.

USER agrees to install USER’S Equipment in compliance with all FCC rules and regulations, and good engineering practices and according to the Plans, Application, applicable Supplement and this Agreement. USER further agrees that the USER’S use of the USER’S Equipment will not cause radio frequency interference to CITY’S Communication Systems, provided such systems are lawfully installed and operated.

In the event of interference with CITY’S Communications System, USER shall, within twenty-four (24) hours after USER’S receipt of notice of such interference from CITY, as provided in this Section eliminate the interference or cease using USER’S interfering equipment, except for short tests necessary for the elimination of the interference, until the interference is cured to the reasonable satisfaction of the CITY. If USER, in the event of interference with CITY’S Communication Systems, fails to correct the interference within twenty-four (24) hours or cease using the interfering equipment within said time, except for testing purposes, or demonstrate that USER’S Equipment is not the cause of the interference, USER shall cease operation of its Equipment. It is further agreed that CITY does not guarantee to USER non-interference to the operation of USER’S Equipment by CITY’S Communication Systems or other current users of the Premises or ROW (if any). CITY will use its best efforts to notify other users of the Premises or ROW of the interference, and to coordinate elimination of interference among the USER and other users of the Premises or ROW.

The Parties agree that such reasonable evidence of interference that is likely caused by USER’S use or operation of the USER’S Equipment warrants an emergency response and the Notice provision of this Agreement shall not apply. Rather, CITY shall provide USER reasonable evidence that the interference is likely caused by the USER’S use or operation of USER’S Equipment verbally by telephone to USER’S Network Operations CENTER at (800) 264-6620.

Upon CITY providing USER notice of reasonable evidence that any interference is likely caused by USER’S use or operation of USER’S Equipment USER shall send a qualified technician or representative to the Premises within twenty-four (24) hours from the time that the notice of reasonable evidence is provided by CITY. The required twenty-four (24) hour
emergency response time under these circumstances is applicable 24 hours a day, 7 days a week. The qualified technician or representative shall be capable of assessing the situation and eliciting the necessary response, including any repairs, alterations, or modifications to USER’S Equipment.

XIV. REMOVAL AT END OF TERM.

USER shall, within ninety (90) days after termination of a Supplement, remove USER’S Equipment, conduits, fixtures and all personal property and restore the Premises to its original condition, reasonable wear and tear excepted. CITY agrees and acknowledges that all of USER’S Equipment, conduits, fixtures, and personal property of USER shall remain the personal property of USER and USER shall have the right to remove the same at any time during the Term. All wireless support structures, conduit, and pole boxes are and shall remain property of CITY.

The parties acknowledge and agree that USER has previously delivered to CITY an irrevocable letter of credit ("Letter of Credit") in favor of CITY in the principal amount of Five Thousand and No/100 Dollars ($5,000.00) to secure USER'S obligation herein to remove USER’S Equipment according to the terms and conditions of this Agreement. In the event USER fails to remove USER’S Equipment and restore the Property, reasonable wear and tear and casualty damage excepted, CITY may do so and USER shall reimburse CITY for all costs incurred by CITY in removing the Equipment and restoring the Property. CITY may draw upon the Letter of Credit in an amount that will reimburse CITY for its actual costs to remove any of USER’S Equipment and any amount remaining of the Letter of Credit after the removal of USER’S Equipment by CITY will be refunded to USER. If the Letter of Credit is insufficient to cover CITY's costs of removing any of USER’S Equipment, USER shall pay to CITY the deficiency within thirty (30) days of written notice of the amount of the deficiency.

XV. NO REPRESENTATION OR WARRANTY - CONDITIONAL GRANT

CITY makes no representation or warranty regarding the condition of its title to the Premises or its right to grant to USER use or occupation thereof under this Agreement. The approval granted herein is "as is" and “where is.” USER is entering into this Agreement and USER's use of the Premises is subject to USER's own investigation and acceptance. USER's rights granted pursuant to this Agreement are subject and subordinate to all limitations, restrictions, and encumbrances relating to CITY’s interest in the Premises that may affect or limit CITY's right to grant those rights to USER.
XVI. ASSIGNMENT

This Agreement and each Supplement under it may be sold, assigned or transferred by USER without any approval or consent of CITY to the USER's principal, affiliates, subsidiaries of its principal or to any entity which acquires all or substantially all of USER's assets in the market defined by the FCC in which the Premises is located by reason of a merger, acquisition, or other business reorganization. As to all other parties, this Agreement and each Supplement may not be sold, assigned, or transferred without the express written consent of CITY. USER shall provide written notice of all sales, assignments, or transfers within 60 days thereof. No change of stock ownership, partnership interest, or control of USER shall constitute an assignment hereunder. In the event of any sale, assignment, or transfer, USER shall not be relieved of any of its obligations under this Agreement or any of the Supplements whose term has not expired or otherwise terminated at the time of such sale, assignment, or transfer.

XVII. NOTICES

All notices hereunder must be in writing and shall be deemed validly given if sent by certified mail, return receipt requested or by commercial courier, provided the courier's regular business is delivery service and provided further that it guarantees delivery to the addressee by the end of the next business day following the courier's receipt from the sender, addressed as follows (or any other address that the Party to be notified may have designated to the sender by like notice):

CITY: City of St. Louis Park
Attn: Engineering Director
5005 Minnetonka Blvd.
St. Louis Park, MN 55416

USER: Verizon Wireless (VAW) LLC d/b/a Verizon Wireless
Attn: Network Real Estate
180 Washington Valley Road
Bedminster, New Jersey 07921

Notice shall be effective upon actual receipt or refusal as shown on the receipt obtained pursuant to the foregoing.

XVIII. DEFAULT

In the event there is a material breach by a Party with respect to any of the provisions of this Agreement or a Supplement or its obligations hereunder, the non-breaching Party shall give the breaching Party written notice of such breach. After receipt of such written notice, the breaching Party shall have thirty (30) days in which to cure any breach, provided the breaching Party shall have such extended period as may be required beyond the thirty (30) days if the breaching Party commences the cure within the thirty (30) day period and thereafter
continuously and diligently pursues the cure to completion. A Party's failure to cure a breach within the time period set forth herein shall constitute a "Default".

**XIX. REMEDIES**

In the event of a Default by either Party, without limiting the non-defaulting Party in the exercise of any right or remedy which the non-defaulting Party may have by reason of such Default, the non-defaulting Party may terminate this Agreement and/or the applicable Supplement and/or may pursue any remedy now or hereafter available to the non-defaulting Party under Laws. Further, upon a Default, CITY may at its option (but without obligation to do so), perform USER'S duty or obligation on USER'S behalf, including but not limited to the obtaining of reasonably required insurance policies. The costs and expenses of any such performance by CITY shall be due and payable by USER upon invoice therefor.

**XX. ENVIRONMENTAL**

a. Upon Request of CITY, USER must obtain at USER'S cost a radio frequency interference study carried out by an independent professional radio frequency engineer ("RF Engineer") showing that USER'S use will not interfere with any existing, licensed communications facilities, or CITY'S licensed and unlicensed communications facilities. The RF Engineer shall provide said evaluation to CITY and USER no later than thirty (30) days after frequencies are provided by CITY. USER shall not transmit or receive radio waves at the Premises until such evaluation has been satisfactorily completed.

b. Upon request of CITY, USER shall hire an RF Engineer to conduct a radiation survey following USER's initial RF transmissions on the Premises. USER shall be responsible for all costs of such survey. USER shall provide a copy of the survey to CITY upon its completion.

c. USER shall implement all measures at the transmission site required by FCC regulations, including but not limited to posting signs and markings. CITY shall cooperate with and permit USER to implement all reasonable measures in order for USER to fulfill its FCC obligations. CITY agrees that in the event any future party causes the entire site to exceed FCC Radio Frequency radiation limits, as measured on the Premises, CITY shall hold such future party liable for all such later-arising non-compliance.

**XXI. CASUALTY**

In the event of damage by fire or other casualty to the wireless support structure or Premises that cannot reasonably be expected to be repaired within forty-five (45) days following same or which CITY elects not to repair, or if the wireless support structure or Premises is damaged by fire or other casualty so that such damage may reasonably be expected to disrupt USER's operations at the Premises for more than forty-five (45) days, then USER may, at any time following such fire or other casualty, provided CITY has not completed the restoration required to permit USER to resume its operation at the Premises, terminate the Supplement upon fifteen (15) days prior written notice to CITY. Any such notice of termination shall cause the
Supplement to expire with the same force and effect as though the date set forth in such notice were the date originally set as the expiration date of the Supplement. The Base Rent shall abate during the period of repair following such fire or other casualty in proportion to the degree to which USER's use of the Premises is impaired.

XXII. APPLICABLE LAWS

“Laws” means any and all laws, regulations, ordinances, resolutions, judicial decisions, rules, permits and approvals applicable to the subject of this Agreement or USER’S use that are in force during the Agreement Term, as lawfully amended including, without limitation, the CITY’S Code. USER and CITY shall comply with all applicable Laws. This Agreement does not limit any rights USER may have in accordance with Laws to install its own poles in the right-of-way or to attach USER’S equipment to third-party poles located in the right-of-way. This Agreement shall in no way limit or waive either Party’s present or future rights under Laws. If, after the date of this Agreement, the rights or obligations of either Party are materially altered, preempted, or superseded by changes in Laws, the Parties agree to amend the Agreement and/or Supplement to reflect the change in Laws.

XXIII. CONDEMNATION.

If the whole or any part of the Property shall be taken by any public authority under the power of eminent domain, or is sold to any entity having the power of eminent domain under threat of condemnation, then the term of this Agreement or the applicable Supplements shall cease as of the date of the granting of the petition or closing. All rentals and costs paid to said termination date shall be retained by CITY. Any award, compensation, or damages, shall be paid to and be the sole property of CITY, but nothing herein shall preclude USER from claiming against the condemning authority with respect to moving expenses and loss of personal property, and receiving an award therefor.

XXIV. DATA PRACTICES.

The Parties acknowledge and agree that this Agreement is considered public data not on individuals and is accessible to the public under Minnesota Statutes, Section 13.03. USER and CITY agree to abide by the applicable provisions of the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13 and all other applicable state or federal rules, regulations or orders pertaining to privacy or confidentiality.

XXV. MISCELLANEOUS

a. Approval of Supplement. Each Supplement to this Agreement shall be executed by the City Manager after the USER has complied with all of the terms, covenants and conditions of this Agreement and the applicable Application has been approved.

b. Authority. Each of the Parties hereto warrants to the other that the person or persons executing this Agreement on behalf of that Party has the full right, power and authority
to enter into and execute this Agreement on that Party’s behalf and that no consent from any other person or entity is necessary as a condition precedent to the legal effect of this Agreement.

c. Complete Agreement; Amendments. This Agreement supersedes all prior discussions and negotiations and contains all agreements and understandings between the CITY and the USER. This Agreement may only be amended in writing signed by all Parties. All Exhibits are incorporated into this Agreement by reference.

d. Captions. Captions contained in this Agreement are for reference only, and therefore, have no effect in construing this Agreement.

e. Ambiguities. If any term of this Agreement is ambiguous, it shall not be construed for or against any Party on the basis that the Party did or did not write it.

f. Amendments. Any modification or amendment to this Agreement shall require a written agreement signed by both Parties.

g. Third Party Rights. This Agreement is not a third party beneficiary contract and shall not in any respect whatsoever create any rights on behalf of any person or entity not expressly a party to this Agreement.

h. Nondiscrimination. In the hiring of employees or contractors to perform work under this Agreement, USER shall not discriminate against any person by reason of any characteristic or classification protected by State or Federal law.

i. Governing Law. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Minnesota, without regard to its conflict of laws principles, and, where applicable, federal law. The venue for all proceedings related to this Agreement shall be state and federal courts in Hennepin County, Minnesota, without waiver of any right to removal.

j. Binding Effect. The terms and conditions of this Agreement shall run with the Premises and inure to the benefit of and be binding on the respective Parties and their respective successors and permitted assignees.

k. Enforcement and Attorneys’ Fees. The prevailing Party in any action or proceeding in court to enforce the terms of this Agreement including any appeals shall be entitled to receive its reasonable attorney’s fees and other reasonable costs and expenses from the non-prevailing party.

l. Severability. If any term of this Agreement is found to be void or invalid, such invalidity shall not affect the remaining terms of this Agreement, which shall continue in full force and effect.

m. Estoppel Information. Each Party shall from time to time, within sixty (60) days after written request from the other Party, execute, acknowledge and deliver an estoppel
certificate indicating that this Agreement and any amendments hereto are in full force and effect, setting out the current monthly rental amount, date rent is paid through, expiration date of the then current term, and acknowledging that there are not, to such Party’s knowledge, any uncured defaults, or specifying such defaults, if any, are claimed.

n. Brokers. If either Party is represented by a real estate broker in this transaction, that Party shall be fully responsible for any fee due such broker in this transaction, and shall hold the other Party harmless from any claims for commission by such broker.

o. No Waiver. No provision of this Agreement will be deemed waived by either Party unless expressly waived in writing by the waiving Party. No waiver shall be implied by delay or any other act or omission of either Party. No waiver by either Party of any provisions of this Agreement shall be deemed a waiver of such provision with respect to any subsequent matter relating to such provision.

p. Recitals. The Recitals set forth above in this Agreement are hereby incorporated in this Agreement as though they were set forth in the body hereof.

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seals the day and year first above written.

[Remainder of page intentionally left blank. Signature blocks follow.]
CITY:
City of St. Louis Park

By___________________________
    Jake Spano
    Title: Mayor

Date: _________________________

AND

By: __________________________
    Tom Harmening
    Title: City Manager

Date: _________________________

USER:

Verizon Wireless (VAW) LLC d/b/a
    Verizon Wireless

By: __________________________

Name:________________________

Title:________________________

Date: _________________________
EXHIBIT "A"

SUPPLEMENT TO STANDARD SMALL WIRELESS FACILITY COLLOCATION AGREEMENT

1. This Supplement to Standard Small Wireless Facility Collocation Agreement ("Supplement") is made this _____ day of ___________, 2019 between the City of St. Louis Park, Minnesota, with its principal offices located at 5005 Minnetonka Blvd, St. Louis Park, MN 55416 ("CITY"), and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless, with its principal offices located at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 ("USER").

2. Standard Small Wireless Facility Collocation Agreement. This Supplement is a Supplement as referenced in that certain Standard Small Wireless Facility Collocation Agreement between CITY and USER, dated ___________, 2019, (the "Agreement"). The CITY and USER agree that all of the terms and conditions of the Agreement are incorporated herein by reference and made a part hereof without the necessity of repeating or attaching the Agreement and are in full force and effect except as they may be modified by this Supplement. In the event of a conflict, contradiction, modification, or inconsistency between any term of the Agreement and this Supplement, the terms of this Supplement shall govern. Capitalized terms used in this Supplement shall have the same meaning described for them in the Agreement unless otherwise indicated herein.

3. Premises. The Premises owned by CITY is located at ____________________________ ___________, St. Louis Park, Minnesota 55416; the Premises approved by the CITY for USER'S use hereunder is described on Exhibit "l" attached hereto and made a part hereof.

4. Term. The Commencement Date and the Term of this Supplement shall be as set forth in the Agreement.

5. Consideration. Annual Base Rent for this Supplement shall be One Hundred Seventy-Five and No/100 Dollars ($175.00) and shall be payable as set forth in the Agreement. [Insert one of the following: "USER shall furnish and install an electrical meter for the measurement of electric power used by USER'S installation. **Or, if an electric meter is not installed:** "In consideration for electrical service, USER shall pay $_________ per year with the Base Rent.”]

6. Site Specific Terms. (Include any site-specific terms)

Any wireless support structure installed by USER pursuant to the Plans at the location shown on Exhibit 1 attached hereto upon completion of the installation of the wireless support structure shall be and remain the property of the CITY without consideration to or from CITY. CITY will thereafter be responsible for the wireless support structure as provided in the Agreement. USER shall at USER'S sole cost and expense, remove, dispose and/or discard any wireless support structure USER removed and installed a replacement wireless support structure in place thereof.
by delivering the wireless support structure to a location specified by CITY for the CITY’s continued use or disposal at its sole discretion.

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seals the day and year first above written.

CITY:

City of St. Louis Park

By: [EXHIBIT ONLY - NOT FOR EXECUTION]
   Jake Spano
   Title: Mayor

Date: ________________________________

AND

By: [EXHIBIT ONLY - NOT FOR EXECUTION]
   Tom Harmening
   Title: City Manager

Date: ________________________________

USER:

Verizon Wireless (VAW) LLC d/b/a Verizon Wireless

By: [EXHIBIT ONLY - NOT FOR EXECUTION]
   Name: ______________________________
   Title: ______________________________

Date: ________________________________
EXHIBIT 1

Premises (Include Map, Wireless Support Structure Diagram, Site Plan and Table Listing All Wireless Support Structure Locations)
Executive summary

**Title:** Accept donations to fire department from American Legion Post 282 and Girl Scouts of Minnesota

**Recommended action:** Motion to adopt Resolution approving acceptance of the following donations:
- American Legion Post 282 donated $3,300 for purchasing fire equipment
- Girl Scouts of Minnesota donated $50.00 for purchasing fire equipment

**Policy consideration:** Does the city council wish to accept these donations with restrictions on their use?

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

American Legion Post 282 graciously donated $3,300 for the purchase of fire department equipment.

Girl Scouts of Minnesota graciously donated $50.00 for the purchase of fire department equipment.

**Financial or budget considerations:** These donations will be used in accordance with their restrictions.

**Strategic priority consideration:** Not applicable.

**Supporting documents:** Resolution

**Prepared by:** Sue Rasmussen, Office Assistant
**Reviewed by:** Steve Koering, Fire Chief
**Approved by:** Tom Harmening, City Manager
Resolution No. 19-___

Resolution approving acceptance of the following donations:

- American Legion Post 282 donated $3,300 for the purchase of fire department equipment.
- Girl Scouts of Minnesota donated $50.00 for the purchase of fire department equipment.

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

Whereas, the city council must ratify any restrictions placed on the donations by the donors; and

Whereas, the donations from both American Legion Post 282 and Girl Scouts of Minnesota are for the purchasing of fire department equipment.

Now therefore be it resolved by the city council of St. Louis Park that these donations are hereby accepted with thanks and appreciation.

Reviewed for administration: Adopted by the City Council August 19, 2019

Thomas K. Harmening, City Manager Jake Spano, Mayor

Attest:

Melissa Kennedy, City Clerk
Executive summary

**Title:** Traffic Study 705: Removal of timed and permit parking restrictions on Lake Street

**Recommended action:** Motion to adopt Resolution authorizing removal of timed parking restrictions on Lake Street from Dakota Avenue/ Wooddale Avenue to Library Lane (by rescinding Resolution 4834) and the permit parking restrictions on the Lake Street municipal parking lot (by modifying Resolution 88-106).

**Policy consideration:** The parking restrictions and their removal is allowed per the city’s established regulatory authority.

**Summary:** In July 2019, requests from the newly formed Walker Lake Business Association were brought to the traffic committee for review. The businesses were looking for the city to evaluate the timed parking limits on Lake Street as well as the permit parking signs in the Lake Street municipal parking lots. More specifically, the businesses requested “Walker Lake business parking only” or “no school parking” as well as changing the 30-minute parking limit on Lake Street to 2 hours.

The traffic committee reviewed their requests for parking restriction and permit changes at the July 2019 meeting. The committee’s recommendation was to remove both the time restricted parking on Lake Street as well as the permit parking on the municipal parking lot behind Lake Street.

These recommendations were brought back to the Walker Lake Business Association and were received positively.

**Financial or budget considerations:** The cost of enacting these controls is minimal and will come out of the general operating budget.

**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
Resolution
Resolution 4834 – to be rescinded
Resolution 88-106 – to be modified
Resident letter

**Prepared by:** Ben Manibog, Transportation Engineer
**Reviewed by:** Debra Heiser, Engineering Director
**Approved by:** Tom Harmening, City Manager
Discussion

**Background:** In July 2019, requests from the newly formed Walker Lake Business Association were brought to the traffic committee for review. The businesses were looking for the city to evaluate the timed parking limits on Lake Street as well as the permit parking signs in the Lake Street municipal parking lots. More specifically, the businesses requested “Walker Lake business parking only” or “no school parking” as well as changing the 30-minute parking limit on Lake Street to 2 hours.

The traffic committee reviewed their requests for parking restriction and permit changes at the July 2019 meeting. The committee’s recommendation was to remove both the time restricted parking on Lake Street as well as the permit parking on the municipal parking lot behind Lake Street.

Removing the restrictions will serve multiple purposes. The removal of restrictions will allow for more flexible parking during the construction projects in the Walker Lake area. The construction will make some parking temporarily unavailable, so the easing of these restrictions will help account for the changes in parking during that process. The removal of the restrictions will also test whether the restrictions are necessary once the construction near Lake Street is complete.

These recommendations were brought back to the Walker Lake Business Association and were received positively.

A letter was sent to the surrounding area looking for comments and concerns regarding the proposed parking changes. No comments were received.

**Resolutions:** The resolution to remove these restrictions involves two existing resolutions, numbers 4834 and 88-106.

Resolution 4834 established the 30- and 60-minute parking on Lake Street and the side streets directly adjacent to the municipal parking lot. The new resolution will rescind Resolution 4834 in its entirety.

Resolution 88-106 authorizes permit parking restrictions in multiple places near the high school. The new resolution will remove two of the items (the sixth and seventh) in Resolution 88-106 that reference the municipal parking lot. The remaining items of Resolution 88-106 (Lenox neighborhood permit parking for the high school) will remain in place.
Resolution No. 19-____

Resolution authorizing removal of timed parking restrictions on Lake Street from Dakota Avenue/Wooddale Avenue to Library Lane and the permit parking restrictions on the Lake Street municipal parking lot.

Whereas, the City of St. Louis Park received a request to evaluate timed and permit parking restrictions on Lake Street between Dakota Avenue/Wooddale Avenue and Library Lane; and

Whereas, the traffic committee has reviewed the request and recommended the removal of these restrictions as an interim measure to evaluate whether the restrictions are needed at all; and

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

Now therefore be it resolved by the City Council of the City of St. Louis Park, Minnesota, that Resolution 4834 be rescinded.

It is further resolved by the City Council of the City of St. Louis Park, Minnesota, that the sixth and seventh items of Resolution 88-106 be rescinded.

Reviewed for administration: Adopted by the City Council August 19, 2019

Thomas K. Harmening, City Manager Jake Spano, Mayor

Attest:

Melissa Kennedy, City Clerk
RESOLUTION NO. 4834

RESOLUTION AMENDING RESOLUTION NO. 4694
AS IT RELATES TO AUTHORIZING PLACEMENT
OF TRAFFIC CONTROL SIGNS REGULATING PARKING

BE IT RESOLVED by the City Council of the City of St. Louis Park that a parking study has been made indicating parking should be limited and the Director of Public Works is hereby authorized and directed to install signs of approved type setting time limits on parking on the following portions of street, during the hours of the day as follows:

30-minute parking - west side of Lake Street from Dakota Avenue to Georgia Avenue

30-minute parking - east side of Lake Street from Dakota Avenue to Wooddale Avenue

60-minute parking - west side of Lake Street from Georgia Avenue to 300 feet south

No restriction - east side of Lake Street from Dakota Avenue to Louisiana Avenue

30-minute parking - north side of Georgia Avenue parking lot

No restriction - south side of Georgia Avenue parking lot

Adopted by the City Council May 29, 1973.

Mayor

Attest:

City Clerk

Reviewed for administration:

City Manager

Approved as to form and legality:

City Attorney
RESOLUTION NO. 88-106

RESOLUTION AUTHORIZING PERMIT PARKING RESTRICTIONS IN THE PARK SENIOR HIGH SCHOOL AREA

BE IT RESOLVED by the City Council of the City of St. Louis Park that it be in the best interest of the City to establish a parking restriction based upon permit issuance to the residents and merchants located in the following areas adjacent to the Park Senior High School:

- Edgewood, Florida, Georgia, and Hampshire Avenues between West 32nd Street and West 33rd Street.
- Edgewood and Florida Avenues, 200 feet north of West 32nd Street, both sides.
- The north side of West 33rd Street between Dakota Avenue and Hampshire Avenue.
- The north and south side of West 32nd Street between Dakota Avenue and Hampshire Avenue.
- Library Lane from West Lake Street to 3340 Library Lane.
- Municipal parking lot located to the rear of the West Lake Street businesses between Dakota Avenue and Library Lane.
- Municipal parking lot on Georgia Avenue from West Lake Street to the referenced municipal lot to the rear of the West Lake Street businesses.

BE IT FURTHER RESOLVED that parking shall be prohibited on school days during the months of September and June, inclusive, between the hours of 7 a.m. and 4 p.m. unless the vehicle prominently displays a City issued parking permit on the lower left rear window, or on the front dashboard on the driver's side, or, in the case of motorcycles, on the rear fender. Emergency vehicles, governmental vehicles, commercial vehicles, and vehicles loading/unloading merchandise or equipment parked in the affected areas while work is being conducted are exempt from these restrictions.

Adopted by the City Council August 15, 1988

[Signature]
Mayor

Attest:
[Signature]
City Clerk

Reviewed for administration:
[Signature]
Acting City Manager

Approved as to form and execution:
[Signature]
City Attorney
July 26, 2019

RE: Request for removal of timed and permit parking restrictions on Lake Street

Dear resident, business owner, or property owner,

The city has received a request to remove timed and permit parking restrictions on Lake Street from Dakota Avenue to Walker Street as well as in the municipal parking lot northwest of Lake Street at that location. See picture on the back where the green line represents the proposed parking restriction removal.

The city’s traffic committee recommends the parking restrictions as shown on the back to be removed. Business owners in the area have concerns for the availability of parking as well as the practicality of different parking time limits in the area. Due to the construction in the area for the next two years, parking will be in flux depending on where the work is occurring. The removal of the restrictions will allow for people to be more flexible in the way that they park during this process. Following construction, if parking problems persist either in the parking lot or Lake Street, further restrictions can be made at that time.

If you have any comments or questions regarding this proposal, please contact me at 952.924.2669 or bmanibog@stlouispark.org by Monday, August 12. Comments received will be summarized in the report given to city council when the proposal is up for approval on Monday, August 19.

Sincerely,

Ben Manibog
Transportation Engineer

Cc: Debra Heiser, Engineering Director
    Margaret Rog, Ward 1 Council Member
    Tom Harmening, City Manager
Executive summary

**Title:** Traffic Study 706 – Removal of parking restrictions on Walker Street

**Recommended action:** Motion to adopt Resolution authorizing the removal of parking restrictions on the north side of Walker Street west of Republic Avenue as well as outdated non-existent restrictions (by rescinding Resolution 7039, Items 3e and 4).

**Policy consideration:** The parking restrictions and their removal is allowed per the city’s established regulatory authority.

**Summary:** In July 2019, a request to evaluate the parking restrictions along Walker Street from Louisiana Avenue to Lake Street was brought to the traffic committee for review. The request was made to maximize the available on-street parking in that area anticipating the needs of The Block, a new restaurant opening this fall, and other businesses that will be opening in the future.

The traffic committee reviewed the request to evaluate the parking restrictions on Walker Street at the July 2019 meeting. The committee’s recommendation was to remove the parking restriction on the north side of Walker Street west of Republic Avenue.

Walker Street in this location is a Municipal State Aid road which needs to meet State Aid standards. After a field visit and measurement, the space between the outside bike lane line and the face of curb at that location is between 7 and 8 feet. This measurement for a potential parking lane meets the State Aid standards. Walker Street in this location is a two-lane road with a design speed of 30 mph and an average daily traffic (ADT) count of 4000.

A letter was sent to properties in the area regarding the proposed change looking for comment. No comments were received.

**Financial or budget considerations:** The cost of enacting these controls is minimal and will come out of the general operating budget.

**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
   Resolution
   Resolution 7039 - to be modified
   Resident letter

**Prepared by:** Ben Manibog, Transportation Engineer
**Reviewed by:** Debra Heiser, Engineering Director
**Approved by:** Tom Harmening, City Manager
Discussion

**Background:** In July 2019, a request to evaluate the parking restrictions along Walker Street from Louisiana Avenue to Lake Street was brought to the traffic committee for review. The request was made to maximize the available on-street parking in that area anticipating the needs of The Block, a new restaurant opening this fall, and other businesses that will be opening in the future.

The traffic committee reviewed the request to evaluate the parking restrictions on Walker Street at the July 2019 meeting. The committee’s recommendation was to remove the parking restriction on the north side of Walker Street from Republic Avenue to the driveway entrance of 3501 Louisiana Avenue.

Walker Street in this location is a Municipal State Aid road which needs to meet State Aid standards. After a field visit and measurement, the space between the outside bike lane line and the face of curb at that location is between 7 and 8 feet. This measurement for a potential parking lane meets the State Aid standards. Walker Street in this location is a two-lane road with a design speed of 30 mph and an average daily traffic (ADT) count of 4000.

A letter was sent to properties in the area regarding the proposed change looking for comment. No comments were received.

**Resolutions:** These parking restrictions were enacted in 1982 through the adoption of Resolution 7039. There are a number of other restrictions mentioned in the resolution that will remain in place. So, staff does not recommend rescinding the resolution in its entirety. The recommended action is to approve the attached resolution which will:

- Rescind Item 3e.
- Enact parking restrictions on the north side of Walker Street from Louisiana Avenue to 210 feet east of Louisiana Avenue. This segment of road is within the throat of the roundabout and is not wide enough to accommodate parking.
- Rescind Item 4, which references 5-minute limits for parallel parking stalls on the north side of Walker Street west of Lake Street. These restrictions are not currently signed and are not needed any longer.
Resolution No. 19-____

Resolution authorizing removal of parking restrictions on Walker Street

Whereas, the City of St. Louis Park received a request to evaluate parking restrictions on Walker Street between Louisiana Avenue and Republic Avenue; and

Whereas, the traffic committee has reviewed the request and recommended the removal of parking restrictions on the north side of Walker Street from Republic Avenue to the driveway at 3501 Louisiana Avenue due to there being sufficient room for a parking lane; and

Whereas, the traffic committee also recommended the removal of the 5-minute timed parking restrictions due to the restriction not having been signed or needed any longer; and

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

Now therefore be it resolved by the City Council of the City of St. Louis Park, Minnesota, that item 3e and 4 of Resolution 7039 be rescinded.

It is further resolved by the City Council of the City of St. Louis Park, Minnesota, that the Engineering Director is hereby authorized to:

1. Install parking restrictions on the north side of Walker Street from Louisiana Avenue to 210 feet east of Louisiana Avenue.

Reviewed for administration:                        Adopted by the City Council August 19, 2019

Thomas K. Harmening, City Manager                      Jake Spano, Mayor

Attest:

Melissa Kennedy, City Clerk
REPLACEMENT

RESOLUTION NO. 7039

RESOLUTION AUTHORIZING INSTALLATION OF NO-PARKING CONTROLS ON WEST LAKE STREET AND WALKER STREET

BE IT RESOLVED by the City Council of the City of St. Louis Park, Minnesota that a traffic analysis having indicated that no-parking controls are warranted, the Director of Public Works is hereby authorized to install the following controls:

1. No-parking on the east side of West Lake Street from Walker Street approximately 80 feet north to a point where no-parking restrictions presently exist.

2. No parking on West Lake Street from Walker Street to T.H. 7 (approximately 260 feet).

3. No-parking on Walker Street as follows:
   a. from West Lake Street east 90 feet along the south side of Walker Street
   b. from West Lake Street to a point 283 feet west along the south side of Walker Street
   c. from Gorham Avenue east 67 feet and west 46 feet along the north side of Walker Street
   d. from Republic Avenue east 53 feet along the north side of Walker Street
   e. from Gorham Avenue to Louisiana Avenue along the north side of Walker Street (approximately 650 feet)
   f. from Louisiana Avenue 480 feet east along the south side of Walker Street.

4. 5-minute limits for two parallel parking stalls beginning 43 feet west of West Lake Street and ending 87 feet west of West Lake Street along the north side of Walker Street.

   Adopted by the City Council January 4, 1932

   Attest:
   Calvin S. Benson
   City Clerk

   Reviewed for administration
   James L. Brininger
   City Manager

   Approved as to form and legality
   Charles F. Polley
   City Attorney

   Mayor

   M. McDaid
July 26, 2019

RE: Request for removal of parking restrictions on Walker Street

Dear resident, business owner, or property owner,

The city has received a request to remove parking restrictions on Walker Street west of Republic Avenue. See the picture below where the green line represents the proposed parking restriction removal.

The city’s traffic committee recommends the parking restrictions as shown to be removed. Business owners in the area have concerns for the availability of parking in the area. It was determined that the space on the north side of Walker Street west of Republic Avenue between the bike lane and curb is wide enough to accommodate parked vehicles safely.

If you have any comments or questions regarding this proposal, please contact me at 952.924.2669 or bmanibog@stlouispark.org by Monday, August 12. Comments received will be summarized in the report given to city council when the proposal is up for approval on Monday, August 19.

Sincerely,

Ben Manibog
Transportation Engineer

Cc: Debra Heiser, Engineering Director
    Rachel Harris, Ward 3 Council Member
    Tom Harmening, City Manager
Executive summary

Title: Appointment of youth and regular representatives to boards and commissions

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

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

Summary: Youth members are appointed to one-year terms, beginning on August 31 of each year. During the recruitment cycle, the city received five youth applications including Zoe Frank and Amaya Fukuo who applied for reappointment to the Environment and Sustainability Commission (ESC) and Human Rights Commission (HRC) respectively. New applicants include Thorwald Anderson, Dahlia Krebs and Noal Orloff. All applicants are extremely impressive students who are interested in dedicating their time to service in the community.

In addition, regular members are appointed to a three-year term beginning May 31 of each year. If appointed, Megan Hanson will fill a vacancy on the Police Advisory Commission with a term expiration of May 31, 2020.

Following appointment by the council, all applicants will receive notification of their appointment and will participate in an orientation program with their staff liaison prior to the start of their service.

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, Senior Management Analyst
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>Thorwald Anderson</td>
<td>Environment &amp; Sustainability – youth member</td>
<td>8/31/2020</td>
</tr>
<tr>
<td>Zoe Frank</td>
<td>Environment &amp; Sustainability – youth member</td>
<td>8/31/2020</td>
</tr>
<tr>
<td>Amaya Fukuo</td>
<td>Human Rights Commission – youth member</td>
<td>8/31/2020</td>
</tr>
<tr>
<td>Dahlia Krebs</td>
<td>Parks and Recreation Advisory Commission – youth member</td>
<td>8/31/2020</td>
</tr>
<tr>
<td>Noah Orloff</td>
<td>Police Advisory Commission- youth member</td>
<td>8/31/2020</td>
</tr>
<tr>
<td>Megan Hanson</td>
<td>Police Advisory Commission- regular member</td>
<td>5/31/2020</td>
</tr>
</tbody>
</table>
Executive summary

**Title:** First reading of ordinance vacating portions of drainage and utility easements at 2631 and 2635 Xylon Ave S

**Recommended action:** Mayor to open the public hearing, take testimony, and then close the public hearing. Motion to approve the first reading of Ordinance vacating portions of drainage and utility easements and set the second reading of an ordinance for September 3, 2019.

**Policy consideration:** Are the drainage and utility easements needed for public purposes?

**Summary:** The applicants request to vacate portions of drainage and utility easements located at 2631 and 2635 Xylon Avenue South. The easement proposed to be vacated is 10 feet wide and centered on the property line between 2631 and 2635 Xylon Avenue South; five feet of easement on each property. (See attached exhibit.)

Bradley Torell and Makayla Reimers, the owner of 2631 Xylon Avenue South, would like to construct a new two-car garage located two feet from the lot line, which is the minimum allowed setback for accessory buildings. The city, however, does not allow buildings to be constructed in easements, so if the easement is not vacated, then the garage would have to be located five feet away from the lot line.

Conner Kirkpatrick and Julia Staheli are the owners of 2635 Xylon Avenue South. They co-signed the petition so that the remaining portion of the easement located on their property would also be vacated.

The easements to be vacated are not needed by the city or utility companies for any public purpose.

A public hearing is required for the vacation request. The ordinance requires an affirmative vote of at least five councilmembers.

**Financial or budget considerations:** None at this time.

**Strategic priority consideration:** Not applicable.

**Supporting documents:** Plat

Map of easements to be vacated
Draft ordinance

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
City council meeting of August 19, 2019 (Item No. 6a)
Title: First reading of ordinance vacating portions of drainage and utility easements at 2631 and 2635 Xylon Ave S

Plat

West Texas-Tonka Hills
St. Louis Park, Minnesota

Scale: 1" = 100'

July, 1953

Egan, Field & Nowak
Engineers & Surveyors

Plat showing the areas vacated at 2631 and 2635 Xylon Ave S.
Map of utility easements to be vacated
Draft Ordinance

Ordinance No. ___-19

An ordinance vacating portions of drainage and utility easements

2631 and 2635 Xylon Avenue South

The City of St. Louis Park does ordain:

Section 1. The petition to vacate the drainage and utility easements was initiated by Bradley Torell and Makayla Reimers, owners of 2631 Xylon Avenue South, and by Conner Kirkpatrick and Julia Staheli, owners of 2635 Xylon Avenue South. The notice of said petition has been published in the St. Louis Park Sailor on August 8, 2019 and the city council has conducted a public hearing upon said petition and has determined that the easements are not needed for public purposes.

Section 2. The following described easements as now dedicated and laid out within the corporate limits of the City of St. Louis Park and shown in attachment A, are vacated:

That part of the utility easement as shown on the plat of West Texa-Tonka Hills, Hennepin County, Minnesota; being the west 5 feet of Lot 18, Block 1 in said West Texa-Tonka Hills.

And

That part of the utility easement as shown on the plat of West Texa-Tonka Hills, Hennepin County, Minnesota; being the East 5 feet of Lot 19, Block 1 in said West Texa-Tonka Hills.

Section 3. The city clerk is instructed to record certified copies of this ordinance in the Office of the Hennepin County Register of Deeds or Registrar of Titles as the case may be.

Section 4. This ordinance shall take effect fifteen days after its publication.

<table>
<thead>
<tr>
<th>Public hearing/first reading</th>
<th>August 19, 2019</th>
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<tbody>
<tr>
<td>Second reading</td>
<td>September 3, 2019</td>
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<tr>
<td>Date of publication</td>
<td></td>
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<tr>
<td>Date ordinance takes effect</td>
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</table>

Reviewed for administration: Adopted by the city council (date)

_________________________  _________________________
Thomas K. Harmening, City Manager  Jake Spano, Mayor

Attest: Approved as to form and execution:

_________________________  _________________________
Melissa Kennedy, City Clerk  Soren Mattick, City Attorney
Attachment A

Easement to be vacated
Executive summary

Title: First reading of ordinance vacating portions of a utility easement for 5051 Highway 7

Recommended action: Mayor to open the public hearing, take testimony, and then close the public hearing. Motion to approve first reading of an ordinance vacating a portion of a utility easement and set the second reading of ordinance for September 3, 2019.

Policy consideration: Is the utility easement needed for public purposes?

Summary: The applicant, Peter McDaniel on behalf of Extra Space Storage, proposes to vacate a portion of a utility easement located at 5051 Highway 7 to allow for the construction of an addition to the Extra Space storage facility located on the subject property. If approved, the applicant will construct a three-story, 47,400 square foot addition to the existing two-story, 124,341 square foot self-storage facility.

The only utility in the easement is a privately-owned waterline that services a privately-owned fire hydrant. Technically, a utility easement is not necessary for a private utility. Additionally, the easement is not needed by the city or utility companies for any public purpose. The private waterline and hydrant will be relocated as a result of the building expansion and will remain privately owned.

A public hearing is required for the vacation request. The second reading of the ordinance is scheduled for the September 3, 2019 city council meeting, on the consent agenda.

The ordinance requires an affirmative vote of at least five councilmembers.

Financial or budget considerations: None at this time.

Strategic priority consideration: Not applicable.

Supporting documents: Site location map
                      Map of easements to be vacated
                      Draft ordinance

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
Site location map.
Map of utility easements to be vacated.
Draft Ordinance

Ordinance No. ___-19

An ordinance vacating portions of utility easements

5051 Highway 7

The City of St. Louis Park does ordain:

Section 1. The petition to vacate the utility easements was initiated by Peter McDaniel on behalf of the property owner, Extra Space Props Two LLC. The notice of said petition has been published in the St. Louis Park Sailor on August 8, 2019 and the city council has conducted a public hearing upon said petition and has determined that the easement is not needed for public purposes, and that it is for the best interest of the public that said easements be vacated.

Section 2. The following described easement is as now dedicated and laid out within the corporate limits of the City of St. Louis Park and shown in attachment A, are vacated:

That part of the 30 foot wide Utility Easement over, under and across part of Lot 1, Block 1 of Dalquist Industrial Park, according to the recorded plat thereof, on file in the Office of the County Recorder, Hennepin County, Minnesota, described as follows:

Commencing at the southwest corner of said Lot 1; thence N00-20-03E, assumed bearing, along the west line of said Lot 1, 177.02 feet to the southwest corner of said easement; thence S89-25-04E, along the south line of said easement, 190.00 feet; thence N00-20-03E, 30.00 feet to the north line of said easement; thence N89-25-04W, along said north line, 190.00 feet to the west line of said Lot 1; thence S00-20-03W, along said west line, 30.00 feet to the point of beginning.

Section 3. The city clerk is instructed to record certified copies of this ordinance in the Office of the Hennepin County Register of Deeds or Registrar of Titles as the case may be.

Section 4. This ordinance shall take effect fifteen days after its publication.

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<td>Date ordinance takes effect</td>
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Reviewed for administration: Adopted by the city council (date)

Thomas K. Harmening, City Manager
Jake Spano, Mayor
Title: First reading of ordinance vacating portions of a utility easement for 5051 Highway 7

Attest:  

Melissa Kennedy, City Clerk

Approved as to form and execution:

Soren Mattick, City Attorney
EASEMENT VACATION EXHIBIT A

Surveyor's Certificate

Surveyor, with the laws of the State of Minnesota

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Land Surveyor.

Brandon W. King, Minnesota License Number 415297
MnDOT County Road D East Galle Road W4747

Proposed Description for Easement Vacation

That part of the 30 foot wide utility easement over and across part of Lot 1, Block 1, Dalquist Industrial Park, according to the recorded plat thereof, on file in the Office of the County Recorder of Hennepin County, Minnesota, described as follows:

Commencing at the southwest corner of said Lot 1, Block 1, Dalquist Industrial Park, Hennepin County, Minnesota, as described in Exhibit A to the recorded plat thereof, on file in the Office of the County Recorder, Hennepin County, Minnesota, described as follows:

30 feet to the point of beginning.

Surveyor, 30 feet to the point of beginning.

Brandon W. King, Minnesota License Number 415297
MnDOT County Road D East Galle Road W4747

Title: First reading of ordinance vacating portions of a utility easement for 5051 Highway 7

City council meeting of August 19, 2019 (Item No. 6b)
Executive summary

Title: First reading interim ordinance extending moratorium on use and development of 3745 Louisiana Ave. S.

Recommended action: Mayor to open the public hearing, accept testimony, and close the public hearing. Motion to approve first reading of an interim ordinance extending the moratorium temporarily restricting development at 3745 Louisiana Avenue South, St. Louis Park ("Subject Property") and set the second reading for August 26, 2019 at a city council special meeting.

Policy consideration: Does city council support extending the moratorium temporarily restricting the use and development of the building and lands located on the Subject Property for up to 120 days to allow more time for the city to enact changes to the land use and other city’s official controls that were recommended in the land use and development study?

Summary: The Subject Property is a 13-acre site and contains an approximately 150,000-square-foot building located adjacent to a future light rail transit station. The building has been vacant since Sam’s Club closed on January 26, 2018. It is currently guided for commercial use and zoned C2 General Commercial. The city, through the process to update the comprehensive plan, proposed a change to the land use. City council directed staff to conduct a study of the site conditions, land use and the city’s official controls for the Subject Property on August 20, 2018. Council received reports regarding the study progress and findings on March 11 and May 28, 2019.

There are substantial concerns that the city’s official comprehensive plan future land use map and zoning ordinance provisions relating to the Subject Property do not adequately address issues relating to the present use, future land use, development or redevelopment of this vacant property. The city’s concerns include, and are not limited to, compatibility with existing uses, recent public improvements, planned future land uses, and the planned light rail transit station in the area surrounding the Subject Property.

Temporary restrictions on the use and development of the Subject Property are needed to prevent use and development that might be inconsistent with potential changes to the city’s official controls resulting from the study. The original moratorium expires September 14, 2019.

Financial or budget considerations: The study costs were paid with existing budgeted resources and did not require separate city council authorization.

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

Supporting documents: Interim ordinance

Prepared by: Sean Walther, Planning and Zoning Supervisor
Reviewed by: Karen Barton, Community Development Director
Approved by: Tom Harmening, City Manager
City of St. Louis Park  
Hennepin County, Minnesota  

Ordinance No.____-19  

An ordinance extending a moratorium on  
The use and development of the building and lands  
Located at 3745 Louisiana Avenue South  

The City of St. Louis Park does ordain:  

Section 1. Findings.  

1.01. The City adopted Ordinance No. 2542-18 An Interim Ordinance Establishing a Moratorium on the Use and Development of the Building and Lands Located at 3745 Louisiana Avenue South on August 27, 2018.  

1.02. The City made the following findings in support of adopting Ordinance No. 2542-18:  

- There are substantial concerns that the city’s official comprehensive plan future land use map and zoning ordinance provisions relating to the Subject Property do not adequately address issues relating to the present use, future land use, development or redevelopment of this vacant property.  

- The city’s concerns include, and are not limited to, compatibility with existing uses, recent public improvements, planned future land uses, and the planned light rail transit station in the area surrounding the Subject Property.  

- As a result of the important land use and zoning issues cited above the city council finds that it is necessary to conduct a study to address the types of developments and land uses that are appropriate on the Subject Property. The study may also identify appropriate changes, if any, that should be made to the city’s official land use controls, including but not limited to the city’s zoning ordinance and comprehensive plan.  

- The city council directs the planning and zoning division staff to conduct a study for the purpose of consideration of possible amendments to the city’s official controls to address the issues concerning the subject property.  

- The city finds that this interim ordinance must be adopted to protect the planning process and the health, safety and welfare of the citizens.  

1.03. Ordinance No. 2542-18 expires on September 13, 2019.
1.04. The City is considering a Comprehensive Plan Amendment for 3745 Louisiana Avenue South.

1.05. The City held a neighborhood meeting on the Comprehensive Plan Amendment for 3745 Louisiana Avenue South on August 8, 2018.

1.05 Minn. Stat. § 462.355 subd. 2 requires a planning commission to hold a public hearing before a city adopts a comprehensive plan amendment.

1.06 A City Planning Commission Public Hearing on the Comprehensive Plan Amendment for 3745 Louisiana Avenues South is scheduled for August 21, 2019.

1.07 Minn. Stat. § 462.355 subd. 4 (d) permits cities to extend an interim ordinance “up to an additional 120 days following the completion of any other process required by state statute, federal law, or court order, when the process is not completed at least 30 days before the expiration of the interim ordinance.”

1.08 The public hearing required by Minn. Stat. § 462.355 subd. 2 will not be completed 30 days before the expiration of Ordinance 2542-18.

1.09 The City Council will not be able to review the Planning Commission’s recommendation on the proposed Comprehensive Plan Amendment until after September 13, 2019.

Section 2. Interim Ordinance Extension. Ordinance No. 2542-18 is hereby extended for 120 days.

Section 3. Duration. This Ordinance takes effect fifteen days after its publication and shall remain

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<tr>
<td>First Reading</td>
<td>August 19, 2019</td>
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<tr>
<td>Second Reading</td>
<td>August 26, 2019</td>
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<td>Date of Publication</td>
<td>August 29, 2019</td>
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<td>Date Ordinance Takes Effect</td>
<td>September 13, 2019</td>
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Reviewed for administration: Adopted by the City Council August 26, 2019

Thomas K. Harmening, City Manager Jake Spano, Mayor

Attest: Approved as to form and execution:

Melissa Kennedy, City Clerk Soren Mattick, City Attorney
Executive summary

Title: Traffic Study 707: Authorize removal of parking restrictions on County Road 25 Service Road

Recommended action: Motion to adopt Resolution authorizing removal of parking restrictions on the north side of the County Road 25 Service Road west of Glenhurst Avenue (by rescinding Resolution 91-203 item 1).

Policy consideration: The parking restrictions and their removal is allowed per the city’s established regulatory authority.

Summary: In July 2019, a request to evaluate the parking restrictions along the County Road 25 Service Road was made by Parkway 25 and received by the traffic committee. The request was to remove the parking restrictions on the north side of the service road across the street from Parkway 25.

The traffic committee reviewed the request to remove the parking restrictions at the July 2019 meeting. The committee’s recommendation was to remove the parking restriction on the north side of the service road directly across from the new parking inlet created during Parkway 25’s construction.

It was determined that removing the parking restrictions directly across from the parking inlet at Parkway 25 facilitated the safe movement of vehicles through this area. The inlet parking bays created by Parkway 25 allowed those vehicles to move further away from the center of the street, creating more room for two-way traffic to occur.

A letter was sent to the surrounding area looking for comments and concerns regarding the proposed parking changes. Three comments were received from residents through email or phone, all were not supportive of the removal of parking restrictions.

Financial or budget considerations: The cost of enacting these controls is minimal and will come out of the general operating budget.

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
Resolution
Resolution 91-203 - to be modified
Resident letter

Prepared by: Ben Manibog, Transportation Engineer
Reviewed by: Debra Heiser, Engineering Director
Approved by: Tom Harmening, City Manager
Discussion

**Background:** In July 2019, a request to evaluate the parking restrictions along the County Road 25 Service Road was made by Parkway 25 and received by the traffic committee. The request was to remove the parking restrictions on the north side of the service road across the street from Parkway 25.

The traffic committee reviewed the request to remove the parking restrictions at the July 2019 meeting. The committee’s recommendation was to remove the parking restriction on the north side of the service road directly across from the new parking inlet created during Parkway 25’s construction.

Parking has been restricted on the north side of the service road at this location since 1991. The restrictions were temporarily lifted during the construction of both The Shoreham and Parkway 25 starting in 2015 and 2016 to accommodate the construction crews of both projects. The parking restrictions were re-installed following the completion of the construction of the two complexes in 2019.

The service road through this corridor is 32 feet wide. At the new parking inlets, the road is 36 feet wide. It was determined that removing the parking restrictions directly across from the parking inlet at Parkway 25 facilitated the safe movement of vehicles through this area. The inlet parking bays created by Parkway 25 allowed parked vehicles to move further away from the center of the street, creating more room for two-way traffic to occur.

A letter was sent to the surrounding area looking for comments and concerns regarding the proposed parking changes. Three comments were received from residents through email or phone, all were **not supportive** of the removal of parking restrictions. Their comments are summarized below:

- “There are often buses on that stretch of road and with cars parked on both sides of the street, it requires someone to pull over so they can get through. I also worry that removing the parking restriction on that stretch of road would lead people to park east of Glenhurst Road, which has the same problem of not being wide enough for cars to be parked on both sides. The parking restrictions did not seem to be well-enforced until recently and driving on the road has become much more pleasant since they have been - please keep them in place”.
- “I oppose the removal of parking restrictions on county road 25 service road. I live in the Inglewood Trails Apartment Complex a couple of blocks away and take the bus to downtown. Some 17 bus routes travel the service road in the morning and afternoon. This road is already congested with parking without the restrictions, The bus has to on occasion pull over to let cars pass prior to continuing on it’s route. Adding more parking will cause further congestion. Furthermore I travel that road myself to get to down the stop light on France and highway 7. I even encounter traffic that has to deal congestion due to parked cars. The parked cars have cause a couple of close calls for me on the service road and Glenhurst Ave. I do not feel that the parking inlet that was created with the new apartment complex was built has helped at all. If anything, in the last couple of years with the increased housing density, the traffic and congestion has only gotten
worse. I would support increasing parking restrictions to be honest, a return to the restrictions that were previously lifted in the last year or so would help with traffic”.

- Resident called to leave a comment that they are against lifting no parking restrictions on the south service road of Hwy 25 west of Glenhurst Ave due to the safety issues with and difficulty maneuvering over there in the winter time with snow piled up and parked cars taking up too much of the driving lane.

**Resolution:** These parking restrictions were enacted in 1991 through the adoption of Resolution 91-203. There are other restrictions mentioned in the resolution that will remain in place. So, staff does not recommend rescinding the resolution in its entirety. The recommended action is to approve the attached resolution which will:

- Rescind item 1 of Resolution 91-203.
- Enact parking restrictions on the north side of the south County Road 25 Service Road from France Avenue to 60 feet west of Glenhurst Avenue.
- Enact parking restrictions on the north side of the south County Road 25 Service Road from Inglewood Avenue to 300 feet east of Inglewood Avenue.
Resolution No. 19-_____

Authorize removal of parking restrictions on County Road 25 Service Road

Whereas, the City of St. Louis Park received a request to evaluate parking restrictions on the south County Road 25 Service Road west of Glenhurst Avenue; and

Whereas, the traffic committee has reviewed the request and recommended the removal of the parking restrictions on the north side of the service road directly across from the parking inlets at Parkway 25 due to their ability to move vehicles further off the road; and

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

Now therefore be it resolved by the City Council of the City of St. Louis Park, Minnesota, that item 1 of Resolution 91-203 be rescinded.

It is further resolved by the City Council of the City of St. Louis Park, Minnesota, that the Engineering Director is hereby authorized to:

1. Install parking restrictions on the north side of the south County Road 25 Service Road from the west right of way line of France Avenue to 60 feet west of the west right of way line of Glenhurst Avenue.
2. Install parking restrictions on the north side of the south County Road 25 Service Road from the east right of way line of Inglewood Avenue to 300 feet east of the east right of way line of Inglewood Avenue.

Reviewed for administration: Adopted by the City Council August 19, 2019

Thomas K. Harmening, City Manager Jake Spano, Mayor

Attest:

Melissa Kennedy, City Clerk
RESOLUTION NO. 91-203

TRAFFIC STUDY NO. 451

RESOLUTION AUTHORIZING PARKING RESTRICTIONS
ALONG THE SOUTH FRONTAGE ROAD OF COUNTY ROAD 25 (HIGHWAY 7),
FRANCE AVENUE TO INGLEWOOD AVENUE

BE IT RESOLVED by the City Council of the City of St. Louis Park, Minnesota, that a traffic analysis having indicated that the placement of traffic control signs is warranted, the Director of Public Works is hereby authorized to install the following controls:

1. No parking along the north side between France Avenue and Inglewood Avenue.

2. No parking along the south side from 100 feet east of Glenhurst Avenue to 235 feet west of Glenhurst Avenue.

Adopted by the City Council November 4, 1991

[Signature]
Mayor

Attest:

[Signature]
City Clerk

Reviewed for administration:

[Signature]
City Manager

Approved as to form and execution:

[Signature]
City Attorney
July 26, 2019

RE: Request for removal of parking restrictions on County Road 25 Service Road

Dear resident, business owner, or property owner,

The city has received a request to remove parking restrictions on the south service road to County Road 25 west of Glenhurst Avenue. See picture below where the green line represents the proposed parking restriction removal.

The city’s traffic committee recommends the parking restrictions as shown above to be removed. The frontage road requires parking restrictions in order to ensure safe passage of vehicles. However, the new parking inlet west of Glenhurst Avenue allows vehicles to get further off the road when parked. Therefore, there is enough room for the safe passage of vehicles, so the parking restrictions can be removed.

If you have any comments or questions regarding this proposal, please contact me at 952.924.2669 or bmanibog@stlouispark.org by Monday, August 12. Comments received will be summarized in the report given to city council when the proposal is up for approval on Monday, August 19.

Sincerely,

Ben Manibog
Transportation Engineer

Cc: Debra Heiser, Engineering Director
Margaret Rog, Ward 1 Council Member
Tom Harmening, City Manager
Executive summary

Title: Traffic Study 708: Authorize installation of all-way stop controls at Zarthan Avenue and 29th Street (Petition)

Recommended action: Motion to adopt Resolution authorizing installation of all-way stop controls on Zarthan Avenue and 29th Street.

Policy consideration: Installing traffic controls is allowed per the city’s established regulatory authority.

Summary: Staff received a request for all-way stop signs to the intersection of Zarthan Avenue and 29th Street in June 2018. The intersection of Zarthan Avenue and 29th Street is a three-way intersection and currently does not have stop signs. The city’s traffic control policy and the Minnesota Manual of Uniform Traffic Control Devices (MnMUTCD) guide the installation of stop signs. The policy sets out warrant criteria which an intersection should meet in order to have stop signs installed. The stop sign warrants for traffic volume, crash history, and environmental constraints were not met for this intersection.

The traffic committee discussed the study at the July 2018 meeting and did not recommend to support the request because the intersection did not meet the thresholds for stop sign installation. When the traffic committee does not recommend the installation of a traffic control device, residents have an opportunity to petition the city council to reconsider the committee’s recommendation.

In July 2019, staff received a petition that meets the requirements. Past practice by the council has been to approve stop sign requests when a petition is received that meets the requirements of the traffic control policy.

A letter was sent to the surrounding area looking for comments and concerns regarding the proposed traffic control change. Six comments were received from residents through email. Two were in support of adding the stop signs and four were against adding the stop signs.

Financial or budget considerations: The cost to install these traffic controls is minimal and will come out of the general operating budget.

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
Resolution
Petition
Letter to residents

Prepared by: Ben Manibog, Transportation Engineer
Reviewed by: Debra Heiser, Engineering Director
Approved by: Tom Harmening, City Manager


Discussion

**Background:** Staff received a request for all-way stop signs to the intersection of Zarthan Avenue and 29th Street in June 2018. The intersection of Zarthan Avenue and 29th Street is a three-way intersection and currently does not have stop signs.

The city’s traffic control policy and the Minnesota Manual of Uniform Traffic Control Devices (MnMUTCD) guide the installation of stop signs. The policy sets out warrant criteria which an intersection should meet in order to have stop signs installed. The stop sign criteria for traffic volume, crash history, and sightlines were not met for this intersection.

Stop signs are installed to control conflicting traffic movements at intersections and assign who has the right of way. Multiple studies have found that stop signs do not slow down traffic except in the immediate vicinity of the intersection. Also, stop sign compliance is low when drivers believe the signs are not justified, creating an enforcement problem. Finally, they create traffic noise and higher CO2 emissions due to vehicles slowing down, idling, and starting back up again. Past experience has demonstrated that placing stop signs in locations where they do not meet these conditions can potentially cause an intersection to be less safe due to low compliance.

The traffic committee discussed the study at the July 2018 meeting and did not recommend supporting the request because the intersection did not meet the thresholds for stop sign installation.

When the traffic committee does not recommend the installation of a traffic control device, residents have the opportunity to petition the city council to consider the committee’s recommendation. Per city policy, non-qualifying devices and traffic calming methods may be considered if both of the following are satisfied:

- 70% of properties within a 600-foot radius from the location sign a petition or a neighborhood association supports a neighborhood study and calming strategy.
- Special studies and installation of traffic calming controls (except signs) would be at residents or neighborhood cost (specifically assessed to benefitted residents or areas).

The city has received the attached petition that meets the requirements listed above. Past practice by the council has been to approve stop sign requests when a petition is received that meets the requirements of the traffic control policy.

A letter was sent to the surrounding area looking for comments and concerns regarding the proposed traffic control change. Six comments were received from residents through email. Two were in support of adding the stop signs and four were against adding the stop signs. Their comments are summarized below:

**In support of the addition of stop signs (2 comments):**

- “I signed my neighbors petition and I'm in favor of North/South stop signs. There is no need for East bound. There was hit an run last year that killed a small dog and new residents on the 2800 block of Zarthan have young children. I’m retired and home a lot to witness many young drivers going way too fast. They tend to go even faster through that intersection because 29th does not go through. While you state that stop signs
don't slow traffic, I beg to differ in this case. One more stop sign isn't going to upset anyone's life’.

- “I have not seen any other remedies proposed by the city to attempt to address the reckless nature of the traffic passing through our Birchwood neighborhood. From my understanding, the speed limit on residential streets is 30mph and that the city of St Louis Park is unwilling to change this limit, even though when I drive through other cities like Edina and Minnetonka they post 25mph. While I agree with your assessment of higher traffic noise, more CO2, and that certain drivers will find the signs are not justified. I do not agree that because the city is unable to 100% enforce every stop sign - that is justification for not putting in any stop signs. That's like saying speed limits create enforcement problems... Why have any traffic laws if they just create enforcement problems? Again, I would like to see the city offer solutions, and not just "we can't do anything and we recommend not doing anything", that residents can enact to make the streets where we live and our kids play safer’.

Against the addition of stop signs (4 comments):
- “Upon further consideration after reading your letter of July 26, 2019, I have decided to remove my name from the petition that was circulated. Not only was I unaware that the main reason for the petition was as a speed deterrent, but since signing I have spent time observing the traffic on Zarthan Ave and have noticed no rash of speeding. I believe that your finding about a stop sign’s effectiveness in slowing down traffic is correct and that the city’s limited resources can be utilized in a better way’.
- “We have lived next to Birchwood park for 13 years. Of course there are times when I feel cars drive too quickly. I also sometimes am probably going faster than 30mph on the approach to this intersection from the north because I am coming up the hill. All that said, I have never felt like a stop sign was necessary at 29th from a traffic control or safety perspective. I signed the petition in large part because my neighbor asked me to and both our families have young children. I can understand the frustration of feeling like people are driving too fast when there are no sidewalks. I also feel like having the Step2 KidAlert “signs” on both sides of the street there should be enough to alert people to slow a bit and pay more attention. And as far as I can tell, that is the entire goal here. I appreciate the attention the city pays to these requests and that there is a metric in place to make these decisions”.
- “While my wife signed the petition (not realizing herself that it was circulated after a thorough review had been done and the Traffic Committee did not recommend installation), I did not have the opportunity to sign the petition and nonetheless am opposed to the stop sign given the Committee’s recommendation and the additional points raised in the second paragraph of your letter’.
- “I received your letter concerning a stop sign on 29th St and Zarthan. What a waste of tax money that would be ! I have lived on the corner of 28th and Zarthan for 44 years. I have never observed cars going over the speed limit on Zarthan. I have observed a hysterical mother flag cars down going between 22-24 miles an hour and asking them to slow down. I noticed that the street was metered for a short period of time, so I am sure you know that no one is speeding. I believe this women instigated this petition and any neighbors who may have signed it did it to be neighborly”.
Resolution No. 19-

Authorize installation of all-way stop controls at Zarthan Avenue and 29th Street (Petition)

Whereas, the City of St. Louis Park, Minnesota received a request for stop signs at the intersection of Zarthan Avenue and 29th Street; and

Whereas, the traffic committee has reviewed the request and did not recommend installation of stop signs for the intersection of Zarthan Avenue and 29th Street; and

Whereas, non-qualifying devices may be considered if seventy (70) percent of residents within a six hundred (600) foot radius from the intersection petition; and

Whereas, city staff received a completed and valid petition requesting the installation of all-way stop signs at the intersection of Zarthan Avenue and 29th Street; and

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

Now therefore be it resolved by the City Council of the City of St. Louis Park, Minnesota, that the Engineering Director is hereby authorized to:

1. Install stop signs on all of the approaches of the intersection of Zarthan Avenue and 29th Street.

Reviewed for administration: Adopted by the City Council August 19, 2019

Thomas K. Harmening, City Manager Jake Spano, Mayor

Attest:

Melissa Kennedy, City Clerk
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July 26, 2019

RE: Proposed installation of all-way stop signs on Zarthan Avenue and 29th Street

Dear resident, business owner, or property owner,

Last year, the traffic committee received a request to investigate the installation of all-way stop signs on Zarthan Avenue and 29th Street. The intersection currently does not have stop signs.

Stop signs are installed to control conflicting traffic movements at intersections and assign who has the right-of-way. Multiple studies have found that stop signs do not slow down traffic except in the immediate vicinity of the intersection. Also, stop sign compliance is low when drivers believe the signs are not justified, creating an enforcement problem. Finally, they create traffic noise and higher CO2 emissions due to vehicles slowing down, idling, and starting back up again.

Due to these potential impacts of installing stop signs, we take such requests seriously and complete a thorough review of the intersection, using established industry standards to develop our recommendations.

The results of the study are that this intersection does not meet the criteria for installation of all-way stop control. The Traffic Committee does not recommend installation of additional stop signs where these criteria are not met. Past experience has demonstrated that placing stop signs in locations where they do not meet these conditions can potentially cause an intersection to be less safe due to low compliance.

When the committee does not recommend the installation of a traffic control device, residents have an opportunity to petition the City Council to consider the committee’s recommendation. Non-qualifying traffic control devices may brought to the council if 70% of residents within a 600 foot radius from the location sign a petition. We have received a petition that meets these requirements.

This all-way stop sign petition is scheduled to be brought before City Council for consideration on Monday, August 19, at the regular council meeting.

If you have any comments or questions regarding this request, please contact me at (952) 924-2669 or bmanibog@stlouispark.org by Monday, August 12. Comments received will be summarized in the report given to council.

Sincerely,

Ben Manibog
Transportation Engineer

Attachment: Stop sign traffic study for Zarthan Avenue and 29th Street

Cc: Debra Heiser, Engineering Director
Margaret Rog, Ward 1 Council Member
Tom Harmening, City Manager
Birchwood neighborhood association
Stop sign study for Zarthan Avenue and 29th Street

The city’s traffic control policy and the MN Manual of Uniform Traffic Control Devices (MnMUTCD) guide the installation of stop or yield signs. Past experience has demonstrated that placing stop signs in locations where they do not meet certain conditions can potentially cause an intersection to be less safe. We therefore take such requests seriously and complete a thorough review of the intersection, using established industry standards to develop our recommendations.

Stop Signs:
Stop or yield signs should be considered at the intersection of two minor streets or local roads where the intersection has more than three approaches and where one of the following conditions exist:

1. Combined vehicular, bicycle, and pedestrian volumes entering the intersection from all approaches averages more than 2,000 units a day.
   - The traffic volumes at this intersection were collected using traffic counters. There were 375 vehicles a day entering the intersection.
   - The traffic volumes did not meet the threshold for a stop sign or yield sign.

2. Crash records indicate five or more accidents within a three year period.
   - Crash history showed there were zero reported accidents in the last three years.
   - The crash history did not meet the threshold for a stop sign or yield sign.

3. The ability to see conflicting traffic on an approach is not sufficient to allow a road user to stop or yield in compliance with the normal right of way rule if stopping or yielding is necessary.
   - The sightlines at this intersections were found to be clear. There is adequate ability for drivers to apply the normal right of way rule if stopping or yielding.
   - The sightlines did not meet the threshold for a stop sign or a yield sign.

Due to not meeting any of the above conditions for a stop or yield sign, the traffic committee recommends that the intersection remain as it is today.