All meetings of the St. Louis Park City Council will be conducted by telephone or other electronic means starting March 30, 2020, and until further notice. This is in accordance with a local emergency declaration issued the city council, in response to the coronavirus (COVID-19) pandemic. Additionally, city facilities are closed to the public until May 4 in keeping with the April 8, 2020, Executive Order 20-33 issued by Gov. Tim Walz directing Minnesotans to Stay at Home April 8 - May 4.

Some or all members of the St. Louis Park City Council will participate in the April 20, 2020 council meeting by electronic device or telephone rather than by being personally present at the city council’s regular meeting place at 5005 Minnetonka Blvd.

Members of the public can monitor this meeting by video and audio at https://bit.ly/watchslpcouncil and on local cable (Comcast SD channel 17, or CenturyLink SD channel 8117 and HD channel 8617) or by calling +1-312-535-8110 meeting number (access code): 359 770 50 for audio only. Cisco Webex will be used to conduct videoconference meetings of the city council, with council members and staff participating from multiple locations.

Members of the public wishing to address the city council should call 952-928-1304 to provide public comment on the consent agenda, and 952-562-2888 to provide public comment on item 6a Amendment to Ordinance 2581-20 vacating portions of alley right-of-way – 31st. St. W. If you wish to provide public comment, please call when the meeting starts at 6:30 p.m. and comments will be taken during each item in the order they are received. Public comments must relate to an item on the current city council agenda.

6:00 p.m.  ECONOMIC DEVELOPMENT AUTHORITY

1. Call to order

2. Roll call

3. Approval of minutes
   3a. EDA meeting minutes of April 6, 2020

4. Approval of agenda and items on EDA consent calendar
   4a. EDA Resolution approving the Sixth Amendment to Purchase and Redevelopment Contract – PLACE E-Generation One, LLC.
   4b. • Adopt EDA Resolution authorizing EDA submission of a grant application to the Department of Employment and Economic Development (DEED) Contamination Clean-up Grant Program on behalf of Robinson Zamorano for the Luxe Residential project.
       • Adopt EDA Resolution authorizing EDA submission of a grant application to the Metropolitan Council Tax Base Revitalization Grant Program on behalf of Robinson Zamorano for the Luxe Residential project.

7. New business
   7a. Small business emergency assistance program
       **Recommended action:** Motion to adopt EDA Resolution approving the small business emergency assistance program to aid local small businesses adversely impacted by the COVID-19 pandemic and related emergency orders.
6:30 p.m.  CITY COUNCIL MEETING

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

2. Presentations
   2a. National Volunteer Week proclamation and annual volunteer update
   2b. National Public Safety Telecommunicators Week

3. Approval of minutes
   3a. City council meeting minutes of March 2, 2020
   3b. Study session meeting minutes of March 9, 2020
   3c. City council meeting minutes of March 16, 2020

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 -- None

6. Public hearings
   6a. Amendment to Ordinance 2581-20 vacating portions of alley right-of-way – 31st. St. W.

   Recommended action: Mayor to open the public hearing, take testimony, and then close the
   public hearing. Motion to approve first reading of Ordinance amending and reinstating
   Ordinance 2581-20 vacating the right-of-way between 31st Street West and the Hwy 7
   Frontage Road between Glenhurst Avenue and Inglewood Avenue and set the second
   reading of the Ordinance for May 4, 2020. (requires 5 affirmative votes)

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

8. Resolutions, ordinances, motions and discussion items – None

9. Communications – None
Consent calendar

4a. Approve second reading and adopt Ordinance adding Section 36-268-PUD 16 to the zoning code and amending the zoning map from R-C high-density multiple-family residence to PUD 16 and approve the Summary Ordinance for publication.

4b. Adopt Resolution accepting work and authorizing final payment in the amount of $20,998.05 for the 2019 Alley reconstruction project with G.L. Contracting, Inc. - city contract No. 97-19.

4c. Adopt Resolution declaring the official intent of the City of St. Louis Park to reimburse certain expenditures from the proceeds of bonds to be issued by the city.

4d. Approve an extension until April 20, 2021 to act upon the approved conditional use permit (CUP) and variance at 8105 Minnetonka Boulevard.

4e. Designate GMH Asphalt the lowest responsible bidder and authorize execution of a contract with the firm in the amount of $412,947.10 for street maintenance – project no. 4020-1200.


St. Louis Park Economic Development Authority and regular city council meetings are carried live on civic TV cable channel 17 and replays are frequent; check [www.parktv.org](http://www.parktv.org) for the schedule. The meetings are also streamed live on the internet at [www.parktv.org](http://www.parktv.org), and saved for video on demand replays. During the COVID-19 pandemic, agendas will be posted on Fridays on the entrance doors to city hall and on the text display on civic TV cable channel 17. The agenda and full packet are available after noon on Friday on the city’s website.

*If you need special accommodations or have questions about the meeting, please call 952-924-2525.*
1. **Call to order**

President Harris called the meeting to order at 6:20 p.m.

Commissioners present: President Harris, Tim Brausen, Larry Kraft, Anne Mavity, Nadia Mohamed, Margaret Rog, and Jake Spano.

Commissioners absent: None.

Staff present: Executive Director (Mr. Harmening), Economic Development Coordinator (Mr. Hunt), Community Development Director (Ms. Barton), City Attorney (Mr. Mattick), Deputy City Manager/Human Resources Director (Ms. Deno), Communications Manager (Ms. Smith), Senior Management Analyst (Ms. Solano), and Recording Secretary (Ms. Pappas).

2. **Roll call**

3. **Approval of minutes**

   **3a. EDA meeting minutes March 16, 2020**

   *It was moved by Commissioner Mavity, seconded by Commissioner Spano, to approve the March 16, 2020 EDA meeting minutes as presented.*

   *The motion passed 7-0.*

4. **Approval of agenda and items on EDA consent calendar**

   **4a.** Accept for filing EDA disbursement claims for the period of February 22 through March 27, 2020

   **4b.** Adopt **EDA Resolution No. 20-02** approving the purchase agreement between the EDA and Eric Wanta for 5647 Minnetonka Blvd. and authorize the President and Executive Director to execute the documents necessary to complete the real estate transaction

   Adopt **EDA Resolution No. 20-03** approving the purchase agreement between the EDA and Ray and Joelyn Spear for 5707 Minnetonka Blvd. and authorize the President and Executive Director to execute the documents necessary to complete the real estate transaction

   *It was moved by Commissioner Brausen, seconded by Commissioner Spano, to approve the EDA agenda as presented and the items on the consent agenda.*
The motion passed 7-0.

4c. Adopt EDA Resolution No.20-04 of support for CommonBond’s submission of a grant application to the Hennepin County Transit Oriented Development (TOD) Program for its Prince of Peace project.

It was moved by Commissioner Brausen, seconded by Commissioner Spano, to approve the EDA agenda as presented and the items on the consent agenda.

The motion passed 6-0-1 (Commissioner Mavity recused herself as a staff member of CommonBond serves on her board.)

Commissioner Rog stated she is excited about the properties on Minnetonka Boulevard, which have been secured for affordable housing initiatives. Chair Harris agreed.

5. Reports - none

6. Old business - none

7. New business - none

8. Communications – none

9. Adjournment

The meeting adjourned at 6:30 p.m.

Melissa Kennedy, secretary

Rachel Harris, president
Executive summary

Title: Sixth Amendment to Purchase and Redevelopment Contract with PLACE E-Generation One, LLC

Recommended action: **Due to the COVID-19 emergency declaration, this item is considered essential business and is categorized as a Required Action**
- Motion to adopt EDA Resolution approving the Sixth Amendment to Purchase and Redevelopment Contract – PLACE E-Generation One, LLC.

Policy consideration: Does the EDA support the partial termination of the Purchase and Redevelopment Contract with PLACE as presented in the Sixth Amendment?

Summary: At the Nov. 18, 2019 study session, PLACE informed the EDA that that it would not be able to meet certain requirements under its Contract with the EDA relative to the South Components, but that it intended to continue with development of the North Components. As a result, the parties agreed to work toward a Sixth Amendment and Partial Termination to the Contract which would (among other things) bifurcate the north and south side projects.

As stated in the April 13, 2020 staff report, the proposed amendment has subsequently been prepared and is summarized as follows:

1. The parties agree that all rights and obligations of the parties with respect to the South Parcel and South Components are terminated, including (among other things) conveyance of the South Parcel by the EDA to PLACE, construction by PLACE of the South Components, and the issuance by the EDA of a TIF Note related to the South Components. The Sixth Amendment amends or terminates all provisions of the Contract in connection with the South Parcel or South Components.
2. The legal description of the Redevelopment Property subject to the Agreement is amended to include only the North Parcels.
3. The designation of the E-Generation facility is changed such that this component is included in the North Components.
4. The construction completion date for the Minimum Improvements (i.e. North Apartments including commercial space and the E-Generation Facility), is extended from December 31, 2020 to December 31, 2021.
5. The construction staging easement on the North Parcels will be terminated upon PLACE providing proof of financing for the E-Generation facility and approval of construction plans.

The proposed Sixth Amendment has been prepared by the EDA’s legal counsel who recommends its approval.

Financial or budget considerations: The EDA will continue incurring holding costs for the South Parcel until it is sold to another developer.

Supporting documents: EDA Resolution
Sixth Amendment to Purchase and Redevelopment Contract

Prepared by: Greg Hunt, economic development coordinator
Reviewed by: Karen Barton, community development director
Approved by: Tom Harmening, EDA executive director and city manager
Resolution approving a Sixth Amendment to and Partial Termination of Purchase and Redevelopment Contract between the Authority and Place E-Generation One LLC

Whereas, the Authority and the City of St. Louis Park have heretofore approved the establishment of the Wooddale Station Tax Increment Financing District (the “TIF District”) within Redevelopment Project No. 1 (the “Project”), and have adopted a tax increment financing plan for the purpose of financing certain improvements within the Project; and

Whereas, to facilitate the redevelopment of certain property within the Project and TIF District, the Authority and PLACE E-Generation One LLC (the “Redeveloper”) have previously negotiated a Purchase and Redevelopment Contract (as subsequently amended, the “Agreement”) which provides for the conveyance of certain property (the “Property”) to the Redeveloper, the construction by the Redeveloper of a mixed-use, mixed-income, transit-oriented development, including rental housing, and associated parking on the Property, and the issuance of one or more Tax Increment Revenue Notes to the Redeveloper; and

Whereas, in order to allow the Redeveloper adequate time to obtain financing for construction of the Minimum Improvements (as defined in the Agreement), the Redeveloper has requested and the Authority has consented to five prior amendments of the Agreement, extending the dates for closing of the Property and amending various other provisions; and

Whereas, the Redeveloper has notified the Authority of its inability to move forward with the acquisition of the South Parcels and construction of the South Components of the Minimum Improvements, and the parties have negotiated a Sixth Amendment to and Partial Termination of the Agreement (the “Sixth Amendment”), terminating all rights and obligations of the parties with regard to the South Parcel and South Components and modifying certain other provisions of the Agreement; and

Whereas, the Board has reviewed the Sixth Amendment and finds that the execution thereof and performance of the Authority’s obligations thereunder, including extension of the date of completion of construction of the Minimum Improvements, are in the best interest of the City and its residents.

Now therefore be it resolved that the Sixth Amendment as presented to the Board, including the termination of provisions for the conveyance of the South Parcels, is hereby in all respects approved, subject to modifications that do not alter the substance of the transaction and that are approved by the President and Executive Director, provided that execution of the Sixth Amendment by such officials shall be conclusive evidence of approval.

It is further resolved that Authority staff and officials are authorized to take all actions necessary to perform the Authority’s obligations under the Agreement as amended, including without limitation execution of any documents to which the Authority is a party referenced in or attached to the Agreement, all as described in the Agreement as amended by the Sixth Amendment.

EDA Resolution No. 20 - _____
It is further resolved that this resolution shall be effective upon approval.

Reviewed for Administration:  

Thomas K. Harmening, executive director

Attest:  

Melissa Kennedy, secretary

Adopted by the Economic Development Authority April 20, 2020

Rachel Harris, president
SIXTH AMENDMENT TO AND PARTIAL TERMINATION OF PURCHASE AND REDEVELOPMENT CONTRACT

This Sixth Amendment to and Partial Termination of Purchase and Redevelopment Contract (the “Amendment”) is dated as of April 20, 2020, by and between ST. LOUIS PARK ECONOMIC DEVELOPMENT AUTHORITY, a public body corporate and politic under the laws of the State of Minnesota (the “Authority”), and PLACE E-GENERATION ONE LLC, a Delaware limited liability company (the “Redeveloper”).

RECITALS

A. The Authority and the Redeveloper executed a certain Purchase and Redevelopment Contract, dated as of May 1, 2017, recorded in the office of the Hennepin County Registrar of Titles on January 29, 2018 as Document No. T05507816 and in the office of the Hennepin County Recorder as Document No. A10523327, as amended by a First Amendment thereto dated as of November 6, 2017, a Second Amendment thereto dated as of December 18, 2017, a Third Amendment thereto dated as of May 7, 2018, a Fourth Amendment thereto dated as of November 5, 2018, and a Fifth Amendment thereto dated as of June 17, 2019 (as so amended, the “Agreement”), pursuant to which the Authority agreed to convey certain property described in the Agreement (the “Redevelopment Property”) to the Redeveloper and pledged Available Tax Increment (as defined in the Agreement) to pay or reimburse certain costs incurred by the Redeveloper in connection with the development of certain North Components, consisting of the North Apartments Component, the North Commercial Space Component, and associated parking on the northern portion of the Redevelopment Property (the “North Parcels”); and certain South Components, consisting of the South Apartments Component, the South Commercial Space Component, the Hotel Component, the E-Generation Facility Component, and associated parking (all as defined in the Agreement) on the southern portion of the Redevelopment Property (the “South Parcels”) (collectively, the “Minimum Improvements”).

B. The Agreement as most recently amended provided for closing on conveyance of the North Parcels of the Redevelopment Property by a date no later than December 31, 2018, and on the South Parcels by a date no later than December 31, 2019. The parties duly closed on the North Parcels of the Redevelopment Property on December 28, 2018.
C. The Redeveloper has informed the Authority that it is unable to move forward with closing on the acquisition of the South Parcels, and therefore the parties desire to effect a partial termination of the Agreement.

D. In addition to the partial termination, in order to provide more time for the Redeveloper to construct the North Components and to amend certain other provisions of the Agreement, the parties agree to extend the date for completion of construction of the North Components of the Redevelopment Property and to amend certain other provisions of the Agreement, as set forth herein.

NOW, THEREFORE, in consideration of the premises and the mutual obligations of the parties hereto, each of them does hereby covenant and agree with the other as follows:

1. **Amendment to Section 1.1 of the Agreement.** Section 1.1 of the Agreement is amended to modify or delete the following definitions:

   (a) The definition of Available Tax Increment is amended as follows:

   “Available Tax Increment” means ninety-five percent (95%) of the Tax Increment attributable to the Minimum Improvements and Redevelopment Property that is paid to the Authority by the County in the six months preceding each Payment Date on the Note.

   (b) The definition of E-Generation Facility Component is amended as follows:

   “E-Generation Facility Component” means the approximately 10,200 square foot facility with an anaerobic digester and energy balancing equipment and a vertical greenhouse for urban agriculture to be constructed on the Redevelopment Property as part of the Minimum Improvements.

   (c) The definitions of Hotel Component, South Apartments Component, South Commercial Space Component, South Components, and South Parcels are deleted.

   (d) The definition of Minimum Improvements is amended as follows:

   “Minimum Improvements” means, collectively, the North Apartments Component, the North Commercial Space Component, the E-Generation Facility Component, and associated parking as required pursuant to the PUD.

   (e) The definition of North Apartments Component is amended as follows:

   “North Apartments Component” means the approximately 217 apartments, including 152 Affordable Apartments and 65 market rate apartments, to be constructed on the Redevelopment Property as part of the Minimum Improvements.

   (f) The definition of North Commercial Space Component is amended as follows:

   “North Commercial Space Component” means the approximately 2,484 square-foot retail bike and repair shop and the approximately 2,624 square-foot makers space to be constructed on the Redevelopment Property as part of the Minimum Improvements.
2. Amendment to Section 3.1 of the Agreement. Section 3.1 of the Agreement is amended as follows:

(a) The Redevelopment Property consists of the parcels described in Schedule A attached hereto.

(b) The Redeveloper has prepared and obtained final City approval of a PUD and plat of the Redevelopment Property (the “Redevelopment Plat”).

3. Amendment to Section 3.2 of the Agreement. Section 3.2 of the Agreement is amended as follows:

Purchase Price; Provisions for Payment; Deferral. The purchase price to be paid to the Authority by the Redeveloper in exchange for the conveyance of the Redevelopment Property shall be $4,059,250 (the “Purchase Price”), payable as follows: Upon execution of this Agreement, the Redeveloper placed $20,000 as earnest money (the “Earnest Money”) into an escrow account administered by the City, which was held and applied to the Purchase Price at Closing (as defined hereafter). At Closing, the Redeveloper paid $3,084,250 of the Purchase Price, less the escrowed Earnest Money. The Redeveloper shall pay the remaining $975,000 of the Purchase Price, plus interest to accrue at the rate of 4.0% per annum (the “Financed Purchase Price”), in regular semiannual installments of principal and accrued interest, over a period of ten (10) years. Interest on the Financed Purchase Price accrues from the date of Closing.

To secure the full payment of the Financed Purchase Price, the Redeveloper has provided a mortgage lien on the Redevelopment Property in favor of the Authority in the principal amount of $975,000 on the date of Closing, which mortgage lien is subordinate to all mortgages provided under the terms of Section 7.3 hereof. Additionally, the Board of Commissioners of the Authority has adopted an interfund loan resolution providing for an interfund loan in the amount of $1,500,000 as permitted under Section 469.178, subd. 7 of the TIF Act (the “Interfund Loan”). In the event that the Redeveloper fails to make the scheduled payments for the Financed Purchase Price, $975,000 principal of the Interfund Loan and interest thereon shall be repaid solely from Available Tax Increment on a subordinate basis to the payments on the TIF Note, pursuant to the terms of the Interfund Loan resolution adopted by the Authority on May 1, 2017.

4. Amendment to Section 3.3 of the Agreement. Section 3.3 of the Agreement is amended to provide in full as follows:

The closing on conveyance of the Redevelopment Property from the Authority to the Redeveloper (“Closing”) occurred on December 28, 2018, and the parties to this Agreement have satisfied all obligations related to such conveyance.

5. Amendment to Section 3.4 of the Agreement. Section 3.4 of the Agreement is amended to provide that such Section has been satisfied in full by the parties.
6. **Amendment to Section 3.5 of the Agreement.** Section 3.5 of the Agreement is amended to provide that such Section has been satisfied in full by the parties.

7. **Amendment to Section 3.6 of the Agreement.** Section 3.6 of the Agreement is amended to provide in full as follows:

   Without limiting its obligations under Section 8.3 hereof, the Redeveloper agrees that it will indemnify, defend, and hold harmless the Authority, the City, and their governing body members, officers, and employees (collectively, the “Indemnitees”), from any claims or actions arising out of the presence, if any, of hazardous wastes or pollutants existing on or in the Redevelopment Property on or after the date of Closing, unless and to the extent that such hazardous wastes or pollutants are present as a result of the actions or omissions of the Indemnitees. Nothing in this section will be construed to limit or affect any limitations on liability of the City or Authority under State or federal law, including without limitation Minnesota Statutes, Sections 466.04 and 604.02.

8. **Amendment to Section 3.8(b) of the Agreement.** Section 3.8(b) of the Agreement is amended as follows:

   **Terms.** To reimburse the Public Redevelopment Costs incurred by Redeveloper, the Authority shall issue and the Redeveloper shall purchase the Note in the maximum aggregate principal amount of $3,377,236. The Authority shall issue and deliver the Note upon the Redeveloper having:

   (i) delivered to the Authority one or more certificates signed by the Redeveloper’s duly authorized representative, containing the following: (1) a statement that each cost identified in the certificate is a Public Redevelopment Cost as defined in this Agreement and that no part of such cost has been included in any previous certification; (2) evidence that each identified Public Redevelopment Cost has been paid or incurred by or on behalf of the Redeveloper; (3) evidence that Redeveloper has paid all its contractors and subcontractors in full for all work to be reimbursed as a Public Redevelopment Cost; and (4) a statement that no uncured Event of Default by the Redeveloper has occurred and is continuing under the Agreement. The Authority may, if not satisfied that the conditions described herein have been met, return any certificate with a statement of the reasons why it is not acceptable and requesting such further documentation or clarification as the Authority may reasonably require;

   (ii) submitted and obtained Authority approval of financing in accordance with Section 7.1 hereof; and

   (iii) delivered to the Authority an investment letter in a form reasonably satisfactory to the Authority.

The terms of the Note will be substantially those set forth in the form of the Note attached to the Authorizing Resolution adopted by the Authority on November 5, 2018, and the Note will be subject to all terms of the Authorizing Resolution, which are incorporated herein by reference.
9. **Amendment to Section 3.9(b) of the Agreement.** Section 3.9(b) of the Agreement is amended as follows:

(b) **Lookback Calculation.**

(i) At the time of completion of construction of the Minimum Improvements, if the aggregate total amount of the Public Redevelopment Costs paid or incurred by the Redeveloper is less than the aggregate total amount of Public Redevelopment Costs projected in Schedule D, the total assistance provided for reimbursement of the Public Redevelopment Costs will be reduced on a dollar-for-dollar basis in the amount of such deficiency (the “Deficiency”) and the principal amount of the Note will be reduced by the amount of the Deficiency.

(ii) Projected total development costs to construct the North Apartments Component (the “Projected Total Development Costs”) are provided in Schedule E. Upon completion of construction of the Minimum Improvements, the Redeveloper will provide the Authority with documentation of actual Total Development Costs. If actual Total Development Costs, excluding Public Redevelopment Costs, are less than the Projected Total Development Costs, the principal amount of the Note will be reduced by 50% of the excess of the Projected Total Development Costs over the actual Total Development Costs paid or incurred by or on behalf of the Redeveloper (the “Participation Amount”).

10. **Amendment to Section 3.10 of the Agreement.** Section 3.10 of the Agreement is amended as follows:

*Business Subsidy.* The Redeveloper warrants and represents that the Redeveloper’s investment in the purchase of the Redevelopment Property and in site preparation equals at least seventy percent of the County assessor’s finalized market value of the Redevelopment Property for the 2017 assessment year, calculated as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aggregate cost of acquisition of Redevelopment Property</td>
<td>$4,059,250</td>
</tr>
<tr>
<td>Plus Estimated cost of site preparation</td>
<td>$850,525</td>
</tr>
<tr>
<td>Less site preparation costs reimbursed by the Authority</td>
<td>($850,525)</td>
</tr>
<tr>
<td><strong>Equals net land and site preparation cost</strong></td>
<td><strong>$4,059,250</strong></td>
</tr>
<tr>
<td>Assessor’s finalized market value of Redevelopment Property (2017)</td>
<td>$4,397,700</td>
</tr>
</tbody>
</table>

$4,059,250 (net acquisition and site preparation cost) is 92.3% of $4,397,700 (assessor’s finalized fair market value of the Redevelopment Property for 2017).
Accordingly, the parties agree and understand that the financial assistance described in this Agreement does not constitute a business subsidy within the meaning of the Business Subsidy Act. Furthermore, the Minimum Improvements qualify for an exemption under Section 116J.993, subd. 3(17) of the Business Subsidy Act. The Redeveloper releases and waives any claim against the Authority and its governing body members, officers, agents, servants and employees thereof arising from application of the Business Subsidy Act to this Agreement, including without limitation any claim that the Authority failed to comply with the Business Subsidy Act with respect to this Agreement.

11. **Amendment to Section 4.3(a) of the Agreement.** Section 4.3(a) of the Agreement is amended as follows:

The Redeveloper commenced construction of the Minimum Improvements by December 31, 2018. Subject to Unavoidable Delays, the Redeveloper shall complete the construction of the Minimum Improvements by December 31, 2021. For purposes of this paragraph, commencement of construction shall mean commencement of environmental remediation activities. All work with respect to the Minimum Improvements to be constructed or provided by the Redeveloper on the Redevelopment Property shall be in conformity with the Construction Plans as submitted by the Redeveloper and approved by the Authority. If the Redeveloper becomes aware that Redeveloper is not likely to meet the required deadline for commencement and/or completion of construction of the Minimum Improvements, the Redeveloper agrees to provide a written and oral report to the City Council of the City at a regular City Council meeting prior to the applicable deadline. The report must describe the reasons for the expected failure to meet the applicable deadline, evidence of the Redeveloper’s good faith efforts to construct the Minimum Improvements, and a detailed revised schedule. Approval of a modified schedule for construction by the Authority shall not be unreasonably withheld, conditioned or delayed. Failure to timely provide such written and oral report is an Event of Default.

12. **Amendment to Section 4.9 of the Agreement.** Section 4.9 of the Agreement is amended to delete Section 4.9(b) excluding the final paragraph thereof, and Section 4.9(c) is amended as follows:

(c) The Redeveloper agrees to design 18 of the units of the North Apartments Component as live/work units (“Live/Work Units”), comprised of Live/Work Type I units. Live/Work Type I units will include a large working space within the dwelling unit, but no physical storefront.

13. **Deletion of Section 4.11 of the Agreement.** Section 4.11 of the Agreement is deleted in its entirety.

14. **Amendment to Section 4.13 of the Agreement.** Section 4.13 is amended to provide in full as follows:
Other Amenities. The Redeveloper agrees to include the following amenities for the North Apartments Component of the Minimum Improvements: indoor bicycle storage, exercise rooms, sound proof rooms, storage, laundry facilities, and play structures.

15. Amendment to Section 6.3 of the Agreement. Section 6.3 of the Agreement is amended to provide in full as follows:

Assessment Agreement. On the date of Closing, the parties executed and recorded a North Components Assessment Agreement (the “Assessment Agreement”), establishing a minimum market value attributable to the North Apartments Component such that as of January 2, 2020 and each January 2 thereafter, notwithstanding the status of construction by such date, the amount of the minimum market value for the North Apartments Component shall be $39,060,000. Nothing in the Assessment Agreement shall limit the discretion of the assessor to assign a market value to the North Apartments Component of the Redevelopment Property in excess of such assessor’s minimum market value; nothing in this Agreement or in the Assessment Agreement shall limit the right of the Redeveloper, or its successors and assigns, to challenge a market value determination that exceeds the established minimum market value for the North Apartments Component of the Redevelopment Property. The Assessment Agreement shall remain in force for the period specified in the Assessment Agreement.

16. Amendment of Section 10.6 of the Agreement. Section 10.6 of the Agreement is amended as follows:

Section 10.6. Notices and Demands. Except as otherwise expressly provided in this Agreement, a notice, demand, or other communication under the Agreement by either party to the other shall be sufficiently given or delivered if it is dispatched by registered or certified mail, postage prepaid, return receipt requested, or delivered personally, to the following addresses (or to such other addresses as either party may notify the other):

To Redeveloper: PLACE E-Generation One LLC
Attn: Elizabeth Bowling
729 N. Washington Avenue, Sixth Floor
Minneapolis, MN 55401

To Authority: St. Louis Park EDA
Attn: Executive Director
5005 Minnetonka Boulevard
St. Louis Park, MN 55416-2518

17. Amendment of Schedule A. Schedule A is amended to amend the legal description of the Redevelopment Property as follows:

Lot 1, Block 1, PLACE St. Louis Park, Hennepin County, Minnesota
Lot 1, Block 2, PLACE St. Louis Park, Hennepin County, Minnesota
18. **Amendment of Schedules D and E.** Schedules D and E are amended as attached in Exhibit A hereto, and Schedule D-1 is deleted.

19. **Amendment of Schedule H.** Schedule H is amended as attached in Exhibit B hereto.

20. **Termination of Easement.** The Authority executed a Declaration of Easement dated December 28, 2018, filed December 28, 2018 as Document No. T05585202 and Document No. A10623442 (the “Easement”). The Authority and the Redeveloper agree to execute a recordable termination of the Easement within two (2) business days after the later of the following: (a) the City, as delegate of the Authority, approves the Construction Plans for the E-Generation Facility Component as set forth in and in accordance with Section 4.2(b) of the Agreement; and (b) the Redeveloper receives a binding commitment from a lender to provide financing sufficient for construction of the E-Generation Facility Component, or otherwise provides the Authority with proof of funds available to finance construction of the E-Generation Facility Component subject to normal contingencies (including approval of final plans and specifications, termination of the Easement, execution of closing documents and payment of fees). “Construction Plans” shall have the meaning set forth in the Agreement, except that the Redeveloper shall not be required to submit underground parking plans for the E-Generation Facility Component.

21. **Miscellaneous.** Except as modified by this Amendment, the Agreement shall remain in full force and effect. Upon execution of this Amendment, Redeveloper shall reimburse the Authority for all out-of-pocket costs incurred by the Authority in connection with negotiating, drafting and approval of this Amendment.

(Signature pages follow.)
IN WITNESS WHEREOF, the Authority and the Redeveloper have caused this Amendment to be duly executed by their duly authorized representatives.

ST. LOUIS PARK ECONOMIC DEVELOPMENT AUTHORITY

By
Rachel Harris
Its President

By
Thomas K Harmening
Its Executive Director

STATE OF MINNESOTA
) SS.
COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this ___ day of ________, 2020, by Rachel Harris and Thomas K Harmening, the President and Executive Director of the St. Louis Park Economic Development Authority, a public body corporate and politic, on behalf of the Authority.

Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

Kennedy & Graven, Chartered (MNI)
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, Minnesota 55402
PLACE E-GENERATION ONE LLC

By _________________________________
Chris Velasco
Its President

STATE OF MINNESOTA       )
) SS.
COUNTY OF HENNEPIN       )

The foregoing instrument was acknowledged before me this ____ day of ________, 2020, by Chris Velasco, the President of PLACE E-Generation One LLC, a Delaware limited liability company, on behalf of the company.

_______________________________
Notary Public
EXHIBIT A

Schedule D to Purchase and Redevelopment Contract

Public Redevelopment Costs

<table>
<thead>
<tr>
<th>TIF Qualified Expenses</th>
<th>North Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Underground Parking</td>
<td>2,099,134</td>
</tr>
<tr>
<td>Demolition</td>
<td>247,590</td>
</tr>
<tr>
<td>Streets and Road Improvements</td>
<td>175,077</td>
</tr>
<tr>
<td>Curb and Gutter</td>
<td>18,952</td>
</tr>
<tr>
<td>Utilities (sanitary sewer, storm sewer, and water)</td>
<td>217,340</td>
</tr>
<tr>
<td>Earthwork/Excavation</td>
<td>180,000</td>
</tr>
<tr>
<td>Soil Correction &amp; Environmental Remediation</td>
<td>378,102</td>
</tr>
<tr>
<td>Environmental/Soil Testing</td>
<td>44,833</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3,361,028</strong></td>
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</table>
### Schedule E to Purchase and Redevelopment Contract

#### Total Development Costs

<table>
<thead>
<tr>
<th>Total Development Costs</th>
<th>North Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Amount</strong></td>
<td></td>
</tr>
<tr>
<td><strong>ACQUISITION COSTS</strong></td>
<td>4,059,250</td>
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<tr>
<td>Land Cost $25.68 psf</td>
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<tr>
<td><strong>CONSTRUCTION COSTS</strong></td>
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<td>Residential Building</td>
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<td>Underground Parking</td>
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<tr>
<td>Demolition</td>
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</tr>
<tr>
<td>Streets and Road Improvements</td>
<td>175,077</td>
</tr>
<tr>
<td>Curb and Gutter</td>
<td>18,952</td>
</tr>
<tr>
<td>Utilities (sanitary sewer, storm sewer, and water)</td>
<td>217,340</td>
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<tr>
<td>Earthwork/Excavation</td>
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<td>On-site Work</td>
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<td>Construction Contingency</td>
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<td><strong>ENVIRONMENTAL ABATEMENT/SOIL CORRECTION</strong></td>
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<td>Soil Correction &amp; Environmental Remediation</td>
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<td>Environmental/Soil Testing</td>
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<td><strong>PERMITS/FEES</strong></td>
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<td>Park Dedication</td>
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<td>Permits/Inspection</td>
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<td>MetC and SLP SAC/WAC</td>
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<td>Treatment Plant, Trunk, Surface H2O Fees</td>
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<td>Traffic Shut Down Permit</td>
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<td><strong>PROFESSIONAL SERVICES</strong></td>
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<td>Appraisals</td>
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<td>Architectural &amp; Engineering Fees</td>
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<td>Geotech Consultant</td>
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<td>Community Process</td>
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<td>Survey</td>
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<td><strong>FINANCING COSTS</strong></td>
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<td>Insurance (Builder's Risk and Liability)</td>
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<td><strong>DEVELOPER FEE</strong></td>
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<tr>
<td>Net Developer Fee</td>
<td>1,810,000</td>
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<td><strong>CASH ACCOUNTS/ESCROWS/RESERVES</strong></td>
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<td>Operating/Start-up Reserves</td>
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<td>Debt Service Reserves</td>
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<td><strong>Total Development Costs</strong></td>
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<tr>
<td>Minus Public Redevelopment Costs</td>
<td>(3,361,028)</td>
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<tr>
<td><strong>Net Total Development Costs</strong></td>
<td>49,449,526</td>
</tr>
</tbody>
</table>
EXHIBIT B

Schedule H to Purchase and Redevelopment Contract

Site Plan
Executive summary

Title: Authorization to submit applications for environmental grant funds related to the Luxe Residential project

Recommended action: **Due to the COVID-19 emergency declaration, this item is considered essential business and is categorized as a Required Action**

- Motion to adopt EDA Resolution authorizing EDA submission of a grant application to the Department of Employment and Economic Development (DEED) Contamination Cleanup Grant Program on behalf of Robinson Zamorano for the Luxe Residential project.
- Motion to adopt EDA Resolution authorizing EDA submission of a grant application to the Metropolitan Council Tax Base Revitalization Grant Program on behalf of Robinson Zamorano for the Luxe Residential project.

Policy consideration: Does the EDA support submitting grant applications on behalf of the above developer to assist in environmental cleanup of the Luxe Residential project site?

Summary: The Luxe Residential development received PUD ordinance approvals in January 2019 for a six-story, 207-unit apartment building at 5235 Wayzata Blvd. The developer obtained site control in January 2020 and upon conducting due diligence discovered soil contamination that needs remediation. To assist with cleanup costs, the developer is requesting that the EDA apply on their behalf for approximately $1,032,000 in clean up grants from the Metropolitan Council and DEED.

Environmental grants for contamination cleanup are awarded semi-annually. These grant applications are due May 1, 2020. Each grant requires a resolution from the governing body of the city where the project site is located indicating that it supports the proposed project and application. An authorizing resolution for each grant application is attached.

Financial or budget considerations: The EDA is the designated applicant for each grant but has no financial obligations other than to serve as the conduit for the grant funds. The DEED grants require 25 percent of the project cost to be a local match. Of this local match, the applicant must pay 12 percent of the cleanup costs from unrestricted money available to the municipality. This 12 percent cannot include funds from other grant sources. The Developer has agreed to pay this cost. No funds are being requested from the EDA in connection with these grant applications.

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

Supporting documents: Discussion
EDA resolutions

Prepared by: Julie Grove, economic development specialist
Greg Hunt, economic development coordinator

Reviewed by: Karen Barton, community development director

Approved by: Tom Harmening, city manager, EDA executive director
Discussion

Background: In January 2019, city council approved the Luxe Residential’s planned unit development (PUD) ordinance for a new six-story apartment building in the West End redevelopment district, located at the old Olive Garden site. The Olive Garden moved to Minnetonka in October 2019 and the existing building remains vacant. The apartment will include 207 units ranging in size from studio to three bedrooms and two levels of underground parking. Approval of the West End redevelopment district plan occurred in 2007, prior to the adoption of the city’s Inclusionary Housing Policy. Although the project is not subject to the city’s inclusionary housing policy, at the request of staff, the developer has agreed to provide eight affordable units at 60% average median income (AMI). The site will also include a new pocket park along 16th Street and pedestrian improvements connecting the apartment to the rest of the West End.

Upon gaining site control in January 2020, the developer conducted environmental investigations and found that the soil is contaminated with petroleum impacted groundwater on the west central part of the site and urban fill. Further soil investigation will be required after demolition of the existing restaurant building to determine the exact amount of contaminated soil. To help offset the additional costs related to the environmental contamination during redevelopment, approximately $1,032,000 in grants funds are being requested from a combination of the Department of Employment and Economic Development (DEED) Cleanup Grant, the Metropolitan Council Tax Base Revitalization Account (TBRA) Contamination Cleanup Grant.

Funding is not being requested from the EDA in connection with these grant applications. The DEED grants require the applicant or other local source to pay for 25 percent of the project cost as a local match to obtain a cleanup grant. Grants from the Metropolitan Council could cover up to 13 percent of this match and the Developer has agreed to pay the remaining 12 percent.

Demolition of the existing building is expected to commence in May 2020, further soil investigation in mid-May 2020, and cleanup activities are expected to begin in July 2020. Construction is expected to be completed by June 30, 2022.

Next steps: Upon adoption of the proposed resolutions, staff will proceed with the following schedule:

– May 1, 2020: Submit the authorizing resolutions and applications to each granting agency.
– July 2020: Grant awards will be announced.
EDA Resolution No. 20-____

Resolution approving a grant application to the Department of Employment and Economic Development on behalf of the Luxe Residential

Whereas, the St. Louis Park Economic Development Authority (Authority) has agreed to act as the legal sponsor for the Project referred to as the Luxe Residential contained in the Contamination Cleanup Grant application submitted to the Department of Employment and Economic Development (DEED) on or before May 1, 2020; and

Whereas, that the city of St. Louis Park is located within the seven county metropolitan area defined in section 473.121, subdivision 2, and is participating in the local housing incentives program under section 473.254.

Whereas, the Authority has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, the sources and amounts of the local match identified in the application are committed to the project identified and the advance of such funds is subject to the final approval of the Authority; and

Whereas, the Authority has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, upon approval of its application by the state, the Authority may enter into an agreement with the State of Minnesota for the above referenced Project, and that the Authority certifies that it will comply with all applicable laws and regulation as stated in all contract agreements;

Now, therefore, be it resolved that the Authority has approved the Contamination Cleanup grant application submitted to the Department of Employment and Economic Development (DEED) on May 1, 2020 for the Luxe Residential site.

It is further resolved that the President and Executive Director are hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of the Authority and execute such agreements as are necessary to implement the Project on behalf of the applicant.

I certify that the above resolution was adopted by the St. Louis Park Economic Development Authority on, April 20, 2020.
Title: Authorization to submit applications for environmental grant funds related to the Luxe Residential project

Reviewed for administration: Thomas K. Harmening, executive director

Adopted by the Economic Development Authority April 20, 2020

Rachel Harris, president

Attest:

Melissa Kennedy, secretary
EDA Resolution No. 20-____

Resolution authorizing application for the Metropolitan Council Tax Base Revitalization Account on behalf of the Luxe Residential

Whereas, the City of St. Louis Park is a participant in the Livable Communities Act's Housing Incentives Program for 2020 as determined by the Metropolitan Council, and is therefore eligible to make application for funds under the Tax Base Revitalization Account; and

Whereas, the St. Louis Park Economic Development Authority (Authority) has identified a clean-up project within the city that meets the Tax Base Revitalization account's purposes and criteria; and

Whereas, the Authority has the institutional, managerial and financial capability to ensure adequate project administration; and

Whereas, the Authority certifies that it will comply with all applicable laws and regulations as stated in the contract agreements; and

Whereas, the Authority agrees to act as legal sponsor for the project contained in the Tax Base Revitalization Account grant application submitted on May 1, 2020;

Now, therefore, be it resolved that the President and Executive Director are hereby authorized to apply to the Metropolitan Council for a Tax Base Revitalization Account grant on behalf of the Authority and to execute such agreements as are necessary to implement the project on behalf of the applicant.

Reviewed for administration: Thomas K. Harmening, executive director

Adopted by the Economic Development Authority April 20, 2020

Rachel Harris, president

Attest:

Melissa Kennedy, secretary
Executive summary

Title: Small business emergency assistance program

Recommended action: **Due to the COVID-19 emergency declaration, this item is considered essential business and is categorized as Time-Sensitive**
- Motion to adopt EDA Resolution approving the small business emergency assistance program to aid local small businesses adversely impacted by the COVID-19 pandemic and related emergency orders.

Policy consideration: Should the EDA create a small business emergency assistance program to aid local small businesses impacted by the COVID-19 pandemic?

Summary: In response to the significant challenges currently facing local small businesses related to the COVID-19 pandemic and the Governor’s related Emergency Executive Orders, and in order to retain small businesses in the city, it is proposed that the EDA authorize the creation of a small business emergency assistance program. As stated in the April 13, 2020 staff report, the purpose of the program is to provide needed financing for local businesses to help them sustain their operations, preserve employment, and prevent business closures in an effort to promote long-term economic vitality in the community. Such a program would provide locally-owned and operated small businesses (those with 3 to 25 employees and under $1 million dollars in annual revenue) with a one-time emergency grant of up to $5,000 to be used for working capital purposes (defined as wages, rent/mortgage/utility/property tax payments, and other critical business expenses) that can’t be paid as a direct result of the current health emergency.

To be eligible to receive small business emergency assistance funds, a business must demonstrate that it has been directly and adversely affected by the COVID-19 pandemic and/or whose industry is named in Executive Orders 20-04 and 20-08. Applicants would also be encouraged to provide proof of application submittal, acceptance, approval and/or denial of state and federal emergency financing programs. The amount of funds provided would be based on scoring criteria. Upon a successful grant application being awarded funds, the applicant would be required to enter into a grant agreement with the St. Louis Park EDA under which the applicant agrees to spend the awarded funds on eligible uses. All grant recipients as a condition for receiving grant funding would be required to submit a brief report to the St. Louis Park EDA specifying how the entirety of the grant funds were utilized within two months of receipt of funds. Funds would be available on a first-come, first-served basis until the funds available are exhausted.

Financial or budget considerations: The proposed assistance program would be funded by reallocating $200,000 budgeted for the Revolving Loan Fund within the Development Fund.

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

Supporting documents: Discussion
EDA resolution
Small business emergency assistance program description

Prepared by: Greg Hunt, economic development coordinator
Reviewed by: Karen Barton, community development director
Approved by: Tom Harmening, EDA executive director and city manager
Discussion

Background: According to research by JP Morgan Chase, half of all small businesses have only 27 or fewer days of cash on hand. Extended temporary closures threaten the ability of the businesses to avoid permanent closure. The average restaurant only has 16 days of cash on hand. A typical independent micro-business has monthly revenues of $8,000 - $12,000 and take-home profits of only $2,000 (source: Metropolitan Consortium of Community Developers). The SBA defines small businesses as those with 250 or fewer employees, or under 500 employees for manufacturers. There are approximately 9,000 businesses in SLP with the majority falling into that category, and the vast majority of businesses in SLP have fewer than 25 employees. Providing urgently needed assistance to our small businesses to help keep their doors open is vital to economic recovery. If we lose our small businesses, there won’t be jobs for our residents to return to. If there aren’t jobs, our economic recovery will take a much longer time and will take a larger toll on our community. While we recognize $5,000 isn’t a sizable amount of money, we know that a grant of $5,000 will make a significant impact on a small business owner’s ability to survive a few months without needing to abandon their business to make ends meet.

The proposed small business emergency assistance program will provide qualified locally owned and operated small businesses (those with 3 to 25 employees and under $1 million dollars in annual revenue) with a much-needed one-time emergency grant of up to $5,000 to be used for working capital purposes defined as wages, employee health benefits, leave payments, mortgage/rent payments, utilities, and/or property taxes and other critical business expenses that can’t be paid as a direct result of the current health emergency.

To be eligible to receive small business emergency assistance funds, a business must demonstrate that it has been directly and adversely affected the COVID 19 Health Pandemic and/or whose industry is named in Executive Orders 20-04 and 20-08 and provide proof of expense for eligible uses. Applicants would also be encouraged to work with landlords and/or loan holders to defer rent and loan payments, and to provide proof of application submittal, acceptance, approval and/or denial of state and federal emergency financing programs. The amount of funds provided would be based on pre-determined scoring criteria. Upon a successful grant application being awarded funds, the applicant would be required to enter into a Grant Agreement with the St. Louis Park EDA under which the applicant agrees to abide by the program’s requirements. Funds would be available on a first-come, first-served basis until the funds available are exhausted. It is anticipated that awarded funds could be distributed within one to two weeks after application approval depending on how grant recipients elect to receive funds. All grant recipients, as a condition for receiving grant funding, would be required to submit a brief report to the EDA specifying how the entirety of the grant funds were utilized within two months of receipt of funds. Staff will follow-up with grant recipients over the six months following funding award to provide additional support and ensure the businesses are aware of resources and how to access them.

Why not limit the eligible businesses under this program to only those businesses that were forced to close under the Governor’s Executive Orders? Staff does not recommend awarding funds exclusively to those businesses closed under the Governor’s Executive Orders. Staff has heard from small businesses not specifically named under the Executive Orders that are equally
facing financial hardship due to the COVID-19 crisis, so staff did not feel it appropriate to exclude them from applying for assistance.

**Why were businesses with 3 to 25 FTE employees targeted for this program?** It is especially important to support small businesses that employ people so that the city 1) keeps people employed and 2) ensure there are jobs available when the emergency executive orders are lifted. Many businesses with 0-2 employees are self-employed and/or 1099 contract employees and work out of their homes. Currently, self-employed individuals are eligible to receive unemployment compensation, plus the additional $600/week from the federal government, as can 1099 or “gig” workers. Many of these individuals do not have brick and mortar stores/offices; however, for those that do, they can work with their landlords to request rent deferrals. Staff recognizes that there are many types of businesses and many variables to consider. Therefore, the program specifically states that businesses with fewer than 3 people may apply and will be considered on a case-by-case basis. Additionally, resources should be targeted to keep those businesses open that have a physical presence in the city.

The SBA defines small businesses as those with 250 or fewer employees. Most businesses in St. Louis Park fall into that category. An early draft of the program set the maximum employment for eligible businesses at 50 employees. Upon further research and knowing that the EDA has limited funding available, it’s important that funding be focused on those smaller businesses with 25 or fewer employees that are likely facing even greater financial hardships. Other cities’ financial assistance programs have similar size criteria. The proposed program also requires that eligible small businesses have no more than $1,000,000 in gross sales annually, which further focuses the program to smaller businesses (typically those with less than 25 employees).

**What is the basis for accepting applications on a first-come first-served basis?** This is admittedly a challenging question. It is critically important to disburse these funds out to small businesses as quickly as possible. Many small businesses don’t have enough cash to get through the next 2-4 weeks. If, as has been suggested, the period for application submissions be set for an initial two to three weeks, then payments to our small businesses would be delayed up to six weeks or more. This is why staff is recommending grants be awarded on a “first-come, first-served” basis for those meeting the grant criteria. Staff anticipates receiving multiple grant applications at once, which staff will then score all at the same time and prioritize by highest score.

**How were the recommended funds allocated for this program and what are the tradeoffs?** The $200,000 recommended to fund this program is half of what is allocated in this year’s budget for the Revolving Loan Fund (RLF) within the Development Fund. Given the fallout from the COVID crisis, staff anticipates that demand for RLF loans will be relatively low this year (since it is meant primarily to help finance physical expansion projects) so reallocating half shouldn’t hamper the fund and allows the funds to be used to support the city’s small businesses during this crisis. The EDA may ultimately choose to increase this amount if the number of applications warrant or based upon needs expressed by the applicants.

**How was the program’s maximum determined?** The $5,000 maximum per grant applicant is based on a nominal amount of funding that can provide working capital to help a small business stay afloat over the next couple of months, while maximizing the number of grants that can be provided. This assistance is designed to be used in conjunction with other assistance such as
rent/mortgage, utility and loan deferrals as a stop gap until other resources such as those offered through the SBA, DEED and other federal and state agencies can be accessed. Providing grants of up to $5,000 is consistent with what other cities are providing in the metro area. Some larger cities like Minneapolis and St. Paul are providing grants between $5,000 and $10,000.

**How will assistance be awarded?** Applications will be evaluated primarily upon demonstration of financial need along with other criteria as established in the guidelines. Based upon expressions of need, staff assumes that many applicants will be awarded the maximum amount.

**Can all or a portion of the funding be allocated specifically to POCI-owned/operated businesses?** While staff has heard councilmembers express that they would like to see funds from this program be directed exclusively to POCI/woman/veteran-owned/operated businesses, the EDA’s and City’s legal counsel have advised that funding through this program should not be limited to certain demographics. However, when scoring applications, additional points will be given to POCI/woman/veteran-owned/operated businesses.

**How will staff know if the applying business is owned or managed by a woman, Person of Color or Indigenous or veteran?** Within the application there is a question which asks if the business is owned or managed by a woman, Person of Color or Indigenous or veteran and to provide additional information if applicable. Additionally, there is a question which asks applicants to describe their (product, hours, customers, clients, etc.), and brief history of business in which applicants may provide additional background information about their business, its products/services and clientele.

**How will the program be marketed and promoted equitably?** Given the need to distribute these funds to businesses as quickly as possible, community development and IR staff will be employing a number of methods to promote the program and ensure businesses are aware of it. Staff has requested a list of POCI businesses based in St. Louis Park from the Secretary of State’s Office. Once obtained, staff will make a dedicated effort to ensure businesses on the list receive program information. Additionally, the program will be promoted via various regular and business news outlets, the city’s social media platforms, city’s website, TwinWest Chamber, Open To Business, Discover St. Louis Park, local business organizations like the Historic Walker Lake Business Association, as well as utilizing our RE/I staff, and asking council members to get the word out in their newsletters and through their contacts with businesses. Staff has also been sharing information about the pending program when conducting business outreach calls and have been collecting emails from the businesses to send out information on the grant program, as well.

**Next steps:** The proposed program has been reviewed and approved by the EDA’s legal counsel in consultation with the city attorney. Staff plans to begin implementing the program immediately following EDA approval.
EDA Resolution No. 20 -

Resolution approving emergency financial assistance to combat impacts of COVID-19 on small businesses within the City of St. Louis Park

Whereas, the Authority was created pursuant to Minnesota Statutes, Sections 469.090 through 469.1081, as amended, and was authorized to transact business and exercise its powers by a resolution adopted by the city council of the City of St. Louis Park, Minnesota (the “City”); and

Whereas, the Authority and the City have undertaken a program to promote economic development and job opportunities, promote the development and redevelopment of land which is underutilized within the city, and facilitate the development of affordable housing; and

Whereas, the spread of COVID-19 in the United States and Minnesota has raised serious public health concerns and resulted in national, state, and city declarations of peacetime emergency; and

Whereas, Governor Tim Walz has issued several Executive Orders to combat the impacts of COVID-19 within the State of Minnesota, which include closures of schools, bars, restaurants, and other places of public accommodation, and directing Minnesotans to stay at home (with exceptions for obtaining necessary supplies, healthcare and similar needs) unless they are engaged in critical sector work; and

Whereas, many businesses within the city have been economically impacted by the Governor’s Emergency Executive Orders in response to the COVID-19 pandemic; and

Whereas, the Authority has the power of a housing and redevelopment authority and an economic development authority and may provide financial assistance to businesses for purposes of preventing blight and preventing substantial and persistent unemployment; and

Whereas, in order to retain small businesses in the city, the Authority has determined to create the Small Business Emergency Assistance Program (the “Program”) to assist with the expenses incurred and specifically caused by the impact of the Governor’s Emergency Executive Orders, and has determined to reallocate up to $200,000 from its Revolving Loan Fund within its Development Fund to the Program in order to provide grants in the amount of up to $5,000 to small businesses in the city; and

Whereas, Authority staff and legal counsel have developed Program guidelines and an application process which have been presented to the Authority for review, and the Board of Commissioners of the Authority have determined that the Program is necessary for the continued economic stability of local businesses within the city.
Now therefore be it resolved that the Small Business Emergency Assistance Program and implementing documents are approved in substantially the form presented to the Authority, subject to modifications not having a substantive effect on such Program and that are approved by the Executive Director of the Authority, and that funds shall be made available under the Program on and after April 21, 2020.

It is further resolved that Authority staff and officials are authorized to take all actions necessary to implement the Program, including without limitation processing and approving Program applications and executing grant agreements pursuant to the Program guidelines.

It is further resolved that this resolution shall be effective upon approval.

Reviewed for Administration: Thomas K. Harmening, executive director

Adopted by the Economic Development Authority April 20, 2020

Rachel Harris, president

Attest:

Melissa Kennedy, secretary
St. Louis Park Economic Development Authority
Small Business Emergency Assistance Program

PURPOSE
Small businesses are integral and vital to the economic, social, and religious fabric of the St. Louis Park community. Accordingly, the St. Louis Park Economic Development Authority (EDA) has determined to offer locally owned and operated businesses within the community a grant opportunity to address working capital needs upon the declaration of a state of emergency by the State of Minnesota (State) and the City of St. Louis Park (City).

The purpose of this program is to ensure the viability of the community’s small businesses faced with the current COVID-19 health emergency which is adversely impacting the City’s economy. The goal of this program is to provide needed financing for local businesses to help them sustain operations and endure economic hardships during this challenging time. The EDA encourages all eligible St. Louis Park small businesses, especially those owned or managed by women, Persons of Color or Indigenous as well as veteran-owned businesses to apply for assistance under the program.

Grant funds are available on a first-come, first-served basis. The program is subject to funding availability from the EDA. The EDA retains the authority and discretion to approve or deny an application, and reserves the right to subsequently add further priorities, change eligibility criteria, or discontinue the program in response to changing circumstances.

ELIGIBILITY
To be eligible to receive Small Business Emergency Assistance funds, a business must demonstrate that its operations have been directly and adversely affected by the COVID-19 Health Pandemic and/or that it operates in a category named in Executive Orders 20-04 and 20-08. All applicants must meet the following criteria:

1. Eligible business types include locally owned and operated businesses noted in Executive Orders 20-04 and 20-08, such as listed below.
   - Restaurants, cafes, coffeehouses, and other places of public accommodation offering food or beverage for on-premises consumption.
   - Taverns, brew pubs, microbreweries, distilleries, wineries, tasting rooms, and other places of public accommodation offering alcoholic beverages for on-premises consumption.
   - Gymnasiums, fitness centers, indoor sports facilities, indoor exercise facilities, exercise studios, businesses offering massage therapy or similar body work, spas, salons, nail salons, cosmetology salons, and barber shops. This includes, but is not
limited to, all salons and shops licensed by the Minnesota Board of Cosmetologist Examiners and the Minnesota Board of Barber Examiners

- Art and music studios.
- Bowling alleys, skating rinks, and other similar recreational or entertainment facilities
- Other businesses deemed non-essential under Executive Orders.
- Other businesses as approved by the EDA.

2. The business shall have a physical address (proof of address required) within the city and have been operating within the city long enough to demonstrate financial viability;

3. The business shall employ between 3 and 25 Full Time Equivalent (FTE) employees prior to the issuance of the State of Minnesota Emergency Executive Order 20-04 (March 16, 2020) and make $1 million or less in annual gross revenue. Businesses with less than 3 employees will be considered on a case-by-case basis;

4. The business must have been in operation for a least 6 months prior to March 1, 2020.

5. All businesses must serve the general public and be a conforming or legally non-conforming use under the current zoning regulations of the city, must not be in violation of the city's zoning code, and must not have any delinquent taxes, bills, or charges due to the city;

6. Applicants are strongly encouraged to claim all applicable private and public insurance and utilize all other sources of applicable assistance available from other private and public sources, including but not limited to requests for rent/mortgage, utility and/or loan deferrals/forgiveness. Applicants are also strongly encouraged to apply for an Economic Injury Disaster Loan through the Small Business Administration (SBA) and Small Business Emergency Loan through the Minnesota Department of Employment and Economic Development (DEED) prior to applying for this grant. For more information, visit:

   Guide to financial resources for Minnesota small businesses

   While not absolutely required, applications which include proof of application submittal, acceptance, approval and/or denial of State and federal emergency financing programs will receive higher scores.

   Additionally, businesses are strongly encouraged to contact their landlords or mortgage holders to request rent or mortgage payment deferrals/forgiveness.

7. Assistance cannot be provided to businesses or non-profits that:

- Do not have a physical address within the City of St. Louis Park
• Derive income from passive investments without operational ties to operating businesses or whose primary source of revenue is from business-to-business transactions.
• Primarily generate income from gambling activities.
• Generate any part of its income from adult-oriented or tobacco/vaping-related activities.
• Have no current or historical financial statements.
• Previously received emergency funds from the city.

PROGRAM GUIDELINES
The Small Business Emergency Assistance Program has the following terms and conditions:

1. **Amount**: Businesses may apply for a one-time emergency grant of up to $5,000. The EDA shall determine the final award amounts based upon scoring criteria.

2. **Term**: All grant awards must be utilized within two months of a grant contract being fully executed.

3. **Uses**: Awarded funds may be used exclusively for current payroll obligations (i.e. may not include employees who have been laid off), lease or mortgage payments, utilities, accounts payable, property taxes and other critical business expenses that can’t be paid as a direct result of the current health emergency. Awarded funds may not be used for businessowner’s/manager’s personal uses or expenses.

4. **Proof of Need**: All applicants must demonstrate financial need for grant funds prior to approval. This includes but is not limited to the previous year’s annual gross revenue, average monthly gross revenue prior to COVID-19, and projected monthly gross revenue for the next three months. Additionally, applicants are encouraged, but not required to provide evidence of application submittal, acceptance, approval and/or denial of State and federal emergency financing programs. This could simply include an email response from these agencies.

5. **Disbursement of Funds**: Funds shall be distributed within one to two weeks after fully executed grant agreement has been received depending on how grant recipients elect to receive funds.

6. **Termination**: The EDA retains the right to terminate any agreement under the Emergency Assistance Program if a grant recipient is found to be in violation of any conditions set forth in the grant guidelines or grant agreement.

7. **Right to Deny**: The EDA retains the right to deny any application for grant funding.

8. **Grant Agreement**: Upon a successful grant application being awarded funds, the grant recipient shall enter into a Grant Agreement with the EDA. Funds will not be
distributed for any grant award until a grant agreement has been executed by all required parties.

9. Reporting: As a condition for receiving grant funding, all grant recipients are required to submit a brief report to the EDA within two months after receiving grant funds, specifying how the entirety of the grant funds were utilized and providing evidence in the form of paid invoices, statements, or similar documentation (see sample report form attached).

10. Funding Availability: The Small Business Emergency Assistance program has a limited amount of funds available. Awards will be provided on a first-come, first-served basis until the earlier of the date the fund is exhausted, or the city-declared state of emergency declaration is lifted.

11. Indemnification: All grant recipients shall be required to indemnify the City of St. Louis Park, the St. Louis Park Economic Development Authority, and any officers acting on their behalf.
APPLICATION PROCESS
Prior to applying, please review the Program Guidelines to determine if your business is eligible.

1. Applications are available on the city’s website: www.stlouispark.org

2. Application requirements will include:
   - Basic details about the business.
   - Basic employment and annual gross revenue information.
   - Information on current operations including whether the business is currently closed or is providing reduced services.
   - Narrative descriptions and estimated calculations of the negative impacts on the business due to COVID-19.
   - A narrative description of the current plans for resuming operations following the COVID-19 crisis.
   - Evidence of application submittal, acceptance, approval and/or denial of State and federal emergency financing programs, as applicable. This could simply include an email response from these agencies.
   - Supporting documentation and application attachments.

3. Completed applications should be typed for purposes of clarity.

4. Fully completed and signed applications along with required documents may be submitted online to: sbassist@stlouispark.org

   or hard copies may be mailed to:
   City of St. Louis Park,  
   Community Development Department  
   ATTN: SBE Assistance Program  
   5005 Minnetonka Blvd, St. Louis Park, MN 55416

   Please note that mailed hard copy applications may take longer to process.

5. Upon submission of application, applicants will receive an email confirming receipt of application.

6. The application will be reviewed for eligibility upon receipt. If additional information or documentation is necessary, EDA staff will contact the applicant. Due to an expected high volume of applications, you may consider your application complete if staff does not request additional information within 10 business days after application acceptance.

7. Funds will be distributed on a first-come, first-served basis. Applications will be accepted up to the lifting of state and local emergency orders or when available funds are expended.

If you have questions or need assistance completing the grant application, please contact:
FUNDING PROCESS
If application is approved and funds are available, businesses will be notified within 10 business days and provided with an electronic grant agreement for signature.

Funds shall be distributed within one to two weeks after a grant agreement has been executed by all required parties depending on how grant recipients elect to receive funds.

Small businesses receiving funds must commit to using the funds for eligible program expenses and must agree to document and report specific uses of the funds. Accordingly, all grant recipients are required to submit a brief report to the St. Louis Park EDA within two months after receipt of funds, specifying how the entirety of the funds were utilized and providing evidence in the form of paid invoices, statements, or similar documentation (see sample report form attached).

FOLLOW-UP and ADDITIONAL RESOURCES:
For businesses needing additional resources such as technical assistance, larger working capital loans, or other, staff will provide ongoing assistance to businesses of all sizes and types, working with partners and other levels of government to access resources as available, such as SBA and State of Minnesota DEED loans.

Staff will conduct a check-in with grant recipients within one year of the distribution of funds to learn the effect of the grant and business outcomes such as economic impact of the grant program, (including, but not limited to, employees retained or rehired, and sales) and whether they match the program’s desired outcomes of business and/or job retention.
SAMPLE

St. Louis Park Small Business Emergency Assistance Report Form

As a condition for receiving grant funding, all recipients of St. Louis Park Small Business Assistance are required to submit a brief report to the City of St. Louis Park within two months after receiving grant funds, specifying how the entirety of the grant funds were utilized and provide evidence in the form of paid invoices, statements, bill, or similar documentation.

Business name: ________________________________________________________________

Business street address: _________________________________________________________

City: ______________________ State: __________ Zip Code: _____________

Name and title of person completing form:
___________________________________________

1. What was the total amount of grant your business received? $_________________________

2. Please specify how grant funds were utilized. Include expenses and amounts up to total amount of grant. For example: Payroll – 2 employees, 2 weeks: $3,000, May Rent - $2,000. Please attach or provide copy of statement, invoice, bill, or similar documentation paid with assistance funds.

3. Please describe benefits received from the awarded funds.

4. Briefly explain any ongoing business impacts from the COVID-19 pandemic:
Report forms and required documentation should be submitted to:

City of St. Louis Park,
Community Development Department
ATTN: SBE Assistance Program
5005 Minnetonka Blvd, St. Louis Park, MN 55416

or sbassist@stlouispark.org
Executive summary

Title: National Volunteer Week proclamation and annual volunteer update

Recommended action: **Due to the COVID-19 emergency declaration, this item is considered essential business and is categorized as Time-Sensitive**

- Mayor to read and give thanks and appreciation to city volunteers and boards and commissions volunteers in honor of National Volunteer Week, April 19 - 25, 2020. The proclamation will be shared with city volunteers and boards and commissions volunteers.

Policy consideration: None at this time.

Summary: In the last year, the City of St. Louis Park had more than 1,000 volunteers donate their time and talents, who contributed more than 9,000 hours. Below are several highlights from 2019:

- Nearly half of our volunteer hours come from Westwood Hills Nature Center volunteers who spent 4,114 hours on trail and maintenance projects, programming, receptionist coverage and animal care.
- The Hydrant Hero program is in its fourth year and has 117 heroes who dig out their hydrants each winter, ensuring quick access in case of an emergency.
- The city benefited from volunteers who tend to more than 40 parks and public spaces and 24 gardens on a regular basis.
- Community events were supported by over 300 volunteers, including the Home Remodeling Fair, Westwood Hills Nature Center Halloween Party, Parktacular, Health in the Park Fair and Era on Excelsior block party.
- Fire hydrant painting continued for its sixth year, with groups and individuals giving hydrants a fresh coat of paint.
- The city partnered with local schools and synagogues to engage youth and children in our park and event opportunities.
- The city has 98 volunteers serving on 12 different boards and commissions that act in an advisory capacity to the city council and participate in various city-wide initiatives that enhance community engagement.
- Administrative volunteers contribute to city services by extending our ability to better serve the public through receptionist support and light administrative tasks.

Financial or budget considerations: Volunteers continue to enhance city services by donating time and talents.

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

Supporting documents: Proclamation honoring city volunteers and boards and commissions volunteers.

Prepared by: Laura Smith, wellness and volunteer coordinator
Reviewed by: Nancy Deno, deputy city manager/HR director
Approved by: Tom Harmening, city manager
Proclamation

Honoring City Volunteers and Boards and Commissions Volunteers

Whereas, citizen involvement enhances the quality and responsiveness of public-decision making and the progress of the community; and

Whereas, city volunteers are an essential part of St. Louis Park, vital to our future as a caring and productive community; and integral to our vision of becoming a connected and engaged community; and

Whereas, city volunteers continue to selflessly give their compassion, time, and commitment to better their community and the lives of others; and

Whereas, city volunteers continue to make a difference through their hard work, dedication and outstanding contributions to the City of St. Louis Park; and

Whereas, various boards and commissions serve in an advisory capacity to the City of St. Louis Park City Council and are conferred various degrees of decision-making power of the city; and

Whereas, the City of St. Louis Park welcomes its citizens to share their talents and perspectives by serving on an advisory board or commission;

Now therefore, let it be known that the mayor and city council of the City of St. Louis Park do hereby commend volunteers of St. Louis Park and the volunteers of St. Louis Park boards and commissions for their dedicated service and outstanding contributions to improving the quality of lives of others, and supporting our community and its people.

Wherefore, I set my hand and cause the Great Seal of the City of St. Louis Park to be affixed this 20th day of April, 2020.

_____________________________________
Jacob Spano, mayor
Executive summary

Title: National Public Safety Telecommunicators Week

Recommended action: **Due to the COVID-19 emergency declaration, this item is considered essential business and is categorized as Time-Sensitive**
• Mayor is asked to read the proclamation designating the week of April 12-18, 2020 as National Public Safety Telecommunicators Week

Policy consideration: Not applicable.

Summary: The City of St. Louis Park is celebrating the second full week of April as National Public Safety Telecommunicators Week. This week honors the dedicated professional men and women who respond to emergency calls, dispatch emergency professionals and equipment, and render lifesaving assistance to the citizens of our community. We are enlisting your support in the form of a Proclamation to honor these men and women for the work that they do every day to provide outstanding service to our first responders and our community.

Financial or budget considerations: None

Strategic priority consideration: Not applicable.

Supporting documents: Proclamation

Prepared by: Mike Harcey, chief of police
Approved by: Tom Harmening, city manager
Proclamation

National Public Safety Telecommunicators Week

April 12-18, 2020

Whereas, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and,

Whereas, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the St. Louis Park emergency communications center; and,

Whereas, Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and ensuring their safety; and,

Whereas, Public Safety Telecommunicators of the St. Louis Park emergency communications center have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and,

Whereas, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

Now therefore, let it be known that the city council of St. Louis Park declares the week of April 12 through 18, 2020 to be National Public Safety Telecommunicators Week in honor of the men and women whose dedication and professionalism keep our police, firefighters and community safe.

Wherefore, I set my hand and cause the Great Seal of the City of St. Louis Park to be affixed this 20th day of April, 2020.

_________________________________________
Jake Spano, mayor
1. Call to order

Mayor Spano called the meeting to order at 6:30 p.m.

Councilmembers present: Mayor Jake Spano, Tim Brausen, Rachel Harris, Larry Kraft, Anne Mavity, Nadia Mohamed, and Margaret Rog.

Councilmembers absent: None.

Staff present: City Manager (Mr. Harmening), City Attorney (Mr. Mattick), Deputy City Manager/Human Resources Director (Ms. Deno), Senior Engineering Project Manager (Mr. Sullivan), Transportation Engineer (Mr. Manibog), Planning and Zoning Supervisor (Mr. Walther), Communications Manager (Ms. Smith), Senior Management Analyst (Ms. Solano), and Recording Secretary (Ms. Pappas).

Guests: Residents of St Louis Park.

1a. Pledge of allegiance
1b. Roll call

2. Presentations

2a. 2020 Census

Mr. Walther presented the report. The U.S. census will take place on April 1, 2020, and invites will be sent to residents on March 12-20, 2020. If no response is received, a U.S. census worker will follow up in person. Mr. Walther noted the non-response rate in St. Louis Park is predicted to be between 15.9 – 22 percent.

Three Complete Count Committee members Ellen Lipschultz, Lisa Greene and Abdihakim Ibrahim introduced themselves and spoke about being involved in the census process.

Councilmember Rog thanked them for their work and asked when the census will be completed. Mr. Walther stated all census results are to be delivered to the President by Dec. 31, 2020. In St. Louis Park it is likely wrapping up in August.

Councilmember Rog asked what can be done to help the response rate in St. Louis Park. Mr. Walther stated councilmembers have email lists of residents within the city and are encouraged to reach out to them. He added there will be information shared via city newsletters, the city website and posters, along with information on how to use the 2020census.gov website. Mr. Walther added there is also information social media, and
he encouraged places of worship, neighborhood organizations and other groups to share information through their publications and offered that staff is available to provide resources and presentations.

Mr. Walther added city staff is working with partner organizations that serve the city’s historically undercounted populations, as well as with landlords and property managers who can help connect with renters in the city. Additionally, staff is working with the school district to inform families about the census.

Councilmember Harris added she is available to present to community members, if needed, and asked about strategic efforts to reach apartment renters. Mr. Walther reiterated staff is working with landlords and building managers, as well as doing presentations to community groups, and intends to deploy mobile questionnaire centers with WiFi services. He added the Complete Count committee is still looking for more volunteers, and it’s not too late to apply to the U.S. Census Bureau as there are openings for census workers across Minnesota.

Councilmember Brausen agreed with his colleagues, thanked the volunteers, and noted he has concerns about under-reporting. He thanked Mr. Walther and staff for going above and beyond.

Councilmember Mohamed also thanked staff and volunteers and asked if there are additional languages available for folks to access information. Mr. Walther stated through the 2020census.gov website, there is support available for 59 languages. There are also promotional materials available in languages most commonly spoken in St. Louis Park.

Mayor Spano pointed out that census workers are entitled to enter apartment buildings to gather census information and residents do not have to be citizens to be counted in the census.

2b. Hennepin County sheriff’s office (HCSO) update

Hennepin County Sheriff Hutchinson provided an update to the city council on activities of the Hennepin County sheriff’s office from 2019 to the present. He also outlined priority areas. Sheriff Hutchinson thanked Police Chief Harcey and the department for their partnership, stating they are respected locally and nationally and Chief Harcey has been a helpful mentor to him during his first year as county sheriff. Sheriff Hutchinson stated the sheriff’s office continues to work on issues related to methamphetamine and the opioid crisis. He also noted work they are doing on medical assistance in jails, focusing on mental health, and well-being of staff.

Councilmember Mavity referenced the city’s work with race equity and asked about the bail bond reform issue. Sheriff Hutchinson stated his staff continues to work on this, adding they are waiting for the governor’s task force recommendations and whether there will be a statewide mandate on bail bond.
Councilmember Mavity noted the city has its own dispatchers, which helps the city continue with its community policing policies. She asked if there are any changes coming with relation to dispatch that the city should be aware of. Sheriff Hutchinson stated St. Louis Park’s dispatch is one of the best in the region but noted there will be some changes coming with technology and the next generation 911. He stated there is a pilot program currently in process on this and more information will be forthcoming to cities.

Councilmember Brausen stated he is pleased the county is taking great efforts to help with the mental health issues of officers and asked about race equity work that the sheriff’s office is doing. Sheriff Hutchinson stated his staff has completed a class on race equity but is also going to do more work in that area in order to learn more.

2c. Proclamation-Colorectal Cancer Awareness Month – March 2020

Mayor Spano read the proclamation and noted the bridge over Louisiana Avenue will be lit up on Monday, March 9, 2020 in blue, in honor of Colorectal Cancer Awareness Month.

3. Approval of minutes – none.

4. Approval of agenda and items on consent calendar


4b. Approve second reading and adopt Ordinance No. 2583-20, setting its effective date on March 27, 2020.

   Adopt Resolutions No. 20-031 thru 20-056 supporting and reflecting existing traffic controls related to the rescinded ordinance.

4c. Designate JL Theis, Inc. the lowest responsible bidder, and authorize execution of a contract with the firm in the amount of $239,093.20 for concrete replacement – Project No. 4020-0003.

4d. Designate ASTECH Corp. the lowest responsible bidder and authorize execution of a contract with the firm in the amount of $393,745.19 for street maintenance– Project No. 4020-1200.

4e. Approve a temporary extension of the licensed premises for one-day events at Copperwing Distillery, located at 6409 Cambridge Street.

4f. Approve the proposed updates to the city’s financial management policies.

4g. Approve out-of-state travel of City of St. Louis Park Mayor Jake Spano and Councilmember Nadia Mohamed to attend the National League of Cities (NLC) Congressional City Conference in Washington, DC on March 8 - 11, 2020.

4h. Approve for filing planning commission meeting minutes of Feb. 5, 2020.

4i. Approve for filing fire civil service commission meeting minutes of Sept. 17, 2019.

It was moved by Councilmember Mavity, seconded by Councilmember Kraft, to approve the agenda as presented and items listed on the consent calendar; and to waive reading of all resolutions and ordinances.

The motion passed 7-0.
5. **Boards and commissions**

5a. **Reappointment of representatives to the Fire Civil Service Commission**

It was moved by Councilmember Mavity, seconded by Councilmember Harris, to reappoint Bob Tift to the Fire Civil Service Commission with a term to expire December 31, 2022.

6. **Public hearings – none.**

7. **Requests, petitions, and communications from the public – none.**

8. **Resolutions, ordinances, motions and discussion items**

8a. **Southeast area bikeway Resolution No. 20-057, Resolution No. 20-058**

Mr. Sullivan presented the staff report. He noted all of the information that was provided to the council as a part of the staff report for the meeting, including a petition from residents and correspondence received from the public since the last meeting on February 18. Mr. Sullivan provided an overview of the proposed plan and the recommended action. He noted if approved, construction would begin this summer.

Councilmember Mavity asked Mr. Sullivan to review each of the sections referenced as they are critical to the whole system in the area, noting that some sections, including Monterey Drive, are not up for consideration this evening because they have been considered separately. Mr. Sullivan clarified which segments were included in the proposed recommended action for council.

Councilmember Brausen noted the State of Minnesota recently gave cities the authority to set local speed limits. He clarified that the city will be studying speeds on Wooddale and looking to reduce the limit to 25 miles per hour in that area. He asked Mr. Sullivan to confirm that designating speed limits can be done later, after the construction of the project. Mr. Sullivan stated that is correct.

Councilmember Mavity thanked staff for their work on the project. She explained the council gives staff a vision, that has come through the community, that council is trying to translate into strategies, investments and infrastructure designs to meet what the community is saying they want. Staff has to take that vision and put plans into place that will achieve the vision laid out by council and the community. She noted the council has been working for almost 15 years on a vision for creating a connected community. She stated she is excited about adding 1.8 miles to a plan that will allow this side of the city to be connected and a more walkable and bikeable community overall, which will also help the city meet the goals of the Climate Action Plan.

Councilmember Mavity stated she would like the council to vote on the segments of the project proposed this evening, with the exception of Segment 7, and have that segment considered by the council as a stand-alone motion later in the meeting.
It was moved by Councilmember Mavity, seconded by Councilmember Kraft, to adopt Resolution No. 20-057, accepting the project report, establishing Improvement Project No. 4018-2000, and approving the layout for the Southeast Area bikeway segments with the exception of Segment 7.

Councilmember Mavity stated 38th Street is a very high traffic area and the proposed advisory guide lane is absolutely needed and will help support the existing traffic control measures for pedestrians. She added that she also appreciates staff’s plan to address input from the Excelsior and Grand area regarding potential conflicts between bikers and pedestrians. She noted she feels the city will need to evaluate the segment specifically near Fresh Thyme to ensure that it is safe for users once the proposed segment improvements are completed. She asked that signage be added to the parking at Fresh Thyme that would notify drivers to look out for bikers and pedestrians as they back out from their parking spaces.

The motion passed 7-0.

Councilmember Mavity stated the council has talked a lot about the Connect the Park process and more broadly about how community engagement should be conducted in St. Louis Park and how to make sure that communication efforts and strategies are having the intended results of strengthening the community and coming together in a unified vision. She noted last year the council decided to take a pause on the 10-year Connect the Park plan in order to look back at the last 5 years and reflect on what has been done. When that decision was made, staff was directed to continue to work on three Connect the Park projects that were already in process, including this project.

Councilmember Mavity stated the council sets policy and then staff uses those policies to guide their work. The council establishes strategic priorities such as sustainability and climate action and staff works to achieve goals set by the council. Over time the council has established policies that prioritize the safety of pedestrians, bikes, mass transit, and then cars. Staff has worked on plans and projects to achieve those goals and help the city rebalance and provide other modes of transit around and through the community. She added all of these initiatives, projects, and policies have been informed over time through various major community processes, and staff is doing what council has directed them to do in order to achieve the vision of the community.

Councilmember Mavity stated this latest project has become antagonistic, even though it is reflective of the input and vision of the broader community. Rather than bringing people together in a shared vision it has at times resulted in pitting neighbors against neighbors. She noted what is needed now is balance between the community vision and bringing people together to find the best way to achieve that vision. She stated the staff proposal on Segment 7 reflects direction the council has given staff, adding there are no significant differences between this proposal and other bikeways within the community.

It was moved by Councilmember Mavity, seconded by Councilmember Brausen, to adopt Resolution No. 20-058, approving the layout for the Southeast Area bikeway Segment 7 as proposed by staff.
Councilmember Kraft thanked staff for their work on the project. He thanked Councilmember Mavity for her work and her continued focus on what is best for the community as a whole. He also thanked the residents for their engagement, adding that most of the interactions he has had related to this project have been thoughtful and respectful. He noted there were a few interactions with residents that crossed the line and he encouraged those folks to really try to understand and recognize that the council is really trying to do what is best for the community and when that line is crossed it is much less effective with him.

Councilmember Kraft stated he will vote against the proposal for Segment 7 along Wooddale. He explained he does not believe what is proposed will address the vast majority of interested but concerned cyclists, he does not see this as an easily reversible solution if it does not work in that it adds concrete and takes out some trees. He noted while this is not a lot of money compared to what the city spends overall on roads, he believes it is a lot of money to invest in a small stretch of road. He stated he is not thrilled with the alternatives, but he would prefer an alternative that costs less and is more easily reversible, such as mostly painted signs. He stated he does sympathize with the concerns he heard related to parking, although that is not the reason why he is opposed to the project. He stated the project is related to use of public right-of-way and he believes one of the reasons the council is elected is to make decisions on such things based on what is best for the entire community, and sometimes that is not going to be on-street parking. He added this is a difficult decision for him because he is very supportive of the vision behind Connect the Park and he was thrilled to see that Segments 1-6 were approved. He thanked this and previous councils for the vision on Connect the Park and stated he thinks the city needs renew their commitment to the initiative and think even more broadly about how to reduce the usage of cars and make it easier for large numbers of people to not use fossil fuel vehicles.

Councilmember Mohamed thanked staff for their work on this project and residents for sharing their concerns and recommendations. She stated after much thought, she will also vote against Segment 7 on Wooddale. She clarified her opposition was not related to the reduction in on-street parking or the removal of trees. She explained after reviewing the recommendation she does not believe the biking facilities proposed will truly the interested but concerned cyclists and is not worth the cost. She noted at the public hearing two weeks ago a resident commented, “this is our home and we should decide what happens to it” after hearing the residents of Oak Park Village use a similar explanation during a public hearing related to a different project. She clarified that the residents of Oak Park Village were concerned about losing their housing due to unaffordable rental rates, not losing their trees or their parking. She noted it seemed a bit insensitive and unfair to compare the two situations. She stated she recognized and enjoyed see the resources and time the residents along Wooddale put into this project and she hopes they will continue to participate in all city matters in a similar manner going forward and advocate for those who do not have similar time or resources. Councilmember Harris stated she appreciated the Wooddale residents’ warmth and welcome when she visited the neighborhood but was at times disheartened by some of the signs and comments made during meetings that were held about the project. She added she has strong feelings about public discourse in the community and treating one
another with respect. She stated she is hopeful that going forward they can continue to have respectful and relevant public discourse, noting that remarks hold more significance when they are respectful.

Councilmember Harris explained she has weighed several options regarding the proposal for Segment 7 of this project and has compared what is being proposed to what has been approved and implemented for other similar projects in the last 2 years. She stated she is using equality as a measure. Given that the council recently agreed to a similar design for the Dakota bikeway, she believes it is also appropriate for this segment along Wooddale. She noted she is sensitive to the residents’ concerns related to the loss of trees and on street parking. She asked staff if there might be an opportunity in the future to compensate for the loss of trees by planting twice as many trees as were removed. She stated she will support the proposal for Segment 7 because the design is in line with what council has directed in terms of strategic priorities, the design matches what has been used for other segments in the city, and it meets the goal of creating safer neighborhoods by prioritizing biking and walking over the use of cars.

Councilmember Rog agreed with the comments previously made by Councilmembers Kraft and Mohamed. She stated she appreciates staff’s work on the design of the entire project and their efforts to follow council direction, balancing all of the concerns related to cost, safety, parking, and tree removal. She also appreciates the work of Councilmember Mavity and understands her decision to support the staff recommendation for the segment along Wooddale. She noted everyone is doing the best they can to make good decisions for the entire community. She stated approval for the Southeast bikeway comes at a time when the council is preparing to revisit the Connect the Park initiative as a whole to refresh the vision and ensure alignment with the city’s budget and strategic priorities. Given the concerns about the Wooddale segment, she feels it is reasonable to wait on this portion to see if they can come up with something that works better for more people. She noted that the interested but concerned cyclists represent a different demographic than the members of the biking community who supported the project. She stated she will vote against the proposal for Segment 7, noting that a share-the-road facility and lower speeds on Wooddale are a safer choice. She believes riders can use the sidewalk if they are not comfortable riding on a share-the-road street and proposed signage that communicates that option.

Councilmember Brausen thanked residents for sharing their opinions related to this project. He stated this is a difficult decision for the council as they try to balance competing interests in making changes that will direct and grow the community and the use of its resources against the desires and wants of the most directly impacted residents. He added the decision is not easy and is not made without a public input or a tremendous amount of thought. Unfortunately, the council’s decisions will at times make some happy while upsetting others. He apologized for that and asked residents for their understanding on the decision that is ultimately made by the council. He noted from his point of view the public input on this project has been occurring for years through the city’s visioning and comp plan processes, adoption of the Connect the Park program, and he values each part the process. He stated he will support the proposed design for Segment 7 along Wooddale because he does believe this is the wish of the
larger community, to create a larger public transportation system that prioritizes bike and pedestrian travel along with public safety. The community visioning projects identified that the residents want a mobility system that provides for pedestrians, bicyclists and vehicle traffic in a safe manner and that the systems should be built in an environmentally sound way, facilitating environmental sustainability and the climate action plan, while creating recreational opportunities for the community. He believes that putting bike lanes on this segment of Wooddale Avenue will be consistent with the goals the community has set. In developing the current design, parking was consistently raised as a neighborhood concern and a requirement. He believes the public right-of-way belongs to the public, not the individual landowners adjoining it, and its uses should be directed to facilitate the safe transportation of people in the city by foot, bike, and motor vehicles. If parking can be provided as an additional use, he is not opposed to that, but he views that benefit as incidental. He believes it would be best to declare no parking along this segment of Wooddale, which would make it unnecessary to create parking bays and would save trees. He trusts that staff has reviewed the options available and that this is the best option to create the bicycling network the city wants in a safe and responsible manner. He acknowledged that the plan is not perfect but does not believe that the desired bicycling network can be built without the use of public right-of-way. He stated he also wants the city to consider increased safety measures related to the traffic along Wooddale. He views this plan as a step toward a safer bicycling system and it represents an incremental improvement to the city’s overall system. He shared comments he received from a resident in support of the project.

Councilmember Mavity referenced the resident petition that was previously submitted at the public hearing. It was stated that 13 mature trees would be removed but that is not what the city is proposing. The city proposes removing 10 trees, 6 of which are smaller, less mature trees. She added the petition also suggests that approval of the segment as proposed would increase traffic speeds and volumes along Wooddale, however nothing that is being approved will send more cars or trucks to Wooddale at higher speeds. Additionally, the cost noted on the petition is not reflective of the cost for Segment 7 which is two blocks along Wooddale Avenue.

Councilmember Mavity stated in the last two years the city has approved bike lanes on Texas Avenue, Walker-Lake, Minnetonka Boulevard and Dakota Avenue. She asked Councilmember Rog why she supported the bike lanes in those areas but was not willing to support the proposal for this segment and wondered how this particular segment was different from the others.

Councilmember Rog responded in the last two years she has become a full-time bike commuter and gained a lot of experience biking on the city’s roads. She has observed usage of the bike lanes, particularly along Minnetonka Boulevard. She stated the conventional bike lanes she rides in feel very unsafe and she typically sees predominantly white males riding in those lanes. She stated based on her experiences she cannot continue to support conventional bike lanes that place bikers in narrow lanes alongside fast traffic. She added if the city is truly going to prioritize biking, putting bikers off to the side and allowing cars to continue at their normal speed is not the best way to achieve that goal. She noted her experience on share-the-road facilities has felt much safer.
Mayor Spano thanked his colleagues for their thoughts and the residents of the neighborhood for being very clear in expressing their concerns. He stated he also has supported a number of similar projects in the past and he has gone back and forth on this particular segment for a number of reasons. He noted he feels it is important that the council remain consistent with their logic and rationale when making these decisions to maintain fairness. He stated he is also looking forward to the council discussing the philosophy and the process by which they consider these types of projects in the future because he feels the process overall is a bit flawed because it puts staff in a very difficult position of at times having to answer for council policy directives in the midst of designing projects that balance many competing interests. Going this has been a long and interesting process as well as more contentious. He stated he is eager to look at how the council does this going forward, adding it is not only about cost and meeting goals, but also about the public process and how neighbors can work together on issues.

Mayor Spano stated the issues and concerns that this neighborhood has are not that different than what has been expressed from residents in other neighborhoods that have had similar projects in the past. He noted just as in other projects, the council will be considering other measures that can be done to improve safety in the area. He added he does have concerns related to parking, especially for seniors, and the city and the neighborhood will have to work to find ways to address that issue. He explained applying the same methodology and being consistent in the philosophy and approach to these projects is important to him. He will support Segment 7 along Wooddale as proposed. He stated the council understands that change is hard, but it is their job to try to balance being responsive to the desires of the immediate neighborhood and responsible to the community as a whole who have expressed that they want this larger system. He noted this decision was not easy, but it also is not irrevocable or unchangeable and he is trying to think more broadly and globally about the community as a whole.

*The motion passed 4-3 (Councilmembers Kraft, Rog, and Mohamed opposed).*

9. Communications

Councilmember Kraft noted the Shamrock Bowling event at the Rec Center on March 14, from 12–9 p.m., stated there are still open slots available at 4 p.m.

10. Adjournment

The meeting adjourned at 8:26 p.m.

____________________________________
Melissa Kennedy, city clerk

____________________________________
Jake Spano, mayor
The meeting convened at 6:30 p.m.

Councilmembers present:  Mayor Pro Tem Anne Mavity, Tim Brausen, Rachel Harris, Larry Kraft, and Margaret Rog.

Councilmembers absent:  Mayor Jake Spano and Nadia Mohamed

Staff present:  City Manager (Mr. Harmening), Director of Operations and Recreation (Ms. Walsh), Engineering Director (Ms. Heiser), Director of Community Development (Ms. Barton), Planning/Zoning Supervisor (Ms. McMonigal), Housing Supervisor (Ms. Schnitker), Assistant Housing Supervisor (Ms. Olson), Wellness and Volunteer Coordinator (Ms. Smith), Police Chief Harcey, Communications Manager (Ms. Smith), Senior Management Analyst (Ms. Solano), and Recording Secretary (Ms. Pappas).

Guests: Bruce Cantor, Chair, Parks and Recreation Advisory Commission; Amanda Hane, Melanie Ferris, Sera Kinoglu with Wilder research staff; Julie Rappaport & Ariel Steinman, Victoria Martinez, Zoe Frank, Christy Bergeson with SEEDS.

1.  Parks and Recreation Advisory Commission 2020 annual work plan

Bruce Cantor, Parks and Recreation Commission chair, provided an update on the commission’s annual work plan for 2020. He noted seven initiatives identified for 2020 which are included in the council packet. Mr. Cantor commented on Access to Fun scholarships for youth, which are available so they can participate in activities, if needed.

Councilmember Brausen asked if the scholarships are being publicized to youth, and in a variety of languages. Mr. Cantor stated yes.

Councilmember Rog asked about access to the scholarship fund and sources. Mr. Cantor stated the funds are made up of the commission’s budget, grant monies from the community foundation, as well as donations.

Commissioner Cantor mentioned the planning process to redevelop Webster Park. Ms. Walsh added open meetings are being held to engage the public, and a task force will also be developed. She added the council will be kept posted on developments.

Councilmember Harris asked if the nature center has plans to add back the archery field that was removed during construction. Ms. Walsh stated the commission will continue to look at this, but there are no plans currently as there is no longer an open field at the nature center to accommodate this use.
Councilmember Brausen asked which city playgrounds will be upgraded this year. Mr. Cantor stated Texatonka, Pennsylvania, and Edgewood.

Councilmember Kraft was happy to see a youth member on the commission and encouraged Mr. Cantor to have two youth members, if possible. Councilmember Kraft asked what is working well and what could work better.

Mr. Cantor stated the meetings are going well and are productive, as are the youth sports leagues and parks which come to talk to the commission regularly. He added city staff does a great job keeping the commission informed as well. Mr. Cantor stated the commission could look at expanding the number of people on the commission, as an item to work on.

Councilmember Kraft asked if Mr. Cantor felt the commission needed more council-initiated programs or information, or if they wanted to spend more time with the council. Mr. Cantor stated the commission worked very closely with the council on the nature center construction and are happy to come more often to talk about parks and recreation.

Councilmember Rog asked if the commission is working on projects through a racial equity lens. Mr. Cantor stated yes, especially with the scholarships program and making sure all funds are equally distributed throughout the community.

Councilmember Rog noted the Jr. Naturalist program is mostly all white youth. She encouraged the commission to find ways of making the program accessible to all youth. Mr. Cantor agreed adding if the council has ways to help with that, to please be in touch with him.

2. **Crime/drug-free rental housing workgroup recommendations**

Ms. Schnitker gave background and history on the work of this workgroup and their recommendations.

Chief Harcey gave an overview of the current crime-free, drug free ordinance.

Ms. Olson gave an overview of the two options being recommended by the workgroup, all of which is in the staff report. She stated option A modified the current ordinance, while option B repeals the current ordinance. Ms. Olson stated the majority of the workgroup supports option B.

Ms. Schnitker thanked the workgroup for their input and time spent on this issue, adding this item is scheduled to come back to the council at the March 23 meeting.

Councilmember Harris asked about the origin of the ordinance, the benefits that were sought when creating it, and what metrics are in place that demonstrate the intentions of it, or is the city focusing on the metrics of reported crimes and outcomes of the ordinance.

Councilmember Harris also asked about the experience of property owners and their perspective, and how the city measures quality of life for those impacted by someone in their building who caused a disturbance. She asked if there is anything in the comp plan that links to
this ordinance, what is the smallest rental unit the ordinance applies to, and if it would apply to the future Accessory Dwelling Unit (ADU) policy. She asked for clarification on all of these issues.

Councilmember Kraft asked about the data as well, how many appeals have been filed, and also how many evictions have occurred. He added there are also other areas of the law that address this issue and asked what and where they are.

Councilmember Rog also asked about ADUs, condos, additional properties that might not be getting attention here, and if there is an ordinance related to homeowners as well. She asked for information on similar ordinances in other cities, for comparison.

Councilmember Brausen asked about data and that it be included in the next report. He is interested in knowing if the city has been able to identify owners with problem properties, or how many property owners consistently have problems.

Mayor Pro Tem Mavity agreed, adding it would be helpful to have the website include links to all of the previous information that was provided to the council on this topic since 2008, including meeting minutes, so all the history is in one place. She asked if there is any data in the region or nationally that shows comparable cities that have this type of ordinance.

3. **Food Access and insecurity study**

Ms. McMonigal introduced Ms. Smith, city wellness volunteer coordinator, and the research staff from Wilder: Amanda Hane, Melanie Ferris, and Sera Kinoglu.

The Wilder staff presented a summary of the food access and insecurity study undertaken by Wilder Research for the city. The study looked at to what extent residents experience food insecurity or lack access to food, what resources and services are available; what are gaps in access and what could the city’s role be in addressing the issue.

The Wilder researchers stated while it is difficult to estimate the number of residents who experience food insecurity, survey data from other agencies shows between 6-12% of the population may experience food access or insecurity issues. Other findings include:

- Food insecurity can be a hidden issue
- Those most at risk are lower-income households, children, older adults and immigrants.
- Barriers to obtaining food include transportation, housing costs and financial instability, lack of knowledge of resources and stigma that deters people from seeking help.

The Wilder researchers also noted what the city is currently doing:

- Annual financial support of STEP
- Five farmers markets will be piloted in 2020
- Five community gardens
- Healthy Living Grant
- Twin Cities mobile market
- Working with metro transit on additional bus service and improvement of north/south routes after SWLRT is open
- Community Link
Ms. McMonigal stated that staff recommends establishing a cross sector task force to review barriers identified in the report and determine next steps.

Councilmember Harris asked about the food desert, and how would folks get to the grocery store if they have no transportation. Ms. Hane stated rides with friends might be an option and expansion of transit within the city as well.

Councilmember Harris stated she is open to the task force but asked what the objectives of the task force are, and next steps.

Councilmember Rog thanked Ms. Rappaport for elevating this issue within the city. She said STEP services are vital to the city and noted a quick assistance would be to increase the city’s financial support of STEP. She added the SEEDS group is another wonderful resource that can be looked at. She asked that convenience stores not be called grocery stores and added that transportation is a major barrier to food and schools, while lack of sidewalks is also an issue that needs to be payed close attention to. She is in support of the task force, and funding for STEP and SEEDS.

Councilmember Brausen stated it is important the city be involved and take a leadership role in this issue. He supports the task force adding that transportation is definitely a significant issue, which ties in with mass transit, and how people access the last mile. He stated other cities have contracts with Uber, which might be something St. Louis Park can look into.

Councilmember Kraft asked the Wilder researchers what they think the role of the city should be. He asked what best practices they have seen in other cities, adding he expected more analysis from the consultants as to where to get the biggest bang for the buck.

Ms. Ferris stated that is fair criticism, noting cities look into policies that support convenience stores and also help food shelves provide fresh product. She said it is work in partnerships with grocery stores, farmers markets, and ongoing engagement with partners.

Councilmember Kraft stated he is not certain what he thinks of a task force at this time and needs more specific goals around it, adding it seems unfocused currently.

Ms. McMonigal explained further that the task force would be of limited duration and would take up the issues noted in the report and determine how they could be addressed by the various agencies involved in the issue. The task force would include the key informants from the study as well as those affected by food insecurity.

Mayor Pro Tem Mavity thanked the Wilder researchers for the report, stating this was an eye opener. She agreed with Councilmembers Kraft and Harris about getting more information on the objectives of the task force, before agreeing to it. She added there will need to be more focus and parameters as well as budgeting in order to hire extra staff. She stated she is willing to move forward if there is clarity on outcomes first.

Ms. McMonigal stated staff will convene the task force and make recommendations to the council.
4. SLP SEEDS request for city funding

Ariel Steinman, operations director for SEEDS presented the report, and introduced SEEDS interns Victoria Martinez, a senior at St Louis Park high school, Zoe Frank, a junior at the high school, and a member of the Environmental and Sustainability Commission. They noted their mission, goals and stated they host 3 major community events each year, as well as provide urban agriculture internships.

She noted SEEDS has two requests of the city, with staff time and funding for several items:
- support to create a food council and food action plan
- sponsorship of a tiny mobile farm equaling $425,000 over a 4-year period

Councilmember Mohamed sent a note of support, stating food security is important and needs to be addressed. She noted her family were refugees and were not able to put food on the table, but did have help from STEP, however, it was not enough. She stated many adults feel shame about this, and stated she is in support of the requests SEEDS is making.

Mayor Pro Tem Mavity stated these are substantial asks and the council needs more detail from staff. Ms. McMonigal stated the request had recently changed and staff does not have the most current information included in the report to council.

Ms. Barton also noted these request tie into the food security study, and possibly the food security task force would need to be formed first, with the needs of the community reviewed before the council decides where to put funding.

Ms. Rappaport, founder of St. Louis Park SEEDS, noted they have many partners in the city and county, and the U of M capstone project members are helping SEEDS put much of this program together, mobilize partners, and make recommendations.

Tyler Foley of the U of M capstone team stated they are proposing various recommendations to SEEDS to help them with promotion of their projects, community visioning and best practices.

Councilmember Kraft stated he is impressed with this project and noted there are many intersections here with food, climate, equity, and learning. He added he is very supportive of the work SEEDS is doing but he needs more clarity around the investment being asked of the council.

Ms. Rappaport stated with the funding, there will be training of 1-2 volunteers to learn how to mobilize their neighborhoods, become leaders in the community, train on food system change and how to eliminate hunger.

Councilmember Harris thanked Ms. Rappaport for her work here, but stated she is still not clear what the council is being asked for with the $425,000 grant. She added going forward, it would be helpful as requests are made of council, that there is alignment between SEEDS and the staff report, noting there is a disconnect now.
Councilmember Harris stated she is supportive of SEEDS’ efforts in the community and sees the efforts at Oak Park Village, which have been impactful. She is optimistic for a future ask, and suggested SEEDS look at the business plan of the Nest and use it as an example for their funding requests.

Councilmember Brausen stated he supports these efforts and has been engaged with SEEDS since their beginning. He pointed to the formation of a task force, which could begin discussions on an equity food plan. He stated it is premature for the council to commit to funding especially since the task force will be asked to make recommendations to the council.

Councilmember Rog stated she empathizes with SEEDS, adding their outcomes have been good and they have built many gardens, and created many classes in the community. However, she would need to see outcomes that the council could understand, along with SEEDS’ goals. She added she is ready to provide modest financial support.

Councilmember Brausen agreed and added he would like to see the city align around the school board related to food issues and will bring this up at the next joint council/school board meeting.

Mayor Pro Tem Mavity thanked Ms. Rappaport for her efforts in the community on this issue, asked staff to clarify the different roles, partners, and different ways the council supports them. She asked that this request be added to the work of the task force outline and objectives.

Mayor Pro Tem Mavity added the city has several organizations they provide funding for, and this will need to be reviewed during the budgeting process. She also noted she is very aware of the extraordinary effort it takes to write these grants, report against them, and manage the reporting, adding she wants staff to be clear and would want to see additional funding in order to support all efforts.

Councilmember Rog stated she would be comfortable providing a small grant similar to those the city provides to other non-profits and adding it to other grants already funded. She asked that SEEDS clearly state the amount requested, who would benefit and identify outcomes in the request.

5. **Dakota north bikeway and bridge project no. 4019-2000**

Mr. Sullivan presented the report. He noted the following items to be reviewed by council and decisions made on how to proceed:

- Competitive bidding climate
- Extending construction schedule into late summer 2020 with fall/winter 2021 completion
- Recommendation is to not include the north staircase in the project as it is now over budget.
- Art for the bridge includes steel structure with a challenging and complex installation, a stamped decorative concrete area and an art wall on the north side of the bridge.
Mr. Sullivan stated the overall project estimate is $9.089 million, with $2.91 million in federal funding. He added the reason this must come to council as soon as possible for decision is that the federal process timeframe is limited and there will need to be final approval to go out for bid before the end of June.

Councilmember Rog stated she feels strongly about keeping the stairs as it is in line with the comp plan to prioritize pedestrians. She recommends keeping the stairs for pedestrians. She added she has safety concerns related to the steel art but would approve the other two pieces of art on the project.

Councilmember Harris asked if one staircase would be enough. She added this project has had incremental increases over time, soil instability, land acquisition issues, and she has been supportive of the bridge as the city has few north/south routes. However, now she feels this cost is an overrun. She asked if the council will be committed to the same investment on the Louisiana Avenue corridor, and is the city using their resources wisely.

Ms. Heiser stated there are potential additional projects for Connect the Park on Louisiana Avenue, but a traffic study will need to be conducted first. She added there is a budget for Louisiana Avenue to have a similar design to Cedar Lake Road.

Councilmember Brausen stated Ward 4 is asking when the bridge will be built. He stated the city received federal funding for this project and he wants to see this happen, adding it fits in with the city’s Connect the Park program. He is supportive of paying for it with the increased costs and supports the north staircase also. He noted this project helps build city infrastructure, which will last over 50 years, and he is in favor of this and the public art.

Councilmember Kraft stated he prefers the public art be more about who the community is and questioned the steel beam sculpture and the costs. He stated he approves of the stairs.

Mayor Pro Tem Mavity referenced comments from Mayor Spano indicating costs are concerning, and he would like to delay construction and re-evaluate the art, stating in order to pay for the art, modifications to the bridge will need to be made. Mayor Spano had indicated that the city can do better in how they deal with the soil testing as well, so as to keep costs to a minimum.

Councilmember Harris stated the art is fine, but she would be all right with eliminating the steel beam art structure to save costs. She approves of the staircase but is not pleased with the cost of it. She would like staff to review the shadows cast there along with looking at the city clearing the snow and ice on the sidewalk below the stairs, if needed.

Mayor Pro Tem Mavity added she also has concerns on the cost overruns and would support removing the art steel beam sculpture both for cost and appearance, adding she does not support that. She is inclined to not support the stairs either because of the issue with iciness and is concerned for bikers there. She noted the stairs could be removed now and added later.

It was the consensus of the council to move forward with the project, but reconsider the steel beam art portion, and keep the other two public art projects in.
6. Future study session agenda planning and prioritization

Mr. Harmening asked if more time is needed for the crime free ordinance discussion on March 23. Mayor Pro Tem Mavity stated yes. Mr. Harmening added the workgroup will be available to answer questions of the council also.

The April 27 discussion on Connect the Park will be changed to a different date, so all councilmembers are able to attend.

Councilmember Harris asked what next steps on speed limits in the city are. Ms. Heiser stated speed limits are currently being studied and there have been many requests for changes. She stated this issue will come to council later for citywide speed limits, and capital requests for more signage, education, and outreach.

Councilmember Rog asked about the TIF request for Quentin Avenue.

The meeting adjourned at 10:30 p.m.

Written Reports provided and documented for recording purposes only:

7. Body worn camera annual update
8. Application for tax increment financing assistant – The Quentin (formerly Cedar Place)
9. Mobility sharing update
10. Accessory dwelling units
11. Speed limit update

Melissa Kennedy, city clerk
Jake Spano, mayor
1. **Call to order**

Mayor Spano called the meeting to order at 7:19 p.m.

Councilmembers present: Mayor Jake Spano, Tim Brausen, Rachel Harris, Larry Kraft, Anne Mavity, Nadia Mohamed, and Margaret Rog.

Councilmembers absent: None.

Staff present: City Manager (Mr. Harmening), City Attorney (Mr. Mattick), Deputy City Manager/Human Resources Director (Ms. Deno), Senior Planner (Ms. Monson), Communications Manager (Ms. Smith), Senior Management Analyst (Ms. Solano).

Guests: Mr. Kost, SEH Consultants.

1a. **Pledge of allegiance**
1b. **Roll call**

2. **Presentations**

2a. **Recognition of 2019 police officer of the year**

This item will be held at a later date.

2b. **Recognition of donations**

National Association of Web Professionals has donated up to $1,500 for IT manager Jason Huber to attend the 2020 national board retreat.

Endeavor Business Media has donated up to $1,200 for expenses for Director of Operations Cindy Walsh to attend the 2020 Parks and Recreation Conference in AZ.

3. **Approval of minutes**

3a. **Study session minutes of Jan. 27, 2020**

Councilmember Kraft noted page 4, should read, “.... the interested but concerned group of bikers...” and farther down “...effectively not being widened here with the parking bays.” He added on page 7 “...noting the commercial paper changes in Koch Industries, and asked if we consider our investments as related to our strategic priorities.”
Councilmember Harris noted on page 5, it should read “...she stated she would like to see separated bike lanes going forward and noted in general she supports this project with some tweaks.”

*It was moved by Councilmember Brausen, seconded by Councilmember Mavity, to approve the Jan. 27, 2020 study session minutes as amended.*

*The motion passed 7-0.*

### 3b. City council meeting minutes of Feb. 3, 2020

Councilmember Rog noted on page 6, 3rd paragraph, it should read, “...She noted pavement management projects in St. Louis Park are not accessed to property owners in the area, but paid for by the entire community, which is different from other cities.”

*It was moved by Councilmember Brausen, seconded by Councilmember Harris, to approve the Feb. 3, 2020 city council meeting minutes as amended.*

*The motion passed 7-0.*

### 3c. Study session minutes of Feb. 10, 2020

*It was moved by Councilmember Harris, seconded by Councilmember Mavity, to approve the Feb. 10, 2020 study session minutes as presented.*

*The motion passed 7-0.*

### 4. Approval of agenda and items on consent calendar

4a. Designate GMH Asphalt Corporation the lowest responsible bidder and authorize execution of a contract with the firm in the amount of $4,530,726.89 for the 2020 Pavement Management Project No. 4020-1000.

4b. Moved to 8d.

4c. Approve the stipulation for award between the city, state of Minnesota and B&D Property Holdings.

4d. Adopt Resolution No. 20-060 approving final plans, specifications, and authorizing ad for bids (4020-1500).

4e. Adopt Resolution No. 20-061 approving acceptance of a monetary donation from the National Association of Government Web Professionals in an amount not to exceed $1,500 for all related expenses for Jason Huber, Information Technology Manager, to attend the 2020 National Association of Government Web Professionals National Board Retreat in Little Rock, Arkansas.

4f. Adopt Resolution No. 20-062 approving acceptance of a monetary donation from Endeavor Business Media Company in an amount not to exceed $1,200 for all related expenses for Cindy Walsh, Director of Operations and Recreation, to

4g. Adopt Resolution No. 20-063 approving St. Louis Park Lions Club’s request for placing temporary signs in the public right-of-way.

4h. Adopt Resolution No. 20-064 approving the final plans and specifications and authorizing bidding documents for Monterey Drive improvements (Phase 1 – Project no. 4020-1101).

Councilmember Mavity requested to add to the agenda, the resolution declaring a city emergency, which will be item 8c on the agenda.

Councilmember Rog requested that item 4b be removed from the consent agenda. This item will become 8d on the agenda.

It was moved by Councilmember Brausen, seconded by Councilmember Mavity, to approve the agenda and items listed on the consent calendar as amended to move consent calendar item 4b to the regular agenda as item 8d; and to add the proclamation declaring a city emergency to the regular agenda as item 8c; and to waive reading of all resolutions and ordinances.

The motion passed 7-0.

5. Boards and commissions – none

6. Public hearings – none

7. Requests, petitions, and communications from the public – none

8. Resolutions, ordinances, motions and discussion items

8a. Texa-Tonka small area plan

Ms. Monson noted the small area plan done at Texa-Tonka last year, with SEH consultants.

Mr. Kost from SEH presented and noted the executive summary in the staff report. He stated there was much public engagement in the process.

Mr. Kost noted key themes including the number of vacancies in buildings, lack of landscaping, preference of 1-3 storied buildings, preference for locally owned and operated businesses including restaurants and cafes, mid-block crossings concerns, and a strong desire for streetscapes similar to other areas of St. Louis Park. Five in-person events were conducted, as well as surveys and pop-up events. He noted this information helped guide the vision statement of making this a vibrant area within the city.

Mr. Kost stated there was also an interest to preserve the mid-century modern architecture, street frontage and site design in character of the existing neighborhood.
Due to the size of the area, volunteers would be encouraged to create some of the streetscape since a special service district is not feasible in the area. He also stated that a traffic study and parking study was conducted, and parking was not an issue of concern.

Councilmember Harris stated the residents were very engaged in this process, adding one activity was a very informative walking tour. She asked Mr. Kost to explain some key takeaways from the walking tour.

Mr. Kost stated this was a shared experience of the area. The poor quality of the area was very evident and a recognition of the barriers, including overhead power lines that interfere with trees and the traffic issues, were also a concern. He noted that Minnetonka Boulevard is a county road, so folks did understand things could not be changed on the road, but there were changes that can happen with the buildings and design.

Councilmember Harris asked about equity issues as it relates to pedestrian traffic and getting to the commercial properties. Mr. Kost pointed out the intersections and crossing areas adding folks recognized they will need to be able to cross over safely to go to places of interest. He stated this conversation will need to continue with the county.

Councilmember Harris asked if there are recommendations for flashing crossing lights. Mr. Kost stated there was discussion but flashing crossing lights are not part of the design plan.

Councilmember Harris added Aquila Park is located at Xylon and Minnetonka and she hopes to continue the conversation about pedestrian crossing there especially, in light of the city’s comp plan.

Councilmember Mavity stated she is excited about the amount of engagement and it looks like a great plan. She understands the complexities about the county road crossing issues and added it would behoove the council to continue discussions with Hennepin County.

Councilmember Kraft stated this is an affordable housing and commercial area, is perfect for young families and empty nesters, and he appreciates working to make the area more viable. He stated he will support this plan, adding he would have liked to see a discussion about renewable energy, energy efficiency, and the amount of carbon reduction possible by reducing the number of car trips needed. He stated he would like to see solar on the designs and mock-ups. Ms. Monson stated this could be included in future plans.

Councilmember Mohamed stated she lives within walking distance of this area and asked in terms of affordable commercial, how can the city encourage more of this within the city. Ms. Monson stated staff is working on this, adding the area is zoned
mixed use, so a portion of the ground floor commercial would need to be affordable or smaller micro units, and staff is continuing to think about creative ways to do this.

Councilmember Mohamed stated she loves the plan, noting there is a bus stop there and great opportunities.

Councilmember Brausen thanked staff on their community engagement and Councilmember Harris, as well as the public who were involved in the process. He noted this area has not been very vibrant for many years, so he is excited to see this plan, but private capital will be needed to make it happen. He will support this.

Councilmember Harris stated residents are very excited to renew vitality to this area and turning this around will make positive impacts. She asked if adopting this plan will require the developers to follow it as is. Ms. Monson stated the plan will be used as a guiding document to guide land use and design decisions.

Mayor Spano stated he participated in the engagement sessions and noted this corner does not reflect the neighborhood which is a vibrant and exciting place. He thanked staff for the way they handled the process, as well as Councilmember Harris’ involvement with the neighborhood.

Ms. Monson also thanked the work group members, who could not be present at the meeting this evening and noted the great mix of community members involved in the engagement process.

It was moved by Councilmember Harris, seconded by Councilmember Brausen, to accept the Texa-Tonka small area plan.

The motion passed 7-0.

8b. Dakota North Bikeway and Bridge – approve plan, specs and authorize ad for bid. Resolution No. 20-065.

Mr. Sullivan presented. He noted several highlights of the project, which was last discussed with the council on March 9. He stated the overall project cost is estimated at $9.2 million, with $2.9 million in federal funding, and the remaining funding from GO bonds at $6.2 million.

Councilmember Rog asked about soil boring samples and the higher costs than we expect. She asked how this can be done earlier in the process so as to anticipate costs earlier. Mr. Sullivan stated they work to find ways to lower these costs adding as the process continues, staff does have knowledge of the soil issues in various areas of the city. He stated staff could work harder on this in the future to hold costs down.

Councilmember Brausen stated he supports paying the increased costs on the project including additional art costs and the staircases. He stated these are 50-year infrastructure projects and residents and pedestrians are calling for it in his area. He
added he is happy with the construction schedule and hopes to save some costs if it’s put out to bid in the fall. He stated it seems fair to spread costs over a longer timeframe and he is anxious to have this budget discussion down the road. He noted he will support this project.

Councilmember Kraft asked about the 6 votes needed to pass this project. Mr. Harmening stated this is needed for the GO bonds issuance as per the city charter.

Councilmember Rog stated this bridge spans 3 wards and she has been very involved in this project. She is excited about this north south connection adding it will change how folks get around the city, connecting a busy park, the school, and fields. She noted folks have been frustrated in the past about access, and the bridge will alleviate this. She added, however, she has concerns about the levy impacts over the next 10 years or more. She asked whether the city can build a bridge less expensively – but noted it does not seem that can be done. With all the pieces, it adds up and recognizing the impacts to the levy and costs to the community, she will support the project.

Councilmember Rog stated the public art does not increase the costs, and she requests this plan be amended to include modest additional funds for the art component. She noted the mural to be done by the native club at Peter Hobart honoring native plants, and the stampings will honor the Dakota people and culture. She stated this is in line with the city’s strategic priorities and celebrates youth and people of color and indigenous cultures. She added the city does have alternate funding sources, so there may not need to be a levy for the modest funds for public art portion.

Mr. Harmening noted it is the administrative fee on the lodging tax collected.

Councilmember Mavity asked since the city does not have a specific art plan envisioned, can the amendment say, ‘up to $80,000’ and have as much flexibility as possible.

Councilmember Rog stated her concern is short-term gain vs. long-term loss. She stated she would like to capture this opportunity right now.

Mayor Spano stated he is an advocate for art and would like to see 1% of the budget devoted to art projects, with the funds for any purpose, but when the lodging tax was created, public art was one of the key components.

Councilmember Rog also supported the plan and motion as it relates to the public art component, finding that while flexibility is important, she does not want to see this go.

Councilmember Harris stated bridges don’t have a lot of inherent beauty, in her opinion, but added we are at a pivotal time in our community of being inclusive, public art is one way we demonstrate this, and is powerful in placemaking. She would be in favor of the project and the amendment as well.

Councilmember Kraft stated having a budgeted amount, doesn’t mean we have to spend that amount. He is in support of the additional money for public art, but also
supports Councilmember Mavity’s comments. He stated he will support this, but is uneasy also, noting the increased costs this year over last year. He asked how much of an increase is too much. He noted it would be helpful to know how many car trips will be eliminated with the bridge, and added it will benefit north south connections in the city, make it easier for students getting to Peter Hobart, and bicyclists getting to the west end, or to the high school.

Councilmember Mavity added when she first worked on Connect the Park, this bridge was seen as an essential connection and she is excited to see this move forward. She added it is a connection all the way to West End.

Councilmember Rog also appreciated staff’s strategic work on going out for bid.

Mayor Spano stated staff tried over 2 dozen different alignments on this and should be commended on their work. He added it is a substantial investment in the community and it is a phenomenal project.

*It was moved by Councilmember Rog, seconded by Councilmember Brausen, to adopt Resolution No. 20-065 approving final plans and specifications and authorizing bidding documents for Dakota North bikeway and bridge project no. 4019-2000 and amend the staff recommendation to include additional $80,000 for the public art components.*

*The motion passed 7-0.*

**8c. Declare a state of emergency in St. Louis Park due to the COVID-19 pandemic**

Resolution No. 20-066

Mayor Spano explained in order for staff to be able to move quickly as issues develop, and that might threaten the health or safety of residents, staff, and the council, it is recommended the council declare a state of emergency within the city. Mayor Spano stated that under state law a declaration of a local emergency only lasts for three days, noting the city will not be out of this in three days. He added that the resolution that accompanies this aligns the timing of our local emergency with the county’s and state’s declaration of emergency.

*It was moved by Councilmember Mavity, seconded by Councilmember Harris, to approve the Resolution No. 20-066 approving a state of emergency proclamation in St. Louis Park due to the COVID-19 pandemic, to evoke the city’s disaster plan.*

*The motion passed 7-0.*

**8d. Plans and specifications and authorizing advertisement for bids (4018-1050)**

Resolution No. 20-059

Councilmember Rog stated she is very supportive of the improvements in the historic Walker Lake District, but noted it is proposed to widen the street at Lake Street, and add
conventional bike lanes, and she is not supportive of this, especially if the speed limit will be lowered going forward.

Councilmember Kraft asked what the traffic count is on Lake Street. Ms. Heiser stated it is 3700 vehicles per day and the average speed is 27 miles per hour.

Councilmember Kraft stated he supports Councilmember Rog’s comments.

Councilmember Mavity stated she supports moving forward with this plan as presented by staff.

Councilmember Harris stated she supports the plan as presented but there is merit in adjusting speed limits as well as looking closer at bike facilities on city roads.

Councilmember Rog stated the 11th hour is exactly the time to make changes, and when thinking of the significant environmental impacts of widening the street, she is not in favor of this approach.

*It was moved by Councilmember Brausen, seconded by Councilmember Mavity, to approve the Resolution No. 20-059 approving plans and specifications and authorizing advertisement for bids (4018-1050).*

*The motion passed 4-3 (Councilmembers Kraft, Rog, and Mohamed opposed).*

9. **Communications**

Councilmember Brausen stated these will be trying times and we all appreciate everyone’s kindness to each other during this time, adding that everyone will try to do their best.

10. **Adjournment**

The meeting adjourned at 8:40 p.m.

______________________________________  ______________________________________
Melissa Kennedy, city clerk                  Jake Spano, mayor
Executive summary

Title: Cedar Place redevelopment

Recommended action: **Due to the COVID-19 emergency declaration, this item is considered essential business and is categorized as a Required Action**

- Motion to approve second reading and adopt Ordinance adding Section 36-268-PUD 16 to the zoning code and amending the zoning map from R-C high-density multiple-family residence to PUD 16 and approve the Summary Ordinance for publication.

Policy consideration: Does the proposed redevelopment meet the city’s affordable housing and neighborhood development goals? Does council approve waiving the two-acre minimum requirement for a planned unit development (PUD)? Does council approve allowing >5/8-inch thick fiber cement panel as a class I material in the proposed PUD zoning district?

Summary: Patrick Crowe requests the city amend the zoning map and zoning text in order to construct a new 79-unit apartment development on property located at 4900 Cedar Lake Road, 4905 Old Cedar Lake Road and 5005 Old Cedar Lake Road. The development would meet the city’s inclusionary housing and green building policies. Construction would start in spring 2020 and open for leasing in fall 2021. As part of the developer’s request, council is asked to waive the 2-acre minimum requirement for a PUD and to allow >5/8-inch thick fiber cement panel as a class I material for this development.

The planning commission held a public hearing on February 5, 2020, and the commission unanimously recommended approval of all applications.

On April 6, 2020, city council unanimously approved a resolution amending the Comprehensive Plan 2040 Land Use Map for 5005 Old Cedar Lake Road from office (OFC) to high density residential (RH), a resolution for a preliminary and final plat, a resolution rescinding previous approvals on 5005 Old Cedar Lake Road, and approved the first reading of the ordinance for a preliminary and final planned unit development.

Financial or budget considerations: The developer applied for tax increment financing (TIF) assistance in the amount of $500,000 to defray a portion of its extraordinary expenses. Staff and Ehlers, the financial consultant for the economic development authority (EDA), will bring a recommendation to the EDA in the next month. Staff recommend collecting $118,500 in park dedication fees in-lieu of park land, and $17,775 in trail dedication fees.

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

Supporting documents: Discussion, PUD ordinance, PUD ordinance summary for publication

Prepared by: Jacquelyn Kramer, associate planner
Reviewed by: Sean Walther, planning and zoning supervisor
Karen Barton, community development director
Approved by: Tom Harmening, city manager
**Discussion**

**Background:** Patrick Crowe proposes a new 79-unit residential building called “The Quentin” with five stories of apartments and two levels of structured parking. The new parcel will have frontage on Old Cedar Lake Road, Quentin Avenue South and Cedar Lake Road. The developer intends to start construction in spring 2020 and open for leasing in fall 2021.

**Site information:**

- **Site area (acres):** 1.05
- **Current uses:** office, single family house, garage and outdoor storage
- **Neighborhood:** Cedarhurst

**Surrounding land uses:**
- North: single family residential
- East: multi-family residential
- South: multi-family residential and office
- West: commercial

**Current 2040 land use guidance**
- OFC- office
- RH - high density residential

**Current zoning**
- R-C high-density multiple-family residence

**Proposed 2040 land use guidance**
- RH - high density residential

**Proposed zoning**
- PUD planned unit development
**Inclusionary housing policy:** In 2019, city council amended the inclusionary housing policy to require any residential development that requires a comprehensive plan amendment or a planned unit development rezoning to adhere to the city’s inclusionary housing policy. The policy requires the overall development provide a certain percentage of affordable units based on area median income (AMI). The total number of new units in the development is 79. The developer is electing to provide eight (10% of total) of the units at 50% AMI. The unit mix of the affordable units will match the unit mix of the overall apartment building.

**Green building policy:** The development will comply with the city’s green building policy. Sustainability features include a rooftop solar array, green roof on the parking pedestal, deconstruction and recycling of existing building materials, electric vehicle charging infrastructure, and energy efficient building systems.

**Present considerations:** The applicant requests that the city amend the zoning map and zoning text to rezone the subject properties from R-C high-density multiple-family residence to PUD planned unit development.

**Zoning Analysis:** A PUD is a rezoning and zoning text amendment that establishes the regulations for a specific property.

The site does not meet the 2-acre minimum for a PUD request; however, the city council may waive this requirement. Staff and planning commission support the use of a PUD zoning for this property as it allows for conditions and requirements that fit the context and character of the individual site and advances the city’s climate action and inclusionary housing goals.

Below is a map showing the area of interest from the city zoning map and proposed change.
Building and site design analysis. Cedar Place meets the PUD ordinance goals for building and site design. The quality of building and site design proposed will substantially enhance aesthetics of the site and implement relevant goals and policies of the Comprehensive Plan.

The design creates a unified environment within project boundaries by ensuring architectural compatibility of all structures, efficient vehicular and pedestrian circulation, aesthetically pleasing landscape and site features, and design and efficient use of utilities.

The design achieves compatibility of the project with surrounding land uses, both existing and proposed, and minimizes the potential adverse impacts of the PUD on surrounding land uses and the potential adverse effects of the surrounding land uses on the PUD.

The project will comply with the City’s Green Building Policy. Some specific improvements include installing solar panels on the roof to offset common area electricity use and a green roof on the east side of the parking pedestal.

The project will comply with the city’s Inclusionary Housing Policy. The applicant proposes offering 10% of the units at 50% area median income (AMI).

Zoning analysis. The following table provides the development metrics. The property will be rezoned to a planned unit development (PUD). The proposed performance and development standards, as indicated in the development plans, establish the development requirements for this property if approved.

<table>
<thead>
<tr>
<th>Factor</th>
<th>Required</th>
<th>Proposed</th>
<th>Met?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>2.0 acres minimum</td>
<td>1.05</td>
<td>Pending council approval</td>
</tr>
<tr>
<td>Setbacks</td>
<td>None with PUD</td>
<td>Front: 8.4 feet</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Side (street): 10 feet</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Side (interior): 10.3  feet</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rear: 8 feet</td>
<td></td>
</tr>
<tr>
<td>Building materials</td>
<td>Minimum of 60% Class 1 materials</td>
<td>44% - 61.6%; or 84.2%</td>
<td>Pending council approval</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 100%, if an alternate material is allowed; see below.</td>
<td></td>
</tr>
<tr>
<td>Ground floor area ratio</td>
<td>None with PUD</td>
<td>0.61</td>
<td>Yes</td>
</tr>
<tr>
<td>Floor area ratio</td>
<td>None with PUD</td>
<td>2.15</td>
<td>Yes</td>
</tr>
<tr>
<td>Building height</td>
<td>None with PUD</td>
<td>72 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Vehicular parking</td>
<td>93</td>
<td>112</td>
<td>Yes</td>
</tr>
<tr>
<td>Bicycle parking</td>
<td>89</td>
<td>112</td>
<td>Yes</td>
</tr>
<tr>
<td>EV charging infrastructure</td>
<td>9 level one; 1 level two</td>
<td>10 level one; 1 level two</td>
<td>Yes</td>
</tr>
<tr>
<td>DORA</td>
<td>No minimum with PUD</td>
<td>13.5%</td>
<td>Yes</td>
</tr>
<tr>
<td>Tree replacement</td>
<td>103.2”</td>
<td>193.5”; all existing boulevard trees will be preserved</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Uses. Cedar Place is a multi-family residential development that includes studio, one-bedroom, one-bedroom + den, and two-bedroom units. The breakdown of unit type by site is as follows:

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Number of Units</th>
<th>Number of Bedrooms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td>One bedroom</td>
<td>23</td>
<td>23</td>
</tr>
<tr>
<td>One bedroom + den</td>
<td>28</td>
<td>28</td>
</tr>
<tr>
<td>Two bedroom</td>
<td>14</td>
<td>28</td>
</tr>
<tr>
<td>Total</td>
<td><strong>79</strong></td>
<td><strong>93</strong></td>
</tr>
</tbody>
</table>

The building will include the following community spaces: a bicycle hub with wall racks, a repair station, and drinking water facilities; outdoor patio at the building lobby entrance; maker space; yoga/meditation room; outdoor amenity deck with year-round sauna; and indoor/outdoor rooftop lounge.

Neighboring uses. The Fiat dealership (1820 Quentin Avenue South) is located west and across the street from the proposed development site. The site is zoned C-2 general commercial and was granted a conditional use permit in 2013. One of the conditions of vehicle sales in the C-2 district is, "The storage lot shall be located a minimum of 100 feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers."

Staff's analysis indicates eight of the parking stalls in the Fiat dealership lot are within 100 feet of the subject property. Five of the eight parking stalls are used as sales inventory area (storage lot) based on the official exhibits for the conditional use permit. The change in use of the subject property from office to residential would create a non-conformity on the Fiat dealership. The five spaces used for storage lot would become legal, nonconforming and allowed to continue as is, because the use was legally established. Luther Company, the owner of the Fiat dealership has concerns about the non-conformity and the potential incompatibility of the uses and complaints from future residents.

Architectural design. The applicant requests the city council allow >5/8-inch fiber cement panel (Nichiha) be considered a class I material. This material is currently classified as class II per the zoning ordinance. However, this material has been approved as a class I material for other buildings in the city, including in the PLACE Via Sol development. Staff recommends allowing >5/8-inch thick fiber cement panel as a class I material for this development.

The plan will comply with the city’s architectural material standards of a minimum of 60% class I materials on all facades of the building if >5/8-inch thick fiber cement panel is approved as a class I material. Other class I materials included in the development include brick, glass and stucco which cover 44% - 61.6% of the building elevations.

The upper level of the structured parking is designed to be converted to ground floor housing or retail if in the future parking demand on the site reduces and fewer parking spaces are required.
Landscaping. City code requires 79 trees and 474 shrubs based on the number of dwelling units. The plan provides 73 canopy trees and 22 ornamental trees for a total of 84 trees, which meets the code requirement. The plan provides 124 shrubs which is a shortfall of 350 shrubs. The developer proposes the following alternative landscaping features to make up the shortfall:

- 7,000 square feet of pollinator grass plantings
- 8,000 square feet of no-mow grass plantings
- 1,971 native perennial flower and grass plantings

Staff find the proposed alternative landscaping features satisfy the landscaping requirements in the zoning code.

Neighborhood meeting. The applicant held a neighborhood meeting on January 23, 2020. About 10 residents were in attendance. Some of the residents were concerned about parking, traffic, and the effect of the development on property values. Other residents were fully supportive of the project.

Planning commission meeting. Planning commission held a public hearing on the applications on February 5, 2020. Seventeen residents spoke on the project, four were in favor and thirteen against. The main concerns raised by residents included increase traffic, both along Cedar Lake Road and in the surrounding neighborhood; guest parking and overflow into the neighborhood; the scale and height of the proposed building in relation to the nearby single family homes; pedestrian safety; and notification about the project from the city and developer to residents. Residents in support of the project spoke about redeveloping a blighted site and satisfaction with the proposed plans.

Planning commissioners discussed current traffic conditions around the site and coordination with Golden Valley. Both the developer and city staff have been in communication with city of Golden Valley staff. All property owners within 500 feet of the proposed development were notified by mail of the neighborhood meeting and the public hearing. Legal notices were published in the official newspaper regarding the hearing. Information was shared through NextDoor and the city website. A “proposed development” sign with contact information was posted on the property. Notifications regarding the proposal met State Statute and city code requirements and included additional efforts beyond those minimum requirements. Approximately 50 people attended the hearing.

Planning commission voted 6-0 to recommend approval of all applications and directed staff to provide more traffic analysis for city council’s consideration. The calculations of the projected daily and peak hours trips and the context of the traffic volumes on nearby major streets were included in the April 6, 2020 report to council.

Additional public feedback. The city received several emails commenting on the project, both before and after the public hearing. Residents also started an online petition in opposition to the project which includes three main concerns: scale of development, increased traffic and on-street parking, and setting a precedent for future development. The petition asks for three actions from city council: perform a comprehensive traffic study, reject the PUD request, and invest in infrastructure of the neighborhood to help offset the impacts of past and future development.
City of Golden Valley staff are exploring traffic calming and mitigation strategies in the South Tyrol neighborhood, north of the project site. City of St. Louis Park staff are following these activities, which are independent of these applications. The city has also asked that Golden Valley include Cedarhurst neighborhood residents in their process. The City of Golden Valley submitted a letter to the community development department asking staff give thoughtful consideration to resident concerns regarding the potential traffic impacts of the project.

**City council meeting.** On April 6, 2020 city council approved a resolution amending the Comprehensive Plan 2040 Land Use Map for 5005 Old Cedar Lake Road from office (OFC) to high density residential (RH), approved a resolution for a preliminary and final plat, approved a resolution rescinding previous approvals on 5005 Old Cedar Lake Road, and approved the first reading of the ordinance for a preliminary and final planned unit development.

**Recommendation:** Planning commission and staff recommend approval of the Cedar Place preliminary and final planned unit development subject to the following conditions, which would be incorporated in the planning development agreement:

1. City council approval of the comprehensive plan amendment to high density residential and Metropolitan Council authorization of the comprehensive plan amendment associated with the development applications.

2. The site shall be developed, used and maintained in accordance with the conditions of this ordinance, approved official exhibits, and city code.

3. All utility service structures shall be buried. If any utility service structure cannot be buried (i.e. electric transformer), it shall be integrated into the building design and 100% screened from off-site with materials consistent with the primary façade materials.

4. Prior to starting any land disturbing activities, the following conditions shall be met:
   a. Assent form and official exhibits shall be signed by the applicant and property owner.
   b. A preconstruction meeting shall be held with the appropriate development, construction, private utility, and City representatives.
   c. All necessary permits shall be obtained.

5. Prior to issuance of building permits, the following conditions shall be met:
   a. The developer shall sign the city's assent form and the official exhibits.
   b. A planning development contract shall be executed between the developer and city that addresses, at a minimum:
      i. The conditions of PUD approval as applicable or appropriate.
      ii. The installation of all public improvements including, but not limited to, sidewalks and boulevards.
      iii. A performance guarantee in the form of cash escrow or irrevocable letter of credit shall be provided to the City of St. Louis Park in the amount of 1.25 times the costs of all public improvements (sidewalks and boulevards), and the private site stormwater management system and landscaping.
iv. The developer shall reimburse city attorney’s fees in drafting/reviewing such documents as required in the final PUD approval.

i. The mayor and city manager are authorized to execute said planning development contract.

c. Final construction plans for all public improvements and private stormwater system shall be signed by a registered engineer and submitted to the city engineer for review and approval.

d. Building material samples and colors shall be submitted to the city for review and approval.

6. The developer shall comply with the following conditions during construction:

a. All city noise ordinances shall be complied with, including that there be no construction activity between the hours of 10 p.m. and 7 a.m. Monday through Friday, and between 10 p.m. and 9 a.m. on weekends and holidays.

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

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

d. The city shall be contacted a minimum of 72 hours prior to any work in a public street.

e. Work in a public street shall take place only upon the determination by the city engineer (or designee) that appropriate safety measures have been taken to ensure motorist and pedestrian safety.

f. The developer shall install and maintain chain link security fencing that is at least six feet tall along the perimeter of the site. All gates and access points shall be locked during non-working hours.

g. Temporary electric power connections shall not adversely impact surrounding neighborhood service.

7. Prior to the issuance of any permanent certificate of occupancy permit the following shall be completed:

a. Public improvements, private utilities, site landscaping and irrigation, and storm water management system shall be installed in accordance with the Official Exhibits.

8. A sign permit shall be submitted for city approval if new signage is proposed on the site. The materials used in, and placement of, all signs shall be integrated with the building design and architecture.

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

Next steps: Staff and the EDA’s financial consultant, Ehlers, will bring a recommendation to the EDA in the next month for tax increment financing assistance.
Ordinance No. ___-20

Ordinance amending the St. Louis Park City Code relating to zoning by creating Section 36-268-PUD 16 as a Planned Unit Development Zoning District for the property located at 4900 Cedar Lake Road, 4905 Old Cedar Lake Road and 5005 Old Cedar Lake Road

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. 19-37-PUD) for amending the Zoning Ordinance Section 36-268-PUD 16.

Section 2. The city council voted on April 6, 2020, to approve Resolution No. 20-071 amending the 2040 Comprehensive Plan and the future land use designation for the subject property located at 5005 Old Cedar Lake Road from Office to High Density Residential. Said comprehensive plan amendment is associated with this ordinance and requires Metropolitan Council review and authorization to put it into effect.

Section 3. The Zoning Map shall be amended by reclassifying the following described lands from R-C High-Density Multiple-Family Residence to PUD 16:

Lot 1, Block 1, Cedar Place Addition, Hennepin County, Minnesota

Section 4. The St. Louis Park Ordinance Code Section 26-268 is hereby amended to add the following Planned Unit Development Zoning District:

Section 36-268-PUD 16.

(a) Development Plan.
The site located on property legally described as Lot 1, Block 1, Cedar Place Addition, Hennepin County, Minnesota, shall be developed, used and maintained in conformance with the following Final PUD signed Official Exhibits:

1. C000 Cover Sheet
2. C100 Existing Conditions & Removals Plan
3. C200 Sediment & Erosion Control – Phase I
4. C201 Sediment & Erosion Control – Phase II
5. C300 Site Plan
6. C400 Grading Plan
7. C410 Accessible Route Plan
8. C500 Utility Plan
9. A000 Lower Level Parking Plan
10. A001 Lobby/Upper Level Parking Plan
11. A002-1 Floor Plans
12. A002-2 Floor Plan/Roof Plan
13. A003 Building Elevations
14. A004 Building Elevations
15. A005 Building Images
16. A006 Shadow Study
17. A007 Designated Outdoor Recreation Area
18. L000 Tree Preservation Plan
19. L100 Landscape Plan
20. Exterior Lighting Plan

The site shall also conform to the following requirements:
1. Parking shall be provided off-street.
   a. A total of 107 parking spaces will be provided in structured parking.
   b. A total of 5 spaces will be provided in an off-street surface lot.
2. The property shall be developed with 79 residential units.
3. The maximum height shall not exceed 72 feet and six (6) stories.
4. The site shall contain a minimum of 13% designed outdoor recreation area.

(b) Uses.
1. Permitted uses. The following uses are permitted in PUD 16:
   a. *Multiple-family dwellings.* Uses associated with the multiple-family dwellings, including but not limited to, the residential office, fitness facility, mail room, assembly room or general amenity space.
2. Accessory uses. Accessory uses are as follows:
   a. Home occupations are permitted with the condition that they comply with all of the following conditions:
      i. All material or equipment shall be stored within an enclosed structure.
      ii. Operation of the home occupation is not apparent from the public right-of-way.
      iii. The activity does not involve warehousing, distribution or retail sales of merchandise produced off the site.
      iv. No person is employed at the residence who does not legally reside in the home except that a licensed group family day care facility may have one outside employee.
      v. No light of vibration originating from the business operation is discernible at the property line.
      vi. Only equipment, machinery and materials which are normally found in the home are used in the conduct of the home occupation.
      vii. No more than one non-illuminated wall sign limited to two square feet in area is used to identify the home occupation.
      viii. Space within the dwelling devoted to the home occupation does not exceed one room or ten percent of the floor area, whichever is greater.
      ix. No portion of the home occupation is permitted within any attached or detached accessory building.
   b. The structure housing the home occupation conforms to the building code; and in the case where the home occupation is day care or if there are any customers or students, the home occupation has received a certificate of occupancy.
   c. Gardens.
   d. Parking lots.
   e. Public transit stops/shelters.
   f. Outdoor seating, public address (PA) systems are prohibited.
   g. Outdoor uses and outdoor storage are prohibited.
h. Accessory utility structures including:
   i. Small wind energy conversion system as defined in 36-4 Definitions.
   ii. Solar energy systems. A solar energy system with a supporting framework that is either placed on, or anchored in, the ground and that is independent of any building or other structure; or that is affixed to or an integral part of a principal or accessory building, including but not limited to photovoltaic or hot water solar energy systems which are contained within roofing materials, windows, skylights, and awnings.
   iii. Cisterns and rainwater collection systems.

(c) Special Performance Standards
1. All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to: outdoor lighting, architectural design, landscaping, parking, and screening requirements.
2. All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in the manner required by this Code. All trash handling and loading areas shall be screened from view within a waste enclosure.
3. Signage shall be allowed in conformance with the R-C High-Density Multiple-Family Residence Zoning District and shall comply with the following:
   a. Pylon signs shall be prohibited.
4. Fiber cement paneling a minimum of 5/8-inch thick shall be considered a class I material.
5. Awnings.
   a. Awnings shall be constructed of heavy canvas fabric, metal and/or glass. Plastic and vinyl awnings are prohibited.
   b. Backlit awnings shall be prohibited.

Section 5. This ordinance shall take effect upon Metropolitan Council authorization of the associated comprehensive plan amendment approved by City Council Resolution 20-071 and not sooner than 10 days after publication.

<table>
<thead>
<tr>
<th>First reading</th>
<th>April 6, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Second reading</td>
<td>April 20, 2020</td>
</tr>
<tr>
<td>Date of publication</td>
<td>April 30, 2020</td>
</tr>
<tr>
<td>Date ordinance takes effect</td>
<td>Upon Metropolitan Council authorization of the associated comprehensive plan amendment and no sooner than May 8, 2020.</td>
</tr>
</tbody>
</table>

Reviewed for administration: ___________________________  Adopted by the City Council April 20, 2020

Thomas K. Harmening, city manager  Jake Spano, mayor

Attest: ___________________________  Approved as to form and execution:

Melissa Kennedy, city clerk  Soren Mattick, city attorney
SUMMARY FOR PUBLICATION

Ordinance No. ____-20

An ordinance creating a new planned unit development zoning district

4900 Cedar Lake Road, 4905 Old Cedar Lake Road and 5005 Old Cedar Lake Road.

This ordinance states that the zoning map shall be amended for the properties at 4900 Cedar Lake Road, 4905 Old Cedar Lake Road and 5005 Old Cedar Lake Road from R-C High-Density Multiple-Family Residential to PUD 16; and the Zoning Code Section 36-268 will be amended to add Section 36-268-PUD 16.

This ordinance shall take effect 15 days after publication.

Adopted by the City Council April 20, 2020

Jake Spano /s/
Mayor

A copy of the full text of this ordinance is available for inspection with the City Clerk.

Published in St. Louis Park Sailor: April 30, 2020
Executive summary

Title: Final payment resolution – alley reconstruction project – project no. 4019-1500

Recommended action: **Due to the COVID-19 emergency declaration, this item is considered essential business and is categorized as a Required Action**

- Motion to adopt Resolution accepting work and authorizing final payment in the amount of $20,998.05 for the 2019 Alley reconstruction project with G.L. Contracting, Inc. - city contract No. 97-19.

Policy consideration: Not applicable

Summary: On May 20, 2019, the city council awarded the bid for the 2019 alley reconstruction project. The project was advertised, bid and awarded to G.L. Contracting, Inc. in the amount of $379,932.30. The project consisted of replacing four segments of unimproved alleys with concrete pavement in the Lenox neighborhood. This was the third year of a 10-year plan to replace all the gravel and bituminous alleys in the city with concrete pavement.

The contractor completed this work within the contract time allowed at a final contract cost of $419,960.90. The project had an overrun of $40,028.60 to complete an alley repair not included in the original project. There were no change orders associated with this contract.

Financial or budget considerations: The cost of the work performed by the contractor under contract no. 97-19 has been calculated as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original contract price</td>
<td>$379,932.30</td>
</tr>
<tr>
<td>Overruns</td>
<td>$40,028.60</td>
</tr>
<tr>
<td>Work certified to date</td>
<td>$419,960.90</td>
</tr>
<tr>
<td>Previous payments</td>
<td>-$398,962.85</td>
</tr>
<tr>
<td>Balance due</td>
<td>$20,998.05</td>
</tr>
</tbody>
</table>

This project was planned for and included in the city’s capital improvement program (CIP) for 2019. This project will be paid for using pavement management and stormwater utility funds.

Strategic priority consideration: Not applicable.

Supporting documents: Resolution

Prepared by: Phillip Elkin, sr. engineering project manager
Reviewed by: Debra Heiser, engineering director
Approved by: Tom Harmening, city manager
Resolution No. 20-____

Resolution authorizing final payment
and accepting work for the Alley Reconstruction project

City Project No. 4019-1500
Contract No. 97-19

Be it resolved by the City Council of the City of St. Louis Park, Minnesota, as follows:

1. Pursuant to a written contract with the City dated May 20, 2019, G.L. Contracting, Inc. has satisfactorily completed the annual alley reconstruction project, as per contract no. 97-19.

2. The Engineering Director has filed her recommendations for final acceptance of the work.

3. The work completed under this contract is accepted and approved. The final contract cost is $419,960.90.

4. The City Manager is directed to make final payment in the amount of $20,998.05 on this contract, taking the contractor’s receipt in full.

Reviewed for administration: Thomas K. Harmening, city manager

Adopted by the City Council April 20, 2020

Jake Spano, mayor

Attest:

Melissa Kennedy, city clerk
Executive summary

Title: Bond reimbursement resolution

Recommended action: **Due to the COVID-19 emergency declaration, this item is considered essential business and is categorized as a Required Action**
• Motion to adopt Resolution declaring the official intent of the City of St. Louis Park to reimburse certain expenditures from the proceeds of bonds to be issued by the city.

Policy consideration: Does the city council want to be able to preserve its ability to reimburse the city from the bond proceeds for all of the city costs related to the various upcoming bonding projects?

Summary: The city has in the past adopted reimbursement resolutions for projects to ensure that it can go back and reimburse itself for the costs incurred before it receives the bond proceeds. This is a debt management best practice. This action does not authorize the issuance of bonds, but simply preserves the ability for the city to reimburse itself. A resolution of intent by the city to use bond proceeds to finance all or a portion of the expenditures is required prior to incurring those costs. The city is also eligible to be reimbursed for “preliminary expenditures”, such as architectural, engineering, and surveying costs, etc., up to an amount allowed under the reimbursement regulations. The attached resolution covers both the construction and preliminary expenditures. The $10,650,000 reimbursement maximum would cover all bond related project costs. The actual amount of bonding may be less than this amount since we may spread some costs over multiple years if the projects move forward and/or timing changes.

The issuance of bonds for these projects is consistent with the Long Range Financial Management Plan and debt modeling, and best allows the city to keep its very strong financial position. The projects may include various street, sidewalk, and trail projects in the City (collectively, the “Project”), including the following: SE Area Bikeway Project; Dakota North Bridge and Bikeway Projects; and Historic Walker Lake – Sidewalk and Trails Projects.

Financial or budget considerations: It is currently anticipated bonds will be issued later this year.

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: Resolution

Prepared by: Tim Simon, chief financial officer
Reviewed by: Nancy Deno, deputy city manager/HR director
Approved by: Tom Harmening, city manager
Resolution No. 20-____

A resolution declaring the official intent of the City of St. Louis Park to reimburse certain expenditures from the proceeds of bonds to be issued by the city

Be it resolved by the City Council (the “City Council”) of the City of St. Louis Park, Hennepin County, Minnesota (the “City”) as follows:

1. The Internal Revenue Service has issued Treas. Reg. § 1.150-2 (the “Reimbursement Regulations”) providing that proceeds of tax-exempt bonds used to reimburse prior expenditures will not be deemed spent unless certain requirements are met.

2. The City expects to incur certain expenditures that may be financed temporarily from sources other than bonds, and reimbursed from the proceeds of a tax-exempt bond.

3. The City has determined to make this declaration of official intent (the “Declaration”) to reimburse certain costs from proceeds of bonds in accordance with the Reimbursement Regulations.

4. The City proposes to provide funds for the Permanent Improvement Revolving Fund and the Pavement Management Fund and to undertake various street, sidewalk, and trail projects in the City (collectively, the “Project”), including the following:

   (a) SE Area Bikeway Project;
   (b) Dakota North Bridge and Bikeway Projects; and
   (c) Historic Walker Lake – Sidewalk and Trails Projects.

5. The City reasonably expects to reimburse the expenditures made for certain costs of the Project from the proceeds of one or more series of bonds in an estimated maximum aggregate principal amount of $10,650,000. All reimbursed expenditures will be capital expenditures, costs of issuance of the bonds, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Reimbursement Regulations.

6. This Declaration has been made not later than 60 days after payment of any original expenditure to be subject to a reimbursement allocation with respect to the proceeds of bonds, except for the following expenditures: (a) costs of issuance of bonds; (b) costs in an amount not in excess of $100,000 or 5 percent of the proceeds of an issue; or (c) “preliminary expenditures” up to an amount not in excess of 20 percent of the aggregate issue price of the issue or issues that finance or are reasonably expected by the City to finance the project for which the preliminary expenditures were incurred. The term “preliminary expenditures” includes architectural, engineering, surveying, bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction or rehabilitation of a project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.
7. This Declaration is an expression of the reasonable expectations of the City based on the facts and circumstances known to the City as of the date hereof. The anticipated original expenditures for the Project and the principal amount of the bonds described in paragraph 2 are consistent with the City’s budgetary and financial circumstances. No sources other than proceeds of bonds to be issued by the City are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside pursuant to the City’s budget or financial policies to pay such Project expenditures.

8. This Declaration is intended to constitute a declaration of official intent for purposes of the Reimbursement Regulations.

The motion for the adoption of the foregoing resolution was duly seconded by City Council Member ______________, and, after full discussion thereof and upon a vote being taken thereon, the following City Council Members voted in favor thereof:

And the following City Council Members voted in opposition:

Reviewed for Administration:                                       Adopted by the City Council April 20, 2020

Thomas K. Harmening, city manager                                    Jake Spano, mayor

Attest:

__________________________                                      __________________________
Melissa Kennedy, city clerk                                          
Executive summary

Title: Best Cleaners conditional use permit and variance extension

Recommended action: **Due to the COVID-19 emergency declaration, this item is considered essential business and is categorized as a Required Action**
- Motion to approve an extension until April 20, 2021 to act upon the approved conditional use permit (CUP) and variance at 8105 Minnetonka Boulevard.

Policy consideration: Does the council wish to allow Best Cleaners an additional year to act on their conditional use permit and variance?

Summary: City council approved a conditional use permit (CUP) and variance for 8105 Minnetonka Boulevard on April 15, 2019 (Resolution 19-050). The CUP and variance allow for a building expansion and site improvements to Best Cleaners, the existing business on site.

Due to additional environmental testing and mitigation, construction at 8105 Minnetonka Boulevard is delayed. City code requires that CUP and variance applications be acted upon within one year of council approval, or the CUP and variance are no longer in effect. Council may grant an extension to this deadline.

Staff recommend approval of a one-year extension to act upon the CUP and variance, which would expire on April 20, 2021.

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 letter request

Prepared by: Jacquelyn Kramer, associate planner
Reviewed by: Sean Walther, planning and zoning supervisor
Karen Barton, community development director
Approved by: Tom Harmening, city manager
April 10, 2020

Jacquelyn Kramer
City of St. Louis Park
5005 Minnetonka Blvd,
St. Louis Park, MN 55416

Re: CUP and variance for 8105 Minnetonka Blvd
      St Louis Park, MN 55426

Dear Jacquelyn,

We are requesting an extension for a period of 1 year on our CUP and variance we were approved for on April 13, 2019. We have gone through a Phase I and a Phase II starting in June 2019. Unfortunately, this has taken us longer than expected but we have the final solution approved and are taking the required action.

Thanks for your understanding in this matter and look forward to continuing the plans on construction.

Thanks,

Dave S. Colehour
President
Executive summary

Title: Bid tabulation adjustment: award bid for street maintenance – project no. 4020-1200

**Recommended action:** Due to the COVID-19 emergency declaration, this item is considered essential business and is categorized as a Required Action**

- Motion to designate GMH Asphalt the lowest responsible bidder and authorize execution of a contract with the firm in the amount of $412,947.10 for street maintenance– project no. 4020-1200.

**Policy consideration:** Does the city council wish to continue to implement our Pavement Management program?

**Summary:** This project was previously awarded to ASTECH Corp. at the March 2, 2020 city council meeting. While preparing schedules for the project, staff identified an error in the awarded bid, which could have resulted in a large financial loss for ASTECH. As a result, staff agreed to release ASTECH from their contract, and the city could award the contract to the next lowest bidder. A summary of the bid results is as follows:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASTECH Corp.</td>
<td>$393,745.19</td>
</tr>
<tr>
<td>GMH Asphalt</td>
<td>$412,947.10</td>
</tr>
<tr>
<td>Omann Contracting</td>
<td>$431,795.99</td>
</tr>
<tr>
<td>S.M. Hentges</td>
<td>$451,969.90</td>
</tr>
<tr>
<td>Northwest Asphalt</td>
<td>$457,719.90</td>
</tr>
<tr>
<td>Bituminous Roadways</td>
<td>$469,990.90</td>
</tr>
<tr>
<td>Park Construction</td>
<td>$481,796.60</td>
</tr>
<tr>
<td>Molnau Trucking</td>
<td>$499,236.90</td>
</tr>
<tr>
<td>Engineer’s Estimate</td>
<td>$454,522.30</td>
</tr>
</tbody>
</table>

The revised bid review indicates GMH Asphalt submitted the lowest responsible bid. GMH Asphalt has completed this type and size of work successfully in other cities. This action has been reviewed by the city attorney. Staff recommends that a contract be awarded to the firm in the amount of $412,947.10.

**Financial or budget considerations:** This project was planned for and included in the city’s adopted 2020 Capital Improvement Plan (CIP). This project is funded by the operations budget, stormwater utility, and pavement management funds. Funding details are provided in the discussion section.

**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
Location map

**Prepared by:** Phillip Elkin, senior engineering project manager
**Reviewed by:** Debra Heiser, engineering director
**Approved by:** Tom Harmening, city manager
**Discussion**

**Background:** Most streets in St. Louis Park were reconstructed between the mid-60s to early 80s. There are many variables, i.e., weather, traffic, soils, utility cuts, etc. that contribute to a pavement’s deterioration. In general, pavement lifecycle can range from 20 to 30 years. Applying this standard to St. Louis Park, most of the streets in the city have exceeded their useful life.

Fortunately, the city’s streets are still in relatively good condition. This is due to the fact that the streets were built well, are situated on good soils, utilize curb and gutter for drainage, and have been well maintained. However, as pavements age, more aggressive maintenance strategies are needed to prolong their life. Also, more extensive maintenance is needed to “catch” certain streets and extend their life before total reconstruction is necessary.

In 2004, to ensure that our streets continue to serve the community, the city council approved the pavement management program for local residential streets. The program’s basic elements consist of:

- Evaluating and rating the street segments in a consistent and objective manner
- Identifying segments in need of extensive maintenance or reconstruction
- Applying the appropriate maintenance strategies at the appropriate times
- Establishing a dedicated source of funding for the program
- Implementing the identified projects on an 8-year/area cycle

In order to evaluate the condition of street segments, the industry uses something called an Overall Condition Index. The Overall Condition Index (OCI) is a methodology used to evaluate and rate pavements on a range of 100 (newly surfaced pavement) to 0 (failed pavement). When the pavement management program was developed and then implemented in 2004, the council established a goal of maintaining a street network with an overall condition index (OCI) of no less than 70. This goal then drives the capital planning and revenue needs identified in our capital improvement plan (CIP).

The pavement management program breaks out the city into 8 pavement management areas. Each area has about 15 miles of local streets. These areas are used to structure our 10-year capital improvement plan (CIP).

Each year we perform pavement rehabilitation in one pavement management area. Not all the streets are rehabilitated. An average of 5 miles of the approximate 15 miles of street segments in that area are selected to be rehabilitated. Rehabilitation includes removing and replacing all or a portion of the pavement on the street. Curb and gutter is inspected and may be replaced as a part of this project. In addition, sidewalk, underground utilities along these street segments are also reviewed and replaced if the condition warrants.

In general, pavements with an overall condition index (OCI) of 60 or less are selected for rehabilitation. If there are more than 5 miles of streets with a rating under 60, there will not be enough available funding. Street segments with ratings closer to 60 are held over for the next time we are in that pavement management area. Depending on street condition, operations may pave a 1-inch asphalt overlay to hold these streets together until we are back in the area. When the condition of the roads in pavement management area 4 was reviewed to identify the segments to be included in the 2026 pavement rehabilitation project. The number of street
segments that had a pavement condition index of under 60 exceeded available funding. In addition, the types of distresses on these streets are such that a sealcoat will not adequately hold the streets together until we are back in the area in 2034. The maintenance strategy that will is an edge mill and thin overlay. Due to the number of segments, we are unable to address this with in house forces.

As a result, staff has developed this maintenance project. The overlay will extend the life of these streets 15 to 20 years, repairing the pavement surface until we are next in the area for pavement rehabilitation. This work includes the edge mill and thin overlay of selected streets in pavement area 4 (see map). This work also includes installing a drain tile system on Zarthan Avenue to address chronic sump pump discharges from damaging the street pavement in the future.

An advertisement for bids was published in the St. Louis Park Sun Sailor on Jan. 30, 2020. In addition, plans and specifications are made available electronically via the internet by our vendor Quest CDN.com. Email notification was provided to four (4) minority associations, and final printed plans were available for viewing at Construct Connect, and at City Hall.

Twenty-two contractors/vendors purchased plan sets, five (5) of which were Disadvantaged Business Enterprises (DBE).

**Funding Details Updated**

Bids were received on Feb. 24, 2020 for this project. Based on the revised low bid received, cost and funding details are updated as follows:

<table>
<thead>
<tr>
<th></th>
<th>CIP Estimate</th>
<th>Low Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction cost</td>
<td>$420,000.00</td>
<td>$412,947.10</td>
</tr>
<tr>
<td>Engineering</td>
<td>$12,600.00</td>
<td>$12,388.41</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$432,600.00</strong></td>
<td><strong>$425,335.51</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>CIP Estimate</th>
<th>Low Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pavement management</td>
<td>$427,790.00</td>
<td>$420,656.83</td>
</tr>
<tr>
<td>Operations budget</td>
<td>$4,810.00</td>
<td>$4,678.68</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$432,600.00</strong></td>
<td><strong>$425,335.51</strong></td>
</tr>
</tbody>
</table>

Due to the nature of our construction projects, unexpected costs do come up. To address this, past practice has been to show a contingency for all aspects of the project. What follows is a table that shows this contingency and how this would affect the project costs. If overruns occur, there are adequate funds to cover these costs.

<table>
<thead>
<tr>
<th></th>
<th>Low Bid</th>
<th>Contingency (10%)</th>
<th>Engineering (10%)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pavement management</td>
<td>$408,947.10</td>
<td>$40,894.71</td>
<td>$40,894.71</td>
<td>$490,736.52</td>
</tr>
<tr>
<td>Operations budget</td>
<td>$4,000.00</td>
<td>$400.00</td>
<td>$400.00</td>
<td>$4,800.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$412,947.10</strong></td>
<td><strong>$41,294.71</strong></td>
<td><strong>$41,294.71</strong></td>
<td><strong>$495,536.52</strong></td>
</tr>
</tbody>
</table>

**Construction Timeline:** All work required under this contract, except maintenance work, shall be completed by July 31, 2020.
City council meeting of April 20, 2020 (Item No. 4e)
Title: Bid tabulation adjustment: award bid for street maintenance – project no. 4020-1200
Executive summary

Title: Amendment to Ordinance 2581-20 vacating portions of alley right-of-way – 31st. St. W.

Recommended action: **Due to the COVID-19 emergency declaration, this item is considered essential business and is categorized as a Required Action**

- Mayor to open the public hearing, take testimony, and then close the public hearing. Motion to approve first reading of Ordinance amending and reinstating Ordinance 2581-20 vacating the right-of-way between 31st Street West and the Hwy 7 Frontage Road between Glenhurst Avenue and Inglewood Avenue and set the second reading of the Ordinance for May 4, 2020. *(requires 5 affirmative votes)*

Policy consideration: Is the right-of-way needed for public purposes?

Summary: The city council approved Ordinance 2581-20 vacating portions of right-of-way west of Glenhurst Avenue South and between 31st Street West and County State Aid Highway 25 Service Drive on Feb. 3, 2020.

The applicant requests council amend the right-of-way vacation Ordinance 2581-20 to vacate additional right-of-way located immediately to the west of the right-of-way vacated in Feb. 2020.

The applicant’s title company discovered additional right-of-way to be vacated. This right-of-way is located in what was formerly known as Halifax Avenue, the remainder of which was vacated in 1910.

City staff supports vacating the additional right-of-way, as there is no longer any public access to this portion of land, and the city does not intend to build an alley in this right-of-way.

Financial or budget considerations: None.

Strategic priority consideration: Not applicable.

Supporting documents: Draft ordinance

Prepared by: Jennifer Monson, senior planner
Reviewed by: Sean Walther, planning and zoning supervisor
Karen Barton, community development director
Approved by: Tom Harmening, city manager
Ordinance No. _____-20

An ordinance vacating public right-of-way and amending Ordinance 2581-20, entitled an ordinance vacating portions of alley right-of-way, adopted Feb. 3, 2020

31st Street West between Glenhurst Avenue and Inglewood Avenue

The City of St. Louis Park does ordain:

Section 1. Sela Investments LLC submitted a petition to vacate public right-of-way. The petition requests amendments to City Council Ordinance No. 2581-20 to vacate more right-of-way than was included in a previous petition and requests the City Council formally acknowledge that conditions of approval included in said ordinance are satisfied.

Section 2. Sela Investments LLC, owns the majority of all properties abutting both sides of the right-of-way proposed to be vacated. The notice of said petition has been published in the St. Louis Park Sun Sailor on April 9, 2020, and the City Council has conducted a public hearing upon said petition and has determined that the right-of-way is not needed for public purposes, and that it is for the best interest of the public that said right-of-way be vacated.

Section 3. The Metropolitan Council authorized the City of St. Louis Park to put into effect the comprehensive plan amendment approved by City Council Resolution No. 20-013 on March 10, 2020, which satisfied the requirements referenced in Sections 2 and 5 of Ordinance 2581-20.

Section 4. Ordinance 2581-20, is hereby amended to replace Section 3 to read as follows:

Section 3. The following described public right-of-way as now dedicated and laid out within the corporate limits of the City of St. Louis Park and depicted in the attached Exhibit A, is vacated:

All that part of the 6 foot wide alley lying northerly of and adjoining the southerly line of CALHOUN LAKE SIDE PARK, MINNEAPOLIS, MINN., according to the recorded plat thereof, Hennepin County, Minnesota, easterly of the southerly extension of the westerly line of Lot 16, Block 3, said CALHOUN LAKE SIDE PARK, MINNEAPOLIS, MINN., westerly of the southerly extension of the easterly line of Lot 15, said Block 3, and southerly of the southerly line of Block 3 extended across the north – south alley in Block 3, said CALHOUN LAKE SIDE PARK, MINNEAPOLIS, MINN.

All that part of the 6 foot wide alley and that part of Halifax Avenue dedicated by MANHATTAN PARK, MINNEAPOLIS, MINN., according to the recorded plat thereof, Hennepin County, Minnesota, lying southerly of and adjoining the northerly line of said MANHATTAN PARK, MINNEAPOLIS, MINN., easterly of the northerly extension of the easterly line of Lot 1, Block 4, said MANHATTAN PARK, MINNEAPOLIS, MINN., westerly of the northerly
extension of the easterly line of Lot 1, Block 3, said MANHATTAN PARK, MINNEAPOLIS, MINN., and northerly of the north line of Block 3 and its westerly extension, said MANHATTAN PARK, MINNEAPOLIS, MINN.

**Section 5.** 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 6.** This ordinance shall take effect 15 days after publication.

<table>
<thead>
<tr>
<th>First reading</th>
<th>April 20, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Second reading</td>
<td>May 4, 2020</td>
</tr>
<tr>
<td>Date of publication</td>
<td>May 14, 2020</td>
</tr>
<tr>
<td>Date ordinance takes effect</td>
<td>May 29, 2020</td>
</tr>
</tbody>
</table>

Reviewed for administration: Adopted by the City Council May 4, 2020

Thomas K. Harmening, city manager

Jake Spano, mayor

Attest: Approved as to form and execution:

Melissa Kennedy, city clerk

Soren Mattick, city attorney
VACATION EXHIBIT A
City of St. Louis Park, Hennepin County, Minnesota

DESCRIPTION

All that part of the 6 foot wide alley lying northerly of and adjoining the southerly line of CALHOUN LAKE SIDE PARK, MINNEAPOLIS, MINN., according to the recorded plat thereof, Hennepin County, Minnesota, westerly of the southerly extension of the westerly line of Lot 16, Block 3, said CALHOUN LAKE SIDE PARK, MINNEAPOLIS, MINN., westerly of the southerly extension of the easterly line of Lot 15, Block 3, said CALHOUN LAKE SIDE PARK, MINNEAPOLIS, MINN., and southerly of the southerly line of Block 3 extended across the north - south alley in Block 3, said CALHOUN LAKE SIDE PARK, MINNEAPOLIS, MINN.

All that part of the 6 foot wide alley and that part of Hallfax Avenue dedicated by MANHATTAN PARK, MINNEAPOLIS, MINN., according to the recorded plat thereof, Hennepin County, Minnesota, lying southerly of and adjoining the northerly line of said MANHATTAN PARK, MINNEAPOLIS, MINN., easterly of the northerly extension of the easterly line of Lot 1, Block 6, said MANHATTAN PARK, MINNEAPOLIS, MINN., westerly of the northerly extension of the easterly line of Lot 1, Block 3, said MANHATTAN PARK, MINNEAPOLIS, MINN., and northerly of the north line of Block 3 and its westerly extension, said MANHATTAN PARK, MINNEAPOLIS, MINN.