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 the local emergency declaration issued by the city council, in response to the coronavirus (COVID-19) pandemic and Governor Walz’s “Stay Safe MN” executive order 20-056.

Some or all members of the St. Louis Park City Council will participate in the Nov. 23, 2020 city 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 the meeting by video and audio at https://bit.ly/watchslpcouncil or by calling +1-312-535-8110 meeting number (access code): 372 106 61 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.

6:30 p.m. – CLOSED EXECUTIVE SESSION

1. 6:30 p.m. Labor negotiations strategy*

* This meeting will be closed as permitted by MN statute section 13D.03 to discuss the city’s labor negotiation strategy related to the city’s negotiations with the LELS (dispatch, patrol and sergeant), IUOE Local 49 (maintenance) and IAFF (fire) unions.

7:30 p.m. – STUDY SESSION

Discussion items

1. 7:30 p.m. 2021 budget and capital improvement plan update
2. 9:00 p.m. Future study session agenda planning and prioritization
3. 9:05 p.m. Update on COVID-19 (verbal)
4. 9:20 p.m. Communications/updates (verbal)

9:25 p.m. Adjourn

Written reports

3. Police use of force policy work group update
4. Developer recommendation for SWLRT Wooddale Avenue Station site
5. 2020 Census outreach final report
6. October 2020 monthly financial report

The agenda is posted on Fridays on the official city bulletin board in the lobby of city hall and on the text display on civic TV cable channel 17. The agenda and full packet are available by noon on Friday on the city’s website.

If you need special accommodations or have questions about the meeting, please call 952-924-2525.
Executive summary

Title: Labor negotiations strategy

Recommended action: The city’s labor attorney Scott Lepak of the Barna, Guzy & Steffen law firm will facilitate a discussion with the city manager and council regarding city labor relations status with our five current bargaining groups and set strategy for upcoming negotiation sessions.

Policy consideration: Does the city council have questions or need additional information regarding negotiations strategy?

Summary: The city council, city manager and HR staff will discuss the city’s negotiations strategy in a closed executive session. The meeting will be closed as permitted by MN statute 13D.03 to discuss the city’s labor negotiation strategy related to the city’s negotiations with the LELS (dispatch, patrol and sergeant), IUOE Local 49 (maintenance) and IAFF (fire) unions. Supporting information will be sent to council under separate cover.

In accordance with Minnesota open meeting law, this meeting will be audio taped. The law states:

“All closed meetings, except those as permitted by the attorney-client privilege, must be electronically recorded at the expense of the public body. Unless otherwise provided by law, the recordings must be preserved for at least three years after the date of the meeting.”

Financial or budget considerations: Not applicable.

Strategic priority consideration: Not applicable.

Supporting documents: None

Prepared by: Ali Timpone, HR manager
Reviewed by: Nancy Deno, deputy city manager/HR director
Approved by: Tom Harmening, city manager
Executive summary

Title: 2021 budget and capital improvement plan update

Recommended action: No formal action required. This report is to provide city council with information regarding 2021 budget, levy and capital plan.

Policy consideration: Does the City Council desire to set the 2021 final property tax levy at $36,335,325 which is an increase of approximately 4.50% over the 2020 final property tax levy?

Summary: In September, council approved a preliminary property tax Levy of $36,895,000 which was 6.11% higher than the final 2020 levy. Based on the study session discussion on October 12th staff worked to incorporate revenue adjustments and expenditure assumptions, where appropriate, which resulted in lowering the necessary proposed levy increase for 2021 down to approximately 4.50% and soften the increase in levy projections for 2022.

Financial or budget considerations: Details regarding budget considerations are provided in this report.

Strategic priority consideration: All areas of the adopted strategic priorities are impacted by the city’s budget.

• St. Louis Park is committed to being a leader in racial equity and inclusion in order to create a more just and inclusive community for all.
• St. Louis Park is committed to continue to lead in environmental stewardship.
• St. Louis Park is committed to providing a broad range of housing and neighborhood-oriented development.
• St. Louis Park is committed to providing a variety of options for people to make their way around the city comfortably, safely and reliably.
• St. Louis Park is committed to creating opportunities to build social capital through community engagement.

Supporting documents: Discussion

Prepared by: Elizabeth Diaz, interim chief financial officer
Reviewed by: Nancy Deno, deputy city manager/HR director
Approved by: Tom Harmening, city manager
Discussion

Background: The 2021 budget was developed with the City Council’s strategic goals, Vision 3.0, and the comprehensive plan in mind. This is in addition to the need to maintain our aging infrastructure (city roads, parks, buildings, etc.), and provide responsive and quality service to residents, which takes staff.

On September 21st, the City Council adopted the 2021 preliminary property tax levy of $36,895,000, which was approximately 6.11% over the 2020 final property tax levy. Further discussion with council occurred on October 12th. Through continued work and review of funds, staff has adjusted the proposed levy to 4.50%

What are the overall important items of note for our discussion on updates for this study session?

- Included in the preliminary budget and the revised budget are capital projects, as revised by staff, salary contingency, climate action placeholder of $250,000 in the development fund and increases in franchise fees.
- The revisions made to the capital projects assures that existing assets are maintained, equipment is replaced as needed and does not eliminate any planned projects.
- The general fund balance continues to be within the policy framework of 45% of subsequent year’s expenditures. All current and projected future debt service is met.

What is incorporated into revised projections for 2021?

- There was a $1.1M decrease in the 2021 Louisiana Ave Bridge project, due to the bid being lower than estimated and an increase of $700,000 contribution from the state.
- Modifications to a street and local rehab project slated for 2021 including a reduction in scope for the connect the park portion, which resulted in a decrease in project costs by 50%, or $510,000.
- Likewise, a connect the park project was reduced in cost by $300,000 and the project delayed to 2021.
- As discussed at previous budget meetings, the staffing model for the fire department was revised to shift from a mixture of part time and full-time fire fighters to 100% full time firefighters. It is estimated that a total savings of $158,000 was accomplished through reductions in part time salaries and overtime, as well as equipment charges.

Capital shifts and cost reductions

Park Improvement Fund. This fund accounts for park and park facility improvements. It is funded by tax levy, park dedication fees and bonds as necessary. Prior to the current revisions, it was determined that inflation in the projections for the Park Improvement Fund was included in both the CIP and in the LRFMP so project costs were overstated. When the inflation adjustment was realigned, park improvement capital costs were reduced.

- Some park projects were removed, and some projects were extended into the future since they were not critical at this time. This reduces the pressure to issue bonds and relieves future projected tax increases.
- Capital costs reductions and bringing ending fund balances in line with recommended balances have reduced the anticipated future bonding from $10.1M to $6.4M.
**Capital Replacement Fund.** This fund accounts for equipment, technology and building and facilities. It is funded by tax levy and the 65% of tax increment that is redistributed by the county annually from current redevelopment TIF districts where the obligations have been paid in full. Staff completed an intensive review of capital needs. Equipment is analyzed on a three-year rolling basis and was evaluated in order to balance the replacement schedule. Older pieces of equipment require more intensive maintenance which increases operating costs. New pieces of equipment result in lower maintenance costs in the near term.

- Staff reevaluated equipment and extended the service life for those pieces of equipment that currently are not experiencing high maintenance costs. Thereby, where appropriate, the life was extended on the replacement schedule and the estimate of replacement costs were reduced in the near term.
- Estimates for equipment anticipated to be replaced in 2030 was also reevaluated and refined.
- Through project cost reductions and timing shifts, capital needs decreased by approximately $500,000 through 2029. Original projections indicated a need for bonding in the future. Currently, funding for capital needs has been met through levy adjustments and no bonding is necessary.

**Pavement Management/MSA.** This fund accounts for construction and maintenance of streets, alleys and parking lots adjacent to city buildings. These projects are funded by franchise fees, municipal state aid, grants and tax levy.

- Staff reevaluated projected capital improvements and adjusted the timing and/or scope of the projects.
- For some projects, it was determined to use a mill and overlay versus reconstruction.
- In some instances, the number of pavement segments included in the projects was reduced or delayed.
- In all cases, decisions to adjust projects were made with consideration of pavement condition goals.
- Through project cost reductions and timing shifts, total capital costs decreased, which allowed for a reduction of anticipated bonding from $16.7M to $11M.

**Sidewalk and Trails.** This fund accounts for the construction of connect the park; bikeways, sidewalks, trails, and bridges, as well as new sidewalks proposed as a part of pavement management projects.

- Originally the timing of connect the park projects were projected to be completed in 2027.
- Through revisions and reevaluation, standalone connect the park projects were slowed and now extend through 2037. More discussion on connect the park will take place over the coming months.
- In addition, the timing and projected costs for new sidewalk construction included with street projects were adjusted by reducing the anticipated expense or delaying an adjacent connect the park segment to a future date.
- Through evaluation and review of projects, total bonding needs have decreased from $35M to $18.5M.
Bonding Summary
Before adjustments, the anticipated bonding needs were:

<table>
<thead>
<tr>
<th>Bonding Summary</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
<th>2025</th>
<th>2026</th>
<th>2027</th>
<th>2028</th>
<th>Grand Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Park Imp</td>
<td>2,300,000</td>
<td>1,500,000</td>
<td>750,000</td>
<td>850,000</td>
<td>1,000,000</td>
<td>700,000</td>
<td>1,700,000</td>
<td>1,300,000</td>
<td>10,100,000</td>
</tr>
<tr>
<td>Pavement Mgmt</td>
<td>1,200,000</td>
<td>-</td>
<td>4,400,000</td>
<td>7,000,000</td>
<td>-</td>
<td>2,000,000</td>
<td>2,100,000</td>
<td>-</td>
<td>16,700,000</td>
</tr>
<tr>
<td>CTP</td>
<td>11,500,000</td>
<td>2,200,000</td>
<td>3,000,000</td>
<td>4,400,000</td>
<td>4,500,000</td>
<td>7,800,000</td>
<td>2,300,000</td>
<td>-</td>
<td>35,700,000</td>
</tr>
<tr>
<td>Capital Repl</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>15,000,000</td>
<td>3,700,000</td>
<td>8,150,000</td>
<td>12,250,000</td>
<td>5,500,000</td>
<td>10,500,000</td>
<td>6,100,000</td>
<td>2,300,000</td>
<td>63,500,000</td>
</tr>
</tbody>
</table>

After adjustments, anticipated bonding is:

<table>
<thead>
<tr>
<th>Bonding Summary</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
<th>2025</th>
<th>2026</th>
<th>2027</th>
<th>2028</th>
<th>Grand Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Park Imp</td>
<td>1,300,000</td>
<td>500,000</td>
<td>-</td>
<td>500,000</td>
<td>500,000</td>
<td>1,600,000</td>
<td>1,500,000</td>
<td>500,000</td>
<td>6,400,000</td>
</tr>
<tr>
<td>Pavement Mgmt</td>
<td>700,000</td>
<td>-</td>
<td>5,300,000</td>
<td>5,000,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>11,000,000</td>
<td>-</td>
</tr>
<tr>
<td>CTP</td>
<td>10,000,000</td>
<td>-</td>
<td>800,000</td>
<td>1,700,000</td>
<td>3,200,000</td>
<td>500,000</td>
<td>1,600,000</td>
<td>700,000</td>
<td>18,500,000</td>
</tr>
<tr>
<td>Capital Repl</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>12,000,000</td>
<td>500,000</td>
<td>6,100,000</td>
<td>7,200,000</td>
<td>3,700,000</td>
<td>2,100,000</td>
<td>3,100,000</td>
<td>1,200,000</td>
<td>39,700,000</td>
</tr>
</tbody>
</table>

Property Tax Impact
The table below illustrates the difference between the preliminary levy increase of 6.11% to the revised 4.5% levy and a 4.96% option (same as the 2020 levy increase) for a median valued home. All of the impacts shown below incorporate all the changes and adjustments discussed above.

City of St Louis Park
Summary Table of Levy Impacts

<table>
<thead>
<tr>
<th>Levy Increase</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
<th>2025</th>
<th>2026</th>
<th>2027</th>
<th>2028</th>
<th>2029</th>
<th>2030</th>
<th>10 Year Ave</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.50%</td>
<td>$73.30</td>
<td>$15.99</td>
<td>$93.40</td>
<td>$78.98</td>
<td>$87.85</td>
<td>$82.50</td>
<td>$58.97</td>
<td>$43.87</td>
<td>$5.89</td>
<td>$46.74</td>
<td>$15.48</td>
<td>$52.77</td>
</tr>
<tr>
<td>Capital Increase / (Decrease)</td>
<td>N/A</td>
<td>(255,000)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>4.96%</td>
<td>$73.30</td>
<td>$21.99</td>
<td>$87.40</td>
<td>$76.98</td>
<td>$87.85</td>
<td>$82.28</td>
<td>$58.73</td>
<td>$43.62</td>
<td>$5.89</td>
<td>$46.72</td>
<td>$15.48</td>
<td>$52.67</td>
</tr>
<tr>
<td>Capital Increase / (Decrease)</td>
<td>N/A</td>
<td>(95,000)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>6.11%</td>
<td>$73.30</td>
<td>$36.97</td>
<td>$72.42</td>
<td>$74.01</td>
<td>$83.83</td>
<td>$84.28</td>
<td>$61.03</td>
<td>$46.25</td>
<td>$8.52</td>
<td>$46.76</td>
<td>$15.47</td>
<td>$52.95</td>
</tr>
<tr>
<td>Capital Increase / (Decrease)</td>
<td>N/A</td>
<td>305,000</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

The breakdown of the 4.50% revised and proposed property tax levy by fund is shown below:

<table>
<thead>
<tr>
<th>Tax Capacity Based Levy</th>
<th>2020 Final Levy</th>
<th>$ change 2020 to 2021</th>
<th>2021 Proposed</th>
<th>% Change 2020 to 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$28,393,728</td>
<td>$1,208,083</td>
<td>$29,601,811</td>
<td>4.25%</td>
</tr>
<tr>
<td>Park Improvement</td>
<td>860,000</td>
<td>-</td>
<td>860,000</td>
<td>0.00%</td>
</tr>
<tr>
<td>Capital Replacement</td>
<td>1,567,700</td>
<td>(255,000)</td>
<td>1,312,700</td>
<td>-16.27%</td>
</tr>
<tr>
<td>Debt Service-current</td>
<td>3,799,093</td>
<td>611,721</td>
<td>4,410,814</td>
<td>16.10%</td>
</tr>
<tr>
<td>Employee Benefit Fund</td>
<td>150,000</td>
<td>-</td>
<td>150,000</td>
<td>0.00%</td>
</tr>
<tr>
<td>Housing Rehabilitation Fund</td>
<td>$34,770,521</td>
<td>$1,564,804</td>
<td>$36,335,325</td>
<td>4.50%</td>
</tr>
</tbody>
</table>

The revised proposed 2021 levy represents a $559,675 decrease from the preliminary levy adopted in September.
**Additional tax levy information:** The City Council approved 2021 preliminary property tax levies in September according to statute and that preliminary levy has been sent to Hennepin County for certification. Hennepin County mailed parcel specific notices to taxpayers. Final action on the 2021 budget, 2021 final city property tax levy, final 2021 HRA Levy, and 2021 – 2030 CIP will occur in December.

**Next steps:** As the 2021 budget process continues, the following preliminary schedule has been developed for Council:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 7</td>
<td>Truth in Taxation Public Hearing and budget presentation.</td>
</tr>
<tr>
<td>December 14</td>
<td>(If needed) - Public Hearing continuation and any budget discussion.</td>
</tr>
<tr>
<td>December 21</td>
<td>Council adopts 2020 Revised Budget, 2021 Budgets, final tax levies</td>
</tr>
<tr>
<td></td>
<td>(City and HRA), and 2021 - 2030 CIP.</td>
</tr>
</tbody>
</table>
Executive summary

Title: Future study session agenda planning and prioritization

Recommended action: The city council and city manager to set the agenda for the regularly scheduled study session on Dec. 14, 2020.

Policy consideration: Not applicable.

Summary: This report summarizes the proposed agenda for the regularly scheduled study session on Dec. 14, 2020. Also attached to this report is the study session discussion topics and timeline.

Financial or budget considerations: Not applicable.

Strategic priority consideration: Not applicable.

Supporting documents: Tentative agenda – Dec. 14, 2020
Study session discussion topics and timeline

Prepared by: Debbie Fischer, administrative services office assistant
Reviewed by: Maria Solano, senior management analyst
Approved by: Tom Harmening, city manager
Dec. 14, 2020

6:30 p.m.  Study session - *To be held via videoconference*

**Tentative discussion items**

1. **City Council operations overview** – administrative services (60 minutes)
   City Attorney Soren Mattick will be present to provide a review of city council operations to include information related to minutes, data practices, open meeting law, carver governance etc.

2. **SWLRT Wooddale Station developer presentation** – community development (60 minutes)
   The staff-recommended developer for the redevelopment of the EDA-owned property adjacent to the Wooddale light rail station will be presenting their proposed project to the council/EDA. Staff will be seeking feedback from council/EDA regarding the recommended developer and development proposal.

3. **Future study session agenda planning** – administrative services (5 minutes)
   **Communications/meeting check-in** – administrative services (5 minutes)
   Time for communications between staff and council will be set aside on every study session agenda for the purposes of information sharing.

**Written reports**

4. Minnetonka Blvd. redevelopment
5. St. Louis Park Friends of the Arts annual report
6. Efficient building benchmarking ordinance - year one in review
7. Solar Sundown program
## Study session discussion topics and timeline

<table>
<thead>
<tr>
<th>Priority</th>
<th>Discussion topic</th>
<th>Comments</th>
<th>Timeline for council discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Discuss public process expectations and outcomes</td>
<td>Staff is working on the approach for undertaking this discussion.</td>
<td>1st qtr. 2021</td>
</tr>
<tr>
<td>4</td>
<td>Revisit housing setback, FAR, &amp; more related to affordable housing</td>
<td>Going to planning commission for discussion.</td>
<td>1st qtr. 2021</td>
</tr>
<tr>
<td>5</td>
<td>Home-based businesses (HBB)</td>
<td></td>
<td>1st qtr. 2021</td>
</tr>
<tr>
<td>6</td>
<td>Public forums at council mtgs</td>
<td>9/23/19 SS. Staff doing research of other cities</td>
<td>1st qtr. 2021</td>
</tr>
<tr>
<td>8</td>
<td>Community and neighborhood sidewalk designations</td>
<td>To be combined w/ Connect the Park discussion</td>
<td>2nd qtr. 2021</td>
</tr>
<tr>
<td>9</td>
<td>Remove mint &amp; menthol exemption from existing flavored</td>
<td>On hold pending court decision</td>
<td>*On hold</td>
</tr>
<tr>
<td>11</td>
<td>Conversion therapy ban</td>
<td></td>
<td>TBD</td>
</tr>
<tr>
<td>+</td>
<td>Creating pathways to homeownership for BIPOC individuals and families</td>
<td></td>
<td>TBD</td>
</tr>
<tr>
<td>+</td>
<td>Youth on commissions</td>
<td></td>
<td>4th qtr. 2020</td>
</tr>
</tbody>
</table>

### Council items in progress

<table>
<thead>
<tr>
<th>Priority</th>
<th>Discussion topic</th>
<th>Comments</th>
<th>Next Steps</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>STEP discussion: facilities</td>
<td>Council asked staff to consider lending options to assist STEP in buying a new bldg.</td>
<td>STEP is searching for a new facility</td>
</tr>
<tr>
<td></td>
<td>Policing: structural analysis</td>
<td>Discussed 7/27 &amp; 9/29/20. Staff is developing process.</td>
<td>Discuss draft action plan; date TBD</td>
</tr>
<tr>
<td></td>
<td>Revitalization of Walker Lake area</td>
<td>Council approved updated parking ord. Dec. 2019; Planning Commission working on new zoning ord. and design guidelines for the district – recommendation to council Q4; Construction of phase 1 completed summer 2019; Phase 2 currently under construction</td>
<td>Discussion of ordinance and design guidelines late 2020</td>
</tr>
</tbody>
</table>
Executive summary

**Title:** Police use of force policy work group update

**Recommended action:** None at this time. The purpose of this report is to provide council an overview on the work undertaken by a work group that was created to help guide the required update to the police departments use of force policy.

**Policy consideration:** Does the council need additional information on the police departments use of force policy update?

**Summary:** Following the murder of George Floyd, the council asked to review the police departments use of force policy in St. Louis Park. During the July 27 study session, the department provided an overview of its policies, reviewed the 8 Can’t Wait policy recommendations, and updated the council on the Minnesota police accountability act. This new legislation requires all law enforcement agencies in Minnesota to update their use of force policy to be the same or substantially similar to the model policy provided by the Board of Police Officers Standards and Training. The council approved of developing a workgroup consisting of members of the police advisory commission, human rights commission and the multi-cultural advisory committee to work with staff on updating the policy.

Staff met with the three commissions to review the current use of force policy and requested volunteers to assist with a work group on updating the policy as required by statute. A work group consisting of ten community members representing each of the commissions was formed. The work group was provided with the department’s current use of force policy and the model policy provided by the Board of Police Officers Standards and Training prior to the first work group meeting. The work group has meet virtually twice and has its last scheduled meeting set for Nov. 24, 2020. The workgroup has reviewed the policy, engaged in policy discussions, provided updates to their commissions and has provided valuable community input to the department on policy recommendations. Staff has incorporated the policy recommendations into the attached draft of the updated use of force policy. It is anticipated the workgroup will complete a final review of the draft and make a recommendation for the department to adopt the draft policy. Staff will then begin training officers on the updated policy before the statutory required Dec. 15, 2020 deadline.

**Strategic priority consideration:** St. Louis Park is committed to being a leader in racial equity and inclusion in order to create a more just and inclusive community for all.

**Supporting documents:**
- Board of Police Officers Standards and Training use of force model policy
- St. Louis Park Police Department current use of force policy
- Draft - St. Louis Park Police Department use of force policy

**Prepared by:** Mike Harcey, police chief
**Approved by:** Tom Harmening, city manager
USE OF FORCE AND DEADLY FORCE MODEL POLICY

MN STAT 626.8452

1) PURPOSE

It is the policy of the (law enforcement agency) to provide officers with guidelines for the use of force and deadly force in accordance with:

MN STAT 626.8452 DEADLY FORCE AND FIREARMS USE; POLICIES AND INSTRUCTION REQUIRED;
MN STAT 626.8475 DUTY TO INTERCEDE AND REPORT;
MN STAT 609.06 AUTHORIZED USE OF FORCE;
MN STAT 609.065 JUSTIFIABLE TAKING OF LIFE; and
MN STAT 609.066 AUTHORIZED USE OF FORCE BY PEACE OFFICERS.

2) POLICY

It is the policy of this law enforcement agency to ensure officers respect the sanctity of human life when making decisions regarding use of force. Sworn law enforcement officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. Officers shall treat everyone with dignity and without prejudice and use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of others and the officer.

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

Officers should exercise special care when interacting with individuals with known physical, mental health, developmental, or intellectual disabilities as an individual's disability may affect the individual's ability to understand or comply with commands from peace officers.

The decision by an officer to use force or deadly force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using such force.

This policy is to be reviewed annually and any questions or concerns should be addressed to the immediate supervisor for clarification.

This policy applies to all licensed peace officers and part-time peace officers engaged in the discharge of official duties.

Section (4) Procedure, paragraphs (g.1-2), are effective March 1, 2021 and thereafter.
3) DEFINITIONS

a) Bodily Harm: Physical pain or injury.

b) Great Bodily Harm: Bodily injury which creates a high probability of death, or which causes serious, permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

c) Deadly Force: Force used by an officer that the officer knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force.

d) De-Escalation: Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

e) Other Than Deadly Force: Force used by an officer that does not have the purpose of causing, nor create a substantial risk of causing, death or great bodily harm.

f) Choke Hold: A method by which a person applies sufficient pressure to a person to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air. Choke hold also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

g) Authorized Device: A device an officer has received permission from the agency to carry and use in the discharge of that officer's duties, and for which the officer has:

   a. obtained training in the technical, mechanical and physical aspects of the device; and
   b. developed a knowledge and understanding of the law, rules and regulations regarding the use of such a device.

4) PROCEDURE

   a) General Provisions

      1. Use of physical force should be discontinued when resistance ceases or when the incident is under control.

      2. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the amount of force necessary to control the situation shall be used.
Approved by the POST Board August 17, 2020

3. Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.

4. All uses of force shall be documented and investigated pursuant to this agency’s policies.

b) Duty to Intercede

Regardless of tenure or rank, an officer must intercede when:
   a. present and observing another officer using force in violation of section 609.066, subdivision 2, or otherwise beyond that which is objectively reasonable under the circumstances; and
   b. physically or verbally able to do so

c) Duty to Report

An officer who observes another officer use force that exceeds the degree of force permitted by law has the duty to report the incident in writing within 24 hours to the chief law enforcement officer of the agency that employs the reporting officer.

d) De-escalation:

1. An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with their training whenever possible and appropriate before resorting to force and to reduce the need for force.

2. Whenever possible and when such delay will not compromise the safety of another or the officer and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

e) Use of Other Than Deadly Force

1. When de-escalation techniques are not effective or appropriate, an officer may consider the use of other than deadly force to control a non-compliant or actively resistant individual. An officer is authorized to use agency-approved other than deadly force techniques and issued equipment in the following circumstances:
   a. effecting a lawful arrest; or
   b. the execution of legal process; or
   c. enforcing an order of the court; or
   d. executing any other duty imposed upon the public officer by law; or
   e. defense of self or another.

f) Use of Certain Types of Force
Approved by the POST Board August 17, 2020

1. Except in cases where deadly force is authorized as articulated in MN STAT. 609.066 to protect the peace officer or another from death or great bodily harm, officers are prohibited from using:

   a. Chokeholds,
   b. Tying all of a person’s limbs together behind a person’s back to render the person immobile, or;
   c. Securing a person in any way that results in transporting the person face down in a vehicle.

2. Less than lethal measures must be considered by the officer prior to applying these measures.

**g) Use of Deadly Force**

1. An officer is authorized to use deadly force if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary. Use of deadly force is justified when one or both of the following apply:

   a. To protect the peace officer or another from death or great bodily harm, provided that the threat:

      i. can be articulated with specificity by the law enforcement officer;
      ii. is reasonably likely to occur absent action by the law enforcement officer; and
      iii. must be addressed through the use of deadly force without unreasonable delay; or

   b. To effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony and the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in paragraph (a), items (i) to (iii), unless immediately apprehended.

2. An officer shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that the person does not pose a threat of death or great bodily harm to the peace officer or to another under the threat criteria in paragraph (1a), items (i) to (iii).

3. Where feasible, the officer shall identify themselves as a law enforcement officer and warn of his or her intent to use deadly force.

**h) Training**

1. All officers shall receive training, at least annually, on this agency’s use of force policy and related legal updates.
2. In addition, training shall be provided on a regular and periodic basis and designed to
   a. Provide techniques for the use of and reinforce the importance of de-escalation
   b. Simulate actual shooting situations and conditions; and
   c. Enhance officers’ discretion and judgement in using other than deadly force in accordance with this policy.

3. Before being authorized to carry a firearm all officers shall receive training and instruction with regard to the proper use of deadly force and to the agency’s policies and State statutes with regard to such force. Such training and instruction shall continue on an annual basis.

4. Before carrying an authorized device all officers shall receive training and instruction in the use of the device including training as it relates to its use in deadly force and/or other than deadly force situations. Such training and instruction shall continue on an annual basis.

5. Officers will carry and use only authorized devices unless circumstances exist which pose an immediate threat to the safety of the public or the officer requiring the use of a device or object that has not been authorized to counter such a threat.

6. With agency approval officers may modify, alter or cause to be altered an authorized device in their possession or control.

**g) Recordkeeping Requirements**
The chief law enforcement officer shall maintain records of the agency’s compliance with use of force training requirements.
City of St. Louis Park, Minnesota
Use of Force Policy

Chapter 6 - USE OF FORCE

6.1.0 DEFINITIONS:

1) Approved Weapon:

A device or instrument for which an officer has received permission from the department to carry and use in the discharge of that officer's duties, and for which the officer has:

a) Obtained training in the technical, mechanical, and physical aspects of the device, and

b) Has developed a knowledge and understanding of the law, rules, and regulations regarding the employment of such weapons.

2) Chemical Aerosol:

A chemical containing Orthochlorbenzaldehydeacetone (CS) and/or Oleoresin Capsicum (OC) in a handheld container disseminated with a liquid or gas propellant.

3) Chemical Munitions:

A chemical containing Orthochlorbenzaldehydeacetone (CS), Oleoresin Capsicum (OC), and Hexachlorethane (HC - Smoke) disseminated in a projectile with a liquid carrier or a pyrotechnic (burning) grenade.

4) Contact Weapons:

All objects and instruments that are used, or are designed to be used, to apply force to another by coming into physical contact with that person. Contact weapons include, but are not limited to, police batons and flashlights.

5) Deadly Force:

Deadly force shall include all force actually used by an officer against another with which the officer knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm in the direction of another person or at a vehicle, in which another person is believed to be, constitutes deadly force.

6) Conducted Electrical Weapon (CEW):
The conducted electrical weapon is designed to disrupt a subject's central nervous system by means of deploying battery powered electrical energy sufficient to cause muscle contractions and override an individual's voluntary motor responses.

7) **Force:**

Intentional actions by an officer that the officer knows, or reasonably should know, is likely to cause a nonconsensual, harmful, or offensive bodily contact with another, or places another in imminent fear of a nonconsensual, harmful, or offensive bodily contact.

8) **Great Bodily Harm:**

Bodily injury that creates a high probability of death, or that which causes serious, permanent disfigurement or that which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

9) **Non Deadly Force:**

Includes all force actually used by an officer which does not have the purpose of causing, nor create a substantial risk of causing, death or great bodily harm.

10) **Positional Asphyxiation:**

Is insufficient intake of oxygen as a result of body position that interferes with one's ability to breath.

11) **Weapon:**

Any instrument used, or designed to be used, to apply force to the person of another.

### 6.1.1 USE OF DEADLY FORCE:

1) It shall be the policy of the department, unless expressly negated elsewhere, to accord officers discretion in the use of deadly force to the extent permitted by Minnesota State Statute § 609.066, Subdivision 2, which authorizes peace officers acting in the line of duty to use deadly force only when necessary:

   a) To protect the peace officer or another from apparent death or great bodily harm.

   b) To effect the arrest or capture, or prevent the escape, of a person who the peace officer knows, or has reasonable grounds to believe, has committed or attempted to commit a felony involving the use or threatened use of deadly force.

   c) To effect the arrest or capture, or prevent the escape, of a person who the officer knows, or has reasonable grounds to believe, has committed or attempted to commit a felony, if the officer reasonably believes that the person will cause death or great bodily harm if the person's apprehension is delayed.

2) If feasible, an officer should give warning before using or attempting to use deadly force.
6.1.2 USE OF NON DEADLY FORCE:

1) It shall be the policy of the department, unless expressly negated elsewhere, to accord its officers discretion in the use of non deadly force to the extent permitted by Minnesota State Statute § 609.06, which permits police officers to use reasonable force:

   a) In effecting a lawful arrest.

   b) In the execution of legal process.

   c) In enforcing an order or the court.

   d) In effecting any other duty imposed on the officer by law.

2) In determining the amount, type, and level of force deemed reasonable under this provision, officers shall consider:

   a) The severity of the crime in issue.

   b) Whether the suspect poses a threat to the officer or another.

   c) Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

6.1.3 GENERAL RULES GOVERNING USE OF FORCE:

1) Officers shall use the least amount of force reasonably necessary to accomplish the intended objective without impairing the safety of others. This provision shall not be construed, however, to require officers to first attempt using types and degrees of force which reasonably appear to be inadequate to accomplish the intended objective.

2) Protracted hand to hand combat may be harmful to the public safety, the safety of police officers, and the safety of the person being arrested or captured. Accordingly, it shall be deemed reasonable for officers to use that type and degree of non deadly force necessary to bring a subject who the officer intends to arrest or capture quickly under control.

3) Officers shall carry and use only approved weapons as that term is defined in section 5.5.2, unless circumstances exist which pose an imminent threat to the safety of the officer or the public requiring the immediate use of a non approved weapon to counter such a threat. This provision shall not be construed as authorizing officers to carry or use a non approved weapon where, under the circumstances, it would be feasible to procure approval for use of the particular weapon prior to its use.

4) No officer shall modify, alter, or cause to be altered an approved weapon in their possession or control. This provision shall not be construed to prohibit officers from modifying grips on approved firearms in the officer's possession or control.
6.2.0 CONTACT WEAPONS:

1) The purpose of using a contact weapon is to defend against, or control, a subject. Contact weapons shall be used only where efforts involving the use of less force have failed, or where it reasonably appears that such methods would be ineffective if attempted. When contact weapons are being used to control or defend against a subject, officers should continually reassess whether deescalation to a lower level of force is feasible. Once it reasonably appears that lower levels of force would be sufficient to meet any continuing needs for defense or control, officers should deescalate to that lower level of force.

Contact weapons may be used only in the following manner:

a. Defense: To ward off blows or kicks from another person.

b. Defense or Control: To strike another for the purpose of rendering that person temporarily incapacitated.

c. Control: To restrain persons

d. Control: In appropriate crowd control situations, to direct and control the movement of people or persons, or as a barricade.

2) Officers striking another person with a contact weapon should attempt to avoid striking, if possible, bodily areas likely to result in serious injuries or death unless deadly force is authorized under this section.

3) Officers striking another person with a contact weapon should attempt to strike, if possible, bodily areas likely to result only in incapacitation.

6.3.0 HANDHELD CHEMICAL AEROSOL: PURPOSE

1) The purpose of using chemical aerosol is to render a person temporarily incapacitated so as to neutralize a threat by, or effect control of, the subject. The use of chemical aerosol shall be governed by the provisions governing non deadly force. Only chemical aerosol that are approved weapons, as previously defined, shall be used.

2) Officers shall exercise due care to ensure that only intended persons are sprayed or otherwise subject to the application of chemical agents. Use of chemical aerosol must be documented in the police report and Resistance Response Report.

3) Chemical aerosols shall not be applied to any person for the purpose of effecting punishment.

4) First aid or medical attention shall be provided to all persons sprayed with chemical aerosols.
6.3.1 HANDHELD CHEMICAL AEROSOL: USE

Always discharge the container by holding it in the upright position. This will ensure that the irritant and not the propelling gas are projected. The maximum effective range of chemical aerosol is fifteen feet.

1) Officers should use a short one to two second burst when spraying chemical aerosol at a person. After using chemical aerosol, officers shall ensure that the following steps are observed:
   a) Keep the contaminated area exposed to fresh air, thus allowing the irritants to escape. Do not bandage.
   b) If the subject is wearing contact lenses at the time of exposure, they must be removed to achieve proper first aid.
   c) First aid measures should be given as soon as possible after the exposure, and in no case should a period of more than thirty minutes lapse between the exposure and first aid.
   d) Immediate medical attention will be provided to any person upon whom the chemical is applied.

2) If the container is damaged, malfunctions, or if the supply is depleted, a new canister will be issued. If an officer loses their chemical aerosol, an offense report including the details of the loss is required.

6.3.2 NOTIFICATION WHEN USED:

Important: In all cases where a chemical aerosol is used, include in police report the following:

1) The time the chemical aerosol was applied.
2) Justification for doing so (e.g., resisting arrest, etc.).
3) The type and time of first aid given.

6.3.3 CAUTIONS IN USING:

1) Only under conditions that a represent an extreme hazard (immediate threat of serious injury or death) should the spray be applied into the face at a distance of less than two feet.

2) Under no circumstances is the chemical agent to be applied as a punitive measure.

3) Chemical aerosol should not be discharged in the immediate vicinity of infants.
6.3.4 CHEMICAL MUNITIONS PROCEDURES AND USE:

1) It is the policy of the department to use chemical munitions only in those instances where its use will provide an effective enforcement tool without creating an unreasonable risk of injury to subjects or innocent third parties.

2) It is important to use enough chemical aerosol to accomplish the task encountered, but it is equally important to avoid excessive or indiscriminate use.

3) Any innocent person(s) nearby should be warned of the potential use of chemical munitions and steps should be taken to minimize possible discomfort or danger to them or property.

4) When chemical munitions are issued, it is imperative that ALL unused munitions be returned to the armory or other appropriate / designated location as soon as possible.

5) Chemical munitions will not be used until authority has been granted by a supervisor.

6) When chemical munitions are to be used, gas masks will be issued to all on scene personnel.

7) Only liquid (non-burning) chemical munitions will be used inside an enclosed structure unless otherwise approved by the Chief of Police or designee.

8) Whenever pyrotechnic chemical munitions are used in a closed structure the fire department will be notified and requested to stand by for possible fire and decontamination.

9) Whenever chemical munitions are used a full report of the circumstances surrounding its use will be made by the duty supervisor

6.4.0 PROCEDURES FOR CONDUCTED ELECTRICAL WEAPON (CEW) USE:

PURPOSE: To establish procedures regarding the use, reporting, and first aid treatment when deploying the CEW.

6.4.1 USE OF CONDUCTED ELECTRICAL WEAPON (CEW):

1) It is the policy of the department to use only that level of force that reasonably appears necessary to control, or otherwise subdue, violent or potentially violent individuals. Use of the CEW is authorized under Minnesota State Statute § 609.06, "Authorized Use of Force", as well as the guidelines set forth in this section.

2) Use of the CEW will be reported on a departmental Resistance Response Report and in the report of the incident.
3) The CEW is a less lethal device that should be deployed as an additional law enforcement tool that reduces the likelihood of injury to officers and subjects. It should be used to control and/or apprehend combative subjects when deadly force is not justified or when attempts to subdue a subject by verbalization or hard, empty hand control has been, or is likely to be, ineffective, or when an officer has a reasonable expectation that it will be unsafe to approach within contact range of a given subject.

6.4.2 PROCEDURES FOR USE:

1) Authorized Users:

The CEW will only be issued to, and deployed by, officers who have completed the department CEW course for operators.

2) Weapon Readiness:

a) The device will be carried in an approved holster on the support side of the body. Officers not in uniform must carry the weapon consistent with department training.

b) Only a fully charged and properly functioning CEW shall be carried in the field. It is each operator's responsibility to check the CEW prior to each duty shift.

c) Officers authorized to use the device shall be issued a minimum of one spare cartridge as a backup in the event of cartridge failure, the need for redeployment, or in the event the first cartridge's leads break during engagement. The spare cartridges shall be stored and carried in a manner consistent with training, and the cartridges replaced consistent with the manufacturer's expiration requirements.

3) Prohibited Use:

The CEW will not be used in the following manner:

a) As an interrogative device, either through application or threat thereof.

b) To threaten, harass, taunt, or abuse,

c) In areas where there are concentrations of combustible materials.

d) On a handcuffed prisoner.

e) On a subject that has been sprayed with a chemical aerosol.

f) In any environment where the subject's fall could reasonably result in death (such as in a swimming pool or on an elevated structure).

g) In an unlawful manner.
NOTE: The CEW is extremely effective in incapacitating a subject. However, it should not be used as a substitute for a firearm. In situations where subjects are armed with a lethal, non-firearm weapon (e.g., knife, blunt instrument) the CEW operator should be covered by an armed officer).

4) **Deployment:**

   a) The operator should take into consideration and avoid using the CEW if the subject is known to be pregnant, very young, very old, frail, or if the officer has reason to believe that the subject has heart problems or a debilitating illness.

   b) The operator will not have both their duty weapon unholstered and ready in one hand, while simultaneously deploying the CEW in the other hand. This is intended to avoid unintentionally firing the wrong weapon.

   c) Only one CEW will be deployed on one subject at a given time. If there are multiple subjects involved, then a corresponding number of CEWs may be used.

   d) Once an operator has decided the criteria exist for deployment of the CEW, the following steps shall be adhered to:

      1. Operators will not target the head, neck, or groin area of the subject. Each CEW unit is laser sighted and should be targeted at lower center mass when possible.

      2. Prior to the deployment of the CEW the deploying operator, if possible, will advise other officers and the suspect of the impending deployment by announcing their intentions. This will be done so the sound of the deploying CEW unit is not confused with that of a discharging firearm.

      3. CEW are programmed to expose a subject to a five second electrical current. It is recommended that each use should be a full five seconds. Operators have the discretion of terminating the exposure by turning the CEW off. Operators are to use this discretion as the circumstances of each incident warrant.

      4. No more than three consecutive cycles shall be administered to a subject during an incident.

      5. The device may also be used in certain circumstances in a touch stun mode. After the barbs have been deployed, create a second contact point of six inches or more. It is important to note that when the device is used in this manner, it is:

         a. Minimally effective when compared to conventional cartridge type deployments

         b. More likely to leave marks on the subject's skin
c. Subject to the same deployment (use) guidelines and restrictions as that of the cartridge deployments

6. After deploying the CEW, operators will notify the duty supervisor, if not at the scene, as soon as it is safe to do so. If possible, the duty supervisor should immediately respond to the scene.

7. After the subject has been handcuffed, officers will guard against positional asphyxiation.

6.4.3 AFTERCARE AND REPORTING:

1) Officers are to immediately call paramedics to the scene to evaluate the subject.

2) If the probes of the CEW unit penetrate the skin of the subject, they may be removed by an officer. If an officer feels uncomfortable removing the probes, paramedics may assist. If the head, neck, or groin areas are struck with one or both of the probes, the officer will not attempt to remove the probes.

3) After the probes are removed from a subject, the following procedure will be adhered to:

   a) Probes will be considered a biohazard. Officers will invert spent probes back into the air cartridge to prevent sharp ends from being exposed. Tape will be placed over the portals to secure them in the cartridge. The air cartridge wires will then be wound around the cartridge and secured by tape. The entire cartridge is to be placed in the proper biohazard container marked as such. Officers will collect several AFID tags and place them with the air cartridge. The container will be placed in property inventory.

   b) Photographs will be taken of probe penetration sites and any injuries incurred during the incident. Photographs will be placed in property inventory.

   c) The subject shall be transported to Methodist Hospital emergency room for evaluation, using the hospital's CEW exposure protocol.

   d) Officers shall complete the departmental Resistance Response Report and detail the CEW deployment in the operator's narrative report prior to the end of their duty shift.

   e) After an exposure has been delivered to a subject, the unit shall be given to the duty supervisor, who will route it to the Chief of Police's designee. Data from the incident may be uploaded from the CEW for the Resistance Response Report. After uploading the data, the unit may be placed back into service.
6.5.0 PROCEDURES WHEN FIREARM IS DISCHARGED:

1) Whenever an officer discharges a firearm in the course and scope of their duties or while acting under color of law (exclusive of training), the officer shall notify the duty supervisor.

2) The officer who discharged a firearm shall file a written report of the incident with the duty supervisor as soon as time and circumstances permit, but in no event later than the completion of their current tour of duty. This requirement may be suspended on order of the immediate supervisor.

3) If the officer is incapable of filing the required report, the officer's duty supervisor shall be responsible for filing the report.

4) Consistent with Minnesota State Statute § 626.553, the Commissioner of Public Safety will be notified in writing of the facts and circumstances surrounding any discharge of a firearm by a peace officer in the course of duty, other than for training purposes or destroying animals.

6.5.1 INITIAL INVESTIGATION OF FIREARM DISCHARGE:

1) Each discharge of a firearm within this policy shall be investigated by the duty supervisor, who shall personally inspect the scene of the incident.

2) The Chief of Police or designee will determine if an outside agency is needed to investigate and, if so, determine the appropriate agency.

3) After conducting a thorough investigation of the circumstances surrounding the discharge of the firearm, the duty supervisor shall submit a detailed written report of the results of the investigation to the Chief of Police. The report will state whether the discharge was justified and in accordance with department policy.

6.5.2 AUTHORIZED FIREARMS:

1) Officers will only carry department owned weapons as their primary firearm, except with approval by the Chief of Police.

   a) The primary duty handgun for Patrol and School Resource Officers (SROs) will be a Glock 17 or 21 (or other firearm if carried before 1-1-19 and approved by the Chief of Police).

   b) The primary duty handgun for Investigators, Investigations Sergeants, Drug Task Force Officer(s), Community Outreach Officer(s), and the Administrative Sergeant will be a Glock 17, 19 or 21 (or other firearm if carried before 1-1-19 and approved by the Chief of Police).
c) The primary duty handgun for Command Staff members will be a Glock 17, 19 or 21 (or other firearm if carried before 1-1-19 and approved by the Chief of Police).

2) Officers are permitted to carry personal firearms off-duty of any make and must complete a yearly qualification overseen by department firearms instructor.
   a) Authorized off-duty firearms can be chambered in .380, 9mm, .40, and .45 caliber.
   b) Firearms for off-duty use shall be registered with the Department by make, model, and serial number.

3) Specialized weapons, as authorized by the Chief of Police.
   a) Officers must receive training and be certified as proficient in the use of any specialized weapons. These specialized weapons include, but are not limited to: shotguns, sniper rifles, gas launchers, semi- and fully automatic rifles, etc.

4) All Department-owned firearms shall be inspected annually by a qualified Department armorer.

5) Officers shall demonstrate their ability to use their firearms in a safe and proficient manner during regular firearms qualification sessions.

6) SWAT members working in a special assignment (Investigations, SRO, Community Outreach, etc.) will maintain their assigned long gun in the armory and will have it ready for use.

6.5.3 AUTHORIZED AMMUNITION:

Only department issued ammunition is authorized.

6.5.4 CARRYING AND DISPLAYING OF FIREARMS:

Officers shall not remove firearms from holsters or cases except when necessary in the performance of official duty.

1) Cross draw, upside down, or similar holsters are not permitted without the express permission of the Chief of Police.

2) Officers in civilian dress can wear their firearm concealed or unconcealed. If the firearm is in public view, their badge must be displayed next to the firearm.
6.5.5 FIREARMS TRAINING:

Training programs will be held at regular intervals, as determined by the Chief of Police or designee for the purpose of maintaining and improving proficiency in the use of the various types of firearms used by the department and in order to familiarize officers with the contents of departmental policies governing the use of deadly force and firearms. All sworn personnel are required to attend the training sessions as scheduled unless excused by their supervisor. Officers failing to attend these sessions without properly being excused will be subject to disciplinary action.

6.5.6 USE OF FIREARMS TO DESTROY ANIMALS:

When an animal is critically injured, the owner's permission should be obtained prior to destroying the animal. If the owner is not available, the names and addresses of witnesses shall be obtained to assist in verifying that the animal was critically injured. If the owner is present, it is their responsibility to have the animal removed.

The following guidelines are provided:

1) The animal shall be removed from public view prior to destruction whenever possible.

2) The animal should be placed upon the ground (in lieu of pavement) to decrease the possibility of ricochet.

3) Shoot the animal from close range, five to fifteen feet maximum if possible.

4) Shoot down into the animal so that the projectile, if exiting the animal's body, will enter the ground.

5) Shoot the animal in the brain to minimize suffering. Upon destroying an animal, arrangements should be made without delay for removal of the animal's body.

EXCEPTION: If the possibility of rabies exists, or if the animal has bitten someone, the animal cannot be shot in the brain. In these cases, the animal should be shot in the chest cavity, directly behind either front leg, and the animal's body must be removed to the University of Minnesota and the state department of health in notified.

6.5.7 WARNING SHOTS:

Warning shots shall not be fired.
6.6.0 USE OF CHOKE HOLDS:
Officers shall use choke holds only in situations where the use of deadly force would be justified under the provisions of this section.

6.7.0 THREATENING THE USE OF FORCE:
An officer may announce to another their intention to use only that type and degree of force that is reasonably necessary under the circumstances. This provision shall not be construed to authorize or endorse the use of discourteous, abusive, or unprofessional language.

6.8.0 REPORTING REQUIREMENTS:
1) An officer using deadly or non deadly force shall, in all instances, prepare a Resistance Response Report in addition to all other reports concerning the matter.
2) Supervisors shall review all incidents involving the use of force with all officers involved and submit the supervisor's evaluation as to whether the officer's actions complied with the provisions of this section.

6.9.0 CRITICAL INCIDENT POLICY

6.9.1 - PURPOSE
This policy establishes a framework and guidelines for responding to critical incidents involving members of this agency. The guidance and steps below are intended to supplement rather than replace regular agency practices. Accordingly, this policy identifies tasks and priorities that should be addressed, but does not provide detailed instructions as to the manner of completing them.

6.9.2 - POLICY
This agency will respond to critical incidents in a manner that protects public safety, fosters trust in and accountability for law enforcement, and addresses the needs of personnel who have been exposed to threatening circumstances and acute stress. Because situations may vary significantly, personnel must exercise sound judgment in determining how and when to implement the procedures set forth in this policy.
6.9.3 - DEFINITIONS

The following phrases have special meanings as used in this policy.

Critical Incidents include officer-involved shootings and other situations involving most or all of the following circumstances:

- A law enforcement officer has used force or taken other actions.
- The officer’s actions resulted in death or serious injury to another.
- A review of the officer’s conduct for compliance with criminal laws is likely to occur regardless of whether there is a citizen complaint.
- It is foreseeable that the event will result in at least some degree of media interest or public scrutiny toward the agency and officer.
- The circumstances will warrant due consideration for the emotional health and well-being of the officers involved.

Involved Officer means an officer employed by this agency who used force or took other actions that resulted in death or serious injury to another.

Uninvolved Officer means an officer employed by this agency who may have participated in, witnessed, or responded to a critical incident, but who did not use force or take other actions that resulted in death or serious injury to another.

Employing Agency means the agency that employs one or more involved officers.

Investigating Agency means another law enforcement agency that will independently investigate the use of force or other circumstances that resulted in death or serious injury.

6.9.4 - INDEPENDENT INVESTIGATION

The St. Louis Park Police Department will request an independent investigation whenever officers of this agency use deadly force or take other action that directly results in death or serious injury to another. For incidents occurring within the territorial jurisdiction of the City of St. Louis Park, the chief or chief’s designee shall contact an Investigating Agency to request assistance. For incidents occurring outside the territorial jurisdiction, the chief or designee shall coordinate the request with the agency having jurisdiction over the place where the event occurred. This agency will provide all reasonable cooperation and assistance to the Investigating Agency.

6.9.5 - INVESTIGATIVE RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of a critical incident involving St. Louis Park police officers:
<table>
<thead>
<tr>
<th>SLPPD Officer in This Jurisdiction</th>
<th>Criminal Investigation of Suspect(s)</th>
<th>Criminal Investigation of Peace Officer(s)</th>
<th>Civil Investigation</th>
<th>Administrative Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>HCSO or BCA</td>
<td>HCSO or BCA</td>
<td>SLPPD</td>
<td>SLPPD Chief or designee</td>
<td></td>
</tr>
<tr>
<td>Outside Agency’s Peace Officer in This Jurisdiction</td>
<td>SLPPD Investigators or HCSO</td>
<td>SLPPD Investigators or HCSO</td>
<td>Involved Peace Officer’s Agency</td>
<td></td>
</tr>
<tr>
<td>SLPPD Officer in Another Jurisdiction</td>
<td>Agency where incident occurred</td>
<td>Decision made by agency where incident occurred</td>
<td>SLPPD</td>
<td>SLPPD Chief or designee</td>
</tr>
</tbody>
</table>

### 6.9.6 - IMMEDIATE PRIORITIES

Because situations may vary significantly, officers on the scene or who arrive there in the immediate aftermath of an incident must exercise professional judgment to determine the order in which to address potentially competing priorities. Involved Officers, until relieved, and Uninvolved Officers shall take appropriate actions to: (see Appendix A)

1. Summon emergency medical care for and provide first aid to any individuals with serious injuries or medical conditions.
2. Summon appropriate resources to the scene.
3. Protect the public against any risks posed by ongoing hazards or dangerous people at large. (see Appendix B)
4. Obtain and broadcast information to aid in the apprehension of any dangerous suspects.
5. Notify command staff and agency leaders of the incident.

### 6.9.7 - ESTABLISHING ON-SCENE COMMAND AND CONTROL

As soon as practicable, an appropriate officer or supervisor should identify himself or herself as the Incident Commander, who will have charge over other personnel at the scene and will be
responsible for assuring that appropriate personnel and resources are directed to the highest priorities.

1. The first supervisor or uninvolved officer to arrive at the scene following the incident will be the Incident Commander until relieved by higher authority.

2. The Incident Commander shall identify himself or herself over the radio to dispatch and others. Any officer or supervisor assuming command of the incident thereafter shall identify himself or herself over the radio to dispatch and others.

3. Officers may, by quick consensus, designate a more experienced or more suitably trained officer at the scene to serve as the Incident Commander.

6.9.8 - INCIDENT MANAGEMENT ACTIVITIES

Although the Investigating Agency will likely respond to the scene, immediate steps may still be necessary to protect public safety and to prevent the loss or destruction of evidence. Accordingly, the St. Louis Park Police Department’s Incident Commander or on-scene supervisor shall determine which of the following tasks are of the highest priority and shall assign appropriate personnel to address them:

1. Promptly identify Involved and Uninvolved officers and, to the extent feasible, relieve Involved Officers of active participation in any ongoing scene management and law enforcement activities. Uninvolved Officers who witnessed or participated in the event should be assessed to determine if they are capable of assisting with further law enforcement efforts.

2. Consider and, if necessary, obtain Public Safety Statements from the Involved Officers, using the form attached hereto as Appendix B. A Public Safety Statement may not be necessary if there are other sources that can provide the required information.

3. Identify witnesses and the evidence they possess, and obtain immediate statements from witnesses only if there is reason to believe the witness will be unwilling or unable to be interviewed or provide an accurate account later.

4. Establish one or more perimeters to control the scene and restrict access, and keep a log of personnel entering and exiting the perimeter.

5. Safeguard physical evidence that could become lost or degraded before the scene is methodically processed.

6. Prevent electronic evidence stored in body-worn cameras and in-car camera systems from being overwritten by deactivating any systems left in “record” mode.
7. Notify and secure assistance from any outside criminal Investigating Agency that will be utilized; obtain that agency’s estimated time of arrival at the scene; and coordinate with that agency as to any immediate steps that should be taken.

8. Preserve the evidentiary value of weapons that officers have used or fired during the event. If the officer(s) weapon(s) are holstered they should remain holstered until collected by the Investigating Agency as evidence. Officers will be issued replacement weapons for any that have been collected as evidence unless otherwise indicated.

9. Preserve the evidentiary value of all clothing/equipment items worn by the involved officer during the event. The investigating agency may collect all clothing items at the hospital at the same time all involved officers are receiving a mandatory medical assessment conducted by an emergency room physician. Supervisors or care officers should refer on duty medical staff to our request for a basic medical evaluation outlined in Appendix D.

10. Assign a liaison to work with the Investigating Agency.

11. Assign a “Care Officer” to each Involved Officer. The duties of the Care Officer will include removing the Involved Officer from the scene to an appropriate location, and providing reasonable assistance to meet the Involved Officer’s basic needs following the incident. The Care Officer may also be asked to verify that the Involved Officer committed to his or her care had no contact with other Involved Officers or witnesses from the time of the Care Officer’s assignment until the time the Involved Officer is released from duty. There is generally no legal privilege for communications between Care Officers and Involved Officers. A list of potential additional duties of Care Officers is attached hereto as Appendix C. It may also be appropriate, depending on the individual’s status, to assign a Care Officer to any Uninvolved Officers who participated in or witnessed the event and were traumatized by it.

12. Provide for or coordinate the appropriate notification to the families or survivors of any individuals killed or seriously injured during the incident.

13. Consider the advisability of providing public information about the event.

6.9.9 - INVOLVED OFFICERS

Involved Officers shall:

1. Refrain from assisting with any ongoing law enforcement or scene management activities as soon as adequate uninvolved personnel are available at the scene.

2. Preserve the integrity of physical evidence such as blood, fingerprints, and other biologics on the officer’s person, clothing, and equipment until it is collected.

3. Remain in the company of the officer’s assigned Care Officer or at the location designated until relieved from duty.
4. Not discuss the incident with others who were involved in or witnessed the incident, or with other employees of this agency, until the criminal and administrative review processes have been completed. This section shall not be construed, however, to prohibit officers from discussing the incident with the officer’s attorney, psychologist or licensed social worker, clergy member, or spouse.

6.9.10 - RIGHTS OF INVOLVED OFFICERS

1. Nothing in this policy shall be construed as limiting or depriving Involved Officers of their rights to remain silent and to consult with an attorney prior to giving any statements or making any reports that could be used against the officer in a criminal proceeding.

2. Involved Officers shall not be subject to employment-based drug or alcohol testing unless based on reasonable suspicion and conducted pursuant to the city’s drug and alcohol testing policy. As a matter of course, investigators conducting the criminal review may ask Involved Officers to voluntarily provide samples for blood and alcohol testing as part of the criminal investigation. This agency will not penalize the refusal to voluntarily participate in such testing. Personnel from this agency may assist Involved Officers in voluntarily supplying the requested samples, such as by providing transportation to a hospital or clinic, or witnessing the collection of the sample.

6.9.11 - WRITTEN REPORTS

Officers who were involved in or witnessed a critical incident shall not be required to prepare a written report concerning the incident unless specifically directed to do so.

6.9.12 - ADMINISTRATIVE LEAVE

Each involved officer shall be provided with reasonable administrative leave following an officer-involved shooting or officer-involved critical incident.

6.9.13 - CRITICAL INCIDENT STRESS DEBRIEFING AND PSYCHOLOGICAL SERVICES

1. The chief or chief’s designee may schedule a critical incident stress debriefing session following the incident for Uninvolved Officers, uninvolved support personnel such as dispatchers and Community Service Officers (CSOs), and other personnel impacted by the incident. Authorized attendees may use work time or be compensated for attending the session. The sessions shall be conducted in private and closed to the public and
nonparticipants. Personnel who participate in the debriefing shall not disclose any information or opinions acquired as a result of the session.

2. Officers facing criminal review or the prospect of civil liability shall not participate in group debriefing sessions or peer-to-peer counseling, but instead shall be referred to individual counseling with a mental health professional of their choice.

3. Officers involved in a critical incident and other impacted personnel shall, upon direction from the chief or chief’s designee, attend one or more confidential meetings with a mental health professional of their choosing. The City will pay for the cost of such services. The meeting shall be confidential between the officer and the mental health professional. Should a fitness-for-duty evaluation be required, it shall be conducted by a separate mental health professional and with an appropriate release to allow the examiner to provide information to the city.

6.9.14 - FIREARM DISCHARGE REPORT

The chief or chief’s designee shall, within 30 days of the incident, complete and submit the firearms discharge report required by Minn. Stat. § 626.553, subd. 2.

6.9.15 - STATEMENTS FROM INVOLVED OFFICERS

1. Because the criminal investigatory interviews of Involved Officers are conducted on a voluntary basis, the time and place of such interviews is a matter to be worked out between the Involved Officers, their attorneys, and the criminal investigators assigned to the matter. To the extent that this agency is requested to assist in scheduling or facilitating such interviews, the following guidelines shall apply:

   i. The rights of officers to take time for rest and recovery from the incident before giving a statement for criminal investigatory purposes shall be respected. Current published recommendations call for providing officers some amount of time for recovery and rest prior to providing a full statement about the event, in the range of 48 hours.

   ii. Officers should be given a choice as to the location of the interview, and should not be interviewed in places where criminal suspects are typically interrogated.

2. It is the policy of this agency to allow officers the option to review their own video recordings from their assigned vehicle or body camera prior to giving a statement to criminal investigators.
6.9.16 AGENCY ADMINISTRATIVE REVIEW

1. This agency will review all critical incidents to determine whether the force used or actions taken by officers were in compliance with governing law, agency policy, and agency training. The timing of this review will be determined on a case-by-case basis, and the review will encompass an examination of all relevant evidence.

2. If the results of the review establish there was no misconduct, the results of this determination shall be documented and the matter closed.

3. If the results of the review conclusively establish that misconduct occurred, then the chief or chief’s designee shall determine appropriate remedial or disciplinary action and document the findings, and the matter shall then be closed. The provisions of this policy do not abridge the rights of officers to challenge or appeal any disciplinary action under the collective bargaining agreement or other applicable procedures.

4. If the results of the review suggest that misconduct may have occurred, then an administrative investigation shall be conducted consistently with the Peace Officer Discipline Procedures Act.
Chapter 6 - USE OF FORCE

6.1.0 POLICY PURPOSE

It is the policy of the St. Louis Park Police Department to provide officers with guidelines for the use of force and deadly force in accordance with:

- MN STAT 626.8452 DEADLY FORCE AND FIREARMS USE; POLICIES AND INSTRUCTION REQUIRED;
- MN STAT 626.8475 DUTY TO INTERCEDE AND REPORT;
- MN STAT 609.06 AUTHORIZED USE OF FORCE;
- MN STAT 609.065 JUSTIFIABLE TAKING OF LIFE; and
- MN STAT 609.066 AUTHORIZED USE OF FORCE BY PEACE OFFICERS.

6.1.1 POLICY

Every person has the right to be free from excessive use of force by officers acting under the color of law. In accordance with our mission and values as an agency, we are committed to building and maintaining partnerships with the community we serve, to transparency, to fundamental fairness, to treating everyone with respect and dignity and to listening to the voices of the community.

Sworn law enforcement officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. It is the policy of this law enforcement agency to ensure officers respect the sanctity of human life when making decisions regarding use of force. Officers shall treat everyone with dignity and without prejudice. Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose, and to protect the safety of others and the officer.

Officers should exercise special care when interacting with individuals with known or perceived physical, mental health, developmental, or intellectual disabilities as an individual’s disability may affect the individual’s ability to understand or comply with commands from peace officers.

It is the intent of this policy that officers use deadly force only when necessary in defense of human life or to prevent great bodily harm. The decision by an officer to use force or deadly force shall be evaluated from the perspective of a reasonable officer* in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgements about using such force.

This policy is to be reviewed annually and any questions or concerns should be addressed to the immediate supervisor for clarification.

Violations of this policy may result in progressive discipline up to and including suspension, termination of employment, civil or criminal penalties as required by law.
This policy applies to all licensed peace officers and part-time peace officers engaged in the discharge of official duties.

Section (6.2.1) Procedure, paragraphs 7 (a) and (b), are effective March 1, 2021 and thereafter.

*In Graham v. Connor*, the courts defined this reasonable officer standard - The Fourth Amendment “reasonableness” inquiry is whether the officers’ actions are “objectively reasonable” in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The “reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.

**DEFINITIONS AND USE OF DEADLY FORCE**

6.1.2 **DEFINITIONS:**

1) **Force:**

Intentional actions by an officer that the officer knows, or reasonably should know, is likely to cause a nonconsensual, harmful, or offensive bodily contact with another, or places another in imminent fear of a nonconsensual, harmful, or offensive bodily contact.

2) **Bodily Harm:**

Physical pain or injury.

3) **Great Bodily Harm:**

Bodily injury which creates a high probability of death, or which causes serious, permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

4) **Deadly Force:**

Force used by an officer that the officer knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force.

5) **De-Escalation:**

Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.
6) **Other Than Deadly Force:**

   Force used by an officer that does not have the purpose of causing, nor create a substantial risk of causing, death or great bodily harm.

7) **Choke Hold:**

   A method by which a person applies sufficient pressure to a person to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air. Choke hold also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries. (MS 609-06-3-b)

8) **Authorized Device:**

   A device an officer has received permission from the agency to carry and use in the discharge of that officer's duties, and for which the officer has:

   a) Obtained training in the technical, mechanical, and physical aspects of the device, and

   b) Developed a knowledge and understanding of the law, rules, and regulations regarding the use of such device.

9) **Chemical Aerosol:**

   A chemical containing Orthochlorbenzalmalmononitrile (CS) and/or Oleoresin Capsicum (OC) in a handheld container disseminated with a liquid or gas propellant.

10) **Chemical Munitions:**

    A chemical containing Orthochlorbenzalmalmononitrile (CS), Oleoresin Capsicum (OC), and Hexachloroethane (HC - Smoke) disseminated in a projectile with a liquid carrier or a pyrotechnic (burning) grenade.

11) **Contact Weapons:**

    All objects and instruments that are used, or are designed to be used, to apply force to another by coming into physical contact with that person. Contact weapons include, but are not limited to, police batons and flashlights.

12) **Conducted Electrical Weapon (CEW) (i.e., Taser):**

    The conducted electrical weapon is designed to disrupt a subject's central nervous system by means of deploying battery powered electrical energy sufficient to cause muscle contractions and override an individual's voluntary motor responses.

13) **Positional Asphyxiation:**

    Positional (postural) asphyxia is a form of mechanical asphyxia that occurs when a person is immobilized in a position which impairs adequate pulmonary ventilation and thus, results in a respiratory failure. In some cases, the body position has a direct hindering effect on normal
circulation and venous return to the heart, which may be additional contributing factors to the obstruction of normal gas exchange (definition from US NIH).

6.1.3 PROCEDURE:

1) General Provisions

   a) Officers shall use the least amount of force reasonably necessary to accomplish the intended objective without impairing the safety of others. This provision shall not be construed, however, to require officers to first attempt using types and degrees of force which reasonably appear to be inadequate to accomplish the intended objective.

   b) Protracted hand to hand combat may be harmful to the public safety, the safety of police officers, and the safety of the person being arrested or captured. Accordingly, it shall be deemed reasonable for officers to use that type and degree of other than deadly force necessary to bring a subject who the officer intends to arrest or capture quickly under control.

   c) Use of physical force shall be discontinued when resistance ceases or when the incident is under control.

   d) Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the amount of force necessary to control the situation shall be used.

   e) Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.

   f) An officer using deadly or other than deadly force shall prepare a Resistance Response Report, in addition to all other reports concerning the matter, except when involved in a Critical Incident as defined by Chapter 19, Critical Incident Policy.

   g) Required reports shall be completed by officers before the end of their shift unless a reasonable delay is approved by a supervisor. Supervisors shall review all incidents involving the use of force with all officers involved and submit the supervisor's evaluation as to whether the officer's actions complied with the provisions of this section.

2) Duty to Intercede

Regardless of tenure or rank, an officer must intercede when:

   a) Present and observing another officer using force in violation of section 609.066, subdivision 2, or otherwise beyond that which is objectively reasonable under the circumstances; and
3) **Duty to Report**

An officer who observes another officer use force that exceeds the degree of force permitted by law has the duty to report the incident in writing within 24 hours to the chief law enforcement officer of the agency that employs the reporting officer. St. Louis Park Personnel Manual Section 13.2 states that there will be no retaliation as a result of bringing a claim forth or cooperating in an investigation.

4) **De-escalation:**

a) An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with their training whenever possible and appropriate before resorting to force and to reduce the need for force.

b) Whenever possible and when such delay will not compromise the safety of another or the officer and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

5) **Use of Other Than Deadly Force**

When de-escalation techniques are not effective or appropriate, an officer may consider the use of other than deadly force to control a non-compliant or actively resistant individual. An officer is authorized to use agency-approved other than deadly force techniques and issued equipment in the following circumstances:

a) Effecting a lawful arrest; or
b) The execution of legal process; or
c) Enforcing an order of the court; or
d) Executing any other duty imposed upon the public officer by law; or
e) Defense of self or another.

6) **Use of Certain Types of Force**

a) Except in cases where deadly force is authorized as articulated in MN STAT. 609.066 to protect the peace officer or another from death or great bodily harm, officers are prohibited from using:

i) Chokeholds,
ii) Tying all of a person’s limbs together behind a person’s back to render the person immobile, or;

iii) Securing a person in any way that results in transporting the person face down in a vehicle.

b) Less than lethal measures must be considered by the officer prior to applying these measures.

7) **Use of Deadly Force**

a) An officer is authorized to use deadly force if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary. Use of deadly force is justified when one or both of the following apply;

i) To protect the peace officer or another from death or great bodily harm, provided that the threat:

   (1) can be articulated with specificity by the law enforcement officer;
   (2) is reasonably likely to occur absent action by the law enforcement officer; and
   (3) must be addressed through the use of deadly force without unreasonable delay; or

ii) To effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony and the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in paragraph (i), items (1) to (3), unless immediately apprehended.

b) An officer shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that the person does not pose a threat of death or great bodily harm to the peace officer or to another under the threat criteria in paragraph 7(a)(i), items (1) to (3).

c) Where feasible, the officer shall identify themselves as a law enforcement officer and warn of his or her intent to use deadly force.

8) **Training**
a) All officers shall receive training, at least annually, on this agency’s use of force policy and related legal updates.

b) In addition, training shall be provided on a regular and periodic basis and designed to

   i) Provide techniques for the use of and reinforce the importance of de-escalation
   ii) Simulate actual shooting situations and conditions
   iii) Enhance officers’ discretion and judgement in using other than deadly force in accordance with this policy
   iv) Comply with MN §626.8469 POST Learning Objectives related to:
       a. Implicit Bias
       b. Crisis Response
       c. Conflict Management
       d. Cultural Diversity
       e. Autism Awareness

c) Before being authorized to carry a firearm all officers shall receive training and instruction with regard to the proper use of deadly force and to the agency’s policies and State statutes with regard to such force. Such training and instruction shall continue on an annual basis.

d) Before carrying an authorized device all officers shall receive training and instruction in the use of the device including training as it relates to its use in deadly force and/or other than deadly force situations. Such training and instruction shall continue on an annual basis.

e) Officers will carry and use only authorized devices unless circumstances exist which pose an immediate threat to the safety of the public or the officer requiring the use of a device or object that has not been authorized to counter such a threat.

f) No officer shall modify, alter, or cause to be altered an approved weapon in their possession or control. This provision shall not be construed to prohibit officers from modifying grips on approved firearms in the officer's possession or control.

g) Warrior-style training that dehumanizes people, encourages aggressive conduct by officers, deemphasizes the value of human life or constitutional rights and thereby increases an officer’s likeliness to use deadly force shall not be authorized or provided.

9) **Recordkeeping Requirements**
The chief law enforcement officer shall maintain records of the agency’s compliance with use of force training requirements.

6.2.0 CONTACT WEAPONS:

1) The purpose of using a contact weapon is to defend against, or control, a subject. Contact weapons shall be used only where efforts involving the use of less force have failed, or where it reasonably appears that such methods would be ineffective if attempted. When contact weapons are being used to control or defend against a subject, officers should continually reassess whether de-escalation to a lower level of force is feasible. Once it reasonably appears that lower levels of force would be sufficient to meet any continuing needs for defense or control, officers should deescalate to that lower level of force.

Contact weapons may be used only in the following manner:

   a. Defense: To ward off blows or kicks from another person.
   b. Defense or Control: To strike another for the purpose of rendering that person temporarily incapacitated.
   c. Control: To restrain persons
   d. Control: In appropriate crowd control situations, to direct and control the movement of people or persons, or as a barricade.

2) Officers striking another person with a contact weapon should attempt to avoid striking, if possible, bodily areas likely to result in serious injuries or death unless deadly force is authorized under this section.

3) Officers striking another person with a contact weapon should attempt to strike, if possible, bodily areas likely to result only in incapacitation.

4) Complete Resistance Response Report for any use of force involving a contact weapon.

6.3.0 HANDHELD CHEMICAL AEROSOL: PURPOSE

1) The purpose of using chemical aerosol is to render a person temporarily incapacitated so as to neutralize a threat by, or effect control of, the subject. The use of chemical aerosol shall be governed by the provisions governing other than deadly force. Only chemical aerosol that are approved devices, as previously defined, shall be used. The purpose of using a chemical aerosol is to defend against, or control, a subject. Chemical aerosols shall be used only where efforts involving the use of less force have failed, or where it reasonably appears that such methods would be ineffective if attempted. When chemical aerosols are being used to control or defend against a subject, officers should continually reassess whether de-escalation to a lower level of force is feasible. Once it reasonably appears that lower levels of force would be sufficient to
meet any continuing needs for defense or control, officers should deescalate to that lower level of force.

2) Officers shall exercise due care to ensure that only intended persons are sprayed or otherwise subject to the application of chemical agents. Use of chemical aerosol must be documented in the police report and Resistance Response Report.

3) First aid or medical attention shall be provided to all persons sprayed with chemical aerosols.

6.3.1 HANDHELD CHEMICAL AEROSOL: USE

Always discharge the container by holding it in the upright position. This will ensure that the irritant and not the propelling gas are projected. The maximum effective range of chemical aerosol is fifteen feet.

1) Officers should use a short one to two second burst when spraying chemical aerosol at a person. After using chemical aerosol, officers shall ensure that the following steps are observed:
   a) Keep the contaminated area exposed to fresh air, thus allowing the irritants to escape. Do not bandage.
   b) If the subject is wearing contact lenses at the time of exposure, they must be removed to achieve proper first aid.
   c) First aid measures should be given as soon as possible after the exposure, and in no case should a period of more than thirty minutes lapse between the exposure and first aid.
   d) Immediate medical attention will be provided to any person upon whom the chemical is applied.

2) If the container is damaged, malfunctions, or if the supply is depleted, a new canister will be issued. If an officer loses their chemical aerosol, an offense report including the details of the loss is required.

6.3.2 NOTIFICATION WHEN USED:

Important: In all cases where a chemical aerosol is used, include in police report the following:

1) The time the chemical aerosol was applied.

2) Justification for doing so (e.g., resisting arrest, etc.).

3) The type and time of first aid given.

4) Complete a Resistance Response Report for any use of force involving handheld chemical aerosol.

6.3.3 CAUTIONS IN USING:
1) Only under conditions that represent an immediate threat of serious injury or death should the spray be applied into the face at a distance of less than two feet.

2) Under no circumstances is the chemical agent to be applied as a punitive measure.

3) Chemical aerosol should not be discharged in the immediate vicinity of infants.

6.3.4 CHEMICAL MUNITIONS PROCEDURES AND USE:

1) It is the policy of the department to use chemical munitions only in those instances where its use will provide an effective enforcement tool without creating an unreasonable risk of injury to subjects or innocent third parties.

2) It is important to use enough chemical aerosol to accomplish the task encountered, but it is equally important to avoid excessive or indiscriminate use.

3) Any innocent person(s) nearby should be warned of the potential use of chemical munitions and steps should be taken to minimize possible discomfort or danger to them or property.

4) When chemical munitions are issued, it is imperative that ALL unused munitions be returned to the armory or other appropriate / designated location as soon as possible.

5) Chemical munitions will not be used until authority has been granted by a supervisor.

6) When chemical munitions are to be used, gas masks will be issued to all on scene personnel.

7) Only liquid (non-burning) chemical munitions will be used inside an enclosed structure unless otherwise approved by the Chief of Police or designee.

8) Whenever pyrotechnic chemical munitions are used in a closed structure the fire department will be notified and requested to stand by for possible fire and decontamination.

9) Whenever chemical munitions are used a full report of the circumstances surrounding its use will be made by the duty supervisor.

6.4.0 PROCEDURES FOR CONDUCTED ELECTRICAL WEAPON (CEW) USE (i.e., Taser):

PURPOSE: To establish procedures regarding the use, reporting, and first aid treatment when deploying the CEW.

6.4.1 USE OF CONDUCTED ELECTRICAL WEAPON (CEW):

1) It is the policy of the department to use only that level of force that reasonably appears necessary to control, or otherwise subdue, violent or potentially violent individuals. Use of the CEW is authorized under Minnesota State Statute § 609.06, "Authorized Use of Force", as well as the guidelines set forth in this section.
2) The CEW is a less lethal device that should be deployed as an additional law enforcement tool that reduces the likelihood of injury to officers and subjects. It should be used to control and/or apprehend combative subjects when deadly force is not justified or when attempts to subdue a subject by verbalization or hard, empty hand control has been, or is likely to be, ineffective, or when an officer has a reasonable expectation that it will be unsafe to approach within contact range of a given subject.

3) Use of the CEW will be reported on a departmental Resistance Response Report and in the report of the incident.

6.4.2 PROCEDURES FOR USE:

1) **Authorized Users:**

   The CEW will only be issued to, and deployed by, officers who have completed the department CEW course for operators.

2) **CEW Readiness:**

   a) The device will be carried in an approved holster on the support side of the body. Officers not in uniform must carry the device consistent with department training.

   b) Only a fully charged and properly functioning CEW shall be carried in the field. It is each operator's responsibility to check the CEW prior to each duty shift.

   c) Officers authorized to use the device shall be issued a minimum of one spare cartridge as a backup in the event of cartridge failure, the need for redeployment, or in the event the first cartridge's leads break during engagement. The spare cartridges shall be stored and carried in a manner consistent with training, and the cartridges replaced consistent with the manufacturer's expiration requirements.

3) **Prohibited Use:**

   The CEW will not be used in the following manner:

   a) As an interrogative device, either through application or threat thereof.

   b) To threaten, harass, taunt, or abuse,

   c) In areas where there are concentrations of combustible materials.

   d) On a handcuffed prisoner.

   e) On a subject that has been sprayed with a chemical aerosol.

   f) In any environment where the subject's fall could reasonably result in death (such as in a swimming pool or on an elevated structure).

   g) In an unlawful manner.
**NOTE:** The CEW is extremely effective in incapacitating a subject. However, it should not be used as a substitute for a firearm. In situations where subjects are armed with a lethal, non-firearm weapon (e.g., knife, blunt instrument) the CEW operator should be covered by an armed officer.

4) **Deployment:**

   a) The operator should take into consideration and avoid using the CEW if the subject is known to be pregnant, very young, very old, frail, or if the officer has reason to believe that the subject has heart problems or a debilitating illness.

   b) The operator will not have both their duty weapon unholstered and ready in one hand, while simultaneously deploying the CEW in the other hand. This is intended to avoid unintentionally firing the wrong weapon.

   c) Only one CEW will be deployed on one subject at a given time. If there are multiple subjects involved, then a corresponding number of CEWs may be used.

   d) Once an operator has decided the criteria exist for deployment of the CEW, the following steps shall be adhered to:

      1. Operators will not target the head, neck, or groin area of the subject. Each CEW unit is laser sighted and should be targeted at lower center mass when possible.

      2. Prior to the deployment of the CEW the deploying operator, if possible, will advise other officers and the suspect of the impending deployment by announcing their intentions. This will be done so the sound of the deploying CEW unit is not confused with that of a discharging firearm.

      3. CEW are programmed to expose a subject to a five second electrical current. It is recommended that each use should be a full five seconds. Operators have the discretion of terminating the exposure by turning the CEW off. Operators are to use this discretion as the circumstances of each incident warrant.

      4. No more than three consecutive cycles shall be administered to a subject during an incident.

      5. The device may also be used in certain circumstances in a touch stun mode. After the barbs have been deployed, create a second contact point of six inches or more. It is important to note that when the device is used in this manner, it is:

         a. Minimally effective when compared to conventional cartridge type deployments

         b. More likely to leave marks on the subject's skin

         c. Subject to the same deployment (use) guidelines and restrictions as that of the cartridge deployments
6. After deploying the CEW, operators will notify the duty supervisor, if not at the scene, as soon as it is safe to do so. If possible, the duty supervisor should immediately respond to the scene.

7. After the subject has been handcuffed, officers will guard against positional asphyxiation.

6.4.3 AFTERCARE AND REPORTING:

1) Officers are to immediately call paramedics to the scene to evaluate the subject.

2) If the probes of the CEW unit penetrate the skin of the subject, they may be removed by an officer. If an officer feels uncomfortable removing the probes, paramedics may assist. If the head, neck, or groin areas are struck with one or both of the probes, the officer will not attempt to remove the probes.

3) After the probes are removed from a subject, the following procedure will be adhered to:
   a) Probes will be considered a biohazard. Officers will invert spent probes back into the air cartridge to prevent sharp ends from being exposed. Tape will be placed over the portals to secure them in the cartridge. The air cartridge wires will then be wound around the cartridge and secured by tape. The entire cartridge is to be placed in the proper biohazard container marked as such. Officers will collect several AFID tags and place them with the air cartridge. The container will be placed in property inventory.
   b) Photographs will be taken of probe penetration sites and any injuries incurred during the incident. Photographs will be placed in property inventory.
   c) The subject shall be transported to Methodist Hospital emergency room for evaluation, using the hospital's CEW exposure protocol.
   d) Officers shall detail the CEW deployment in the operator's narrative report prior to the end of their duty shift.
   e) After an exposure has been delivered to a subject, the unit shall be given to the duty supervisor, who will route it to the Chief of Police's designee. Data from the incident will be uploaded from the CEW and the unit may be placed back into service.

6.5.0 PROCEDURES WHEN FIREARM IS DISCHARGED:

1) Whenever an officer discharges a firearm in the course and scope of their duties or while acting under color of law (exclusive of training), the officer shall notify the duty supervisor.
2) The officer who discharged a firearm shall file a written report of the incident with the duty supervisor as soon as time and circumstances permit, but in no event later than the completion of their current tour of duty. This requirement may be suspended on order of the immediate supervisor.

3) If the officer is incapable of filing the required report, the officer's duty supervisor shall be responsible for filing the report.

4) Consistent with Minnesota State Statute § 626.553, the Commissioner of Public Safety will be notified in writing of the facts and circumstances surrounding any discharge of a firearm by a peace officer in the course of duty, other than for training purposes or euthanizing animals.

6.5.1 INITIAL INVESTIGATION OF FIREARM DISCHARGE:

1) Each discharge of a firearm within this policy shall be investigated by the Chief of Police or designee, who shall personally inspect the scene of the incident.

2) The Chief of Police or designee will determine if an outside agency is needed to investigate and, if so, determine the appropriate agency.

3) After conducting a thorough investigation of the circumstances surrounding the discharge of the firearm, the responsible party or agency shall submit a detailed written report of the results of the investigation to the Chief of Police. The report will state whether the discharge was justified and in accordance with department policy.

6.5.2 AUTHORIZED FIREARMS:

1) Officers will only carry department owned weapons as their primary firearm, except with approval by the Chief of Police.

   a) The primary duty handgun for Patrol and School Resource Officers (SROs) will be a Glock 17 or 21 (or other firearm if carried before 1-1-19 and approved by the Chief of Police).

   b) The primary duty handgun for Investigators, Investigations Sergeants, Drug Task Force Officer(s), Community Outreach Officer(s), and the Administrative Sergeant will be a Glock 17, 19 or 21 (or other firearm if carried before 1-1-19 and approved by the Chief of Police).

   c) The primary duty handgun for Command Staff members will be a Glock 17, 19 or 21 (or other firearm if carried before 1-1-19 and approved by the Chief of Police).

2) Officers are permitted to carry personal firearms off-duty of any make and must complete a yearly qualification overseen by department firearms instructor.

   a) Authorized off-duty firearms can be chambered in .380, 9mm, .40, and .45 caliber.
b) Firearms for off-duty use shall be registered with the Department by make, model, and serial number.

3) Specialized weapons, as authorized by the Chief of Police.
   a) Officers must receive training and be certified as proficient in the use of any specialized weapons. These specialized weapons include, but are not limited to: shotguns, sniper rifles, gas launchers, semi-automatic rifles, etc.

4) All Department-owned firearms shall be inspected annually by a qualified Department armorer.

5) Officers shall demonstrate their ability to use their firearms in a safe and proficient manner during regular firearms qualification sessions.

6) SWAT members working in a special assignment (Investigations, SRO, Community Outreach, etc.) will maintain their assigned long gun in the armory and will have it ready for use.

6.5.3 AUTHORIZED AMMUNITION:

Only department issued ammunition is authorized.

6.5.4 CARRYING AND DISPLAYING OF FIREARMS:

Officers shall not remove firearms from holsters or cases except when necessary in the performance of official duty.

1) Cross draw, upside down, or similar holsters are not permitted without the express permission of the Chief of Police.

2) Officers in civilian dress can wear their firearm concealed or unconcealed. If the firearm is in public view, their badge must be displayed next to the firearm.

6.5.5 FIREARMS TRAINING:

Training programs will be held at regular intervals, as determined by the Chief of Police or designee for the purpose of maintaining and improving proficiency in the use of the various types of firearms used by the department and in order to familiarize officers with the contents of departmental policies governing the use of deadly force and firearms. All sworn personnel are required to attend the training sessions as scheduled. Officers failing to attend these sessions without properly being excused by the Chief of Police or Chief’s designee will be subject to disciplinary action.

6.5.6 USE OF FIREARMS TO EUTHANIZE ANIMALS:

When an animal is critically injured, the owner’s permission should be obtained prior to euthanizing the animal. If the owner is not available, the names and addresses of witnesses shall be obtained to assist in
verifying that the animal was critically injured. If the owner is present, it is their responsibility to have the animal removed.

The following guidelines are provided:

1) The animal shall be removed from public view prior to euthanizing whenever possible.

2) The animal should be placed upon the ground (in lieu of pavement) to decrease the possibility of ricochet.

3) Shoot the animal from close range, five to fifteen feet maximum if possible.

4) Shoot down into the animal so that the projectile, if exiting the animal's body, will enter the ground.

5) Shoot the animal in the brain to minimize suffering (exception below). Upon euthanizing an animal, arrangements should be made without delay for removal of the animal's body.

**EXCEPTION:** If the possibility of rabies exists, or if the animal has bitten someone, the animal cannot be shot in the brain. In these cases, the animal should be shot in the chest cavity, directly behind either front leg, and the animal's body must be removed to an appropriate rabies testing facility and the state department of health notified.

**6.5.7 WARNING SHOTS:**

Warning shots shall not be fired.

**6.6.0 THREATENING THE USE OF FORCE:**

An officer may announce to another their intention to use only that type and degree of force that is reasonably necessary under the circumstances. This provision shall not be construed to authorize or endorse the use of discourteous, abusive, or unprofessional language.
Executive summary

**Title:** Developer recommendation for SWLRT Wooddale Avenue Station site

**Recommended action:** Review staff’s development team recommendation for the SWLRT Wooddale Avenue Station site.

**Policy consideration:** Does the EDA wish to invite the recommended development team for the SWLRT Wooddale Avenue Station site to a future study session to discuss their proposal?

**Summary:** In August 2020, a Request for Proposals (RFP) for the SWLRT Wooddale Avenue Station site (located at the northeast corner of 36th Street and Wooddale Avenue) was distributed to the Twin Cities development community. Seven development teams ultimately submitted proposals. A summary of each proposal can be found in the Discussion section of this report and a more detailed Metrics of Redevelopment Proposals is attached. A team of seven staff members and a representative from Ehlers (the EDA’s financial advisor) evaluated and scored the proposals based on the criteria listed in the RFP. The development teams with the two top scoring proposals were then asked to present their proposed projects to staff. Following the development teams’ presentations, staff unanimously determined that Saturday Properties/Anderson Companies’ proposal most closely aligned with the city’s vision, strategic priorities, development objectives and preferred programming for the site. As such, staff is recommending that co-developers Saturday Properties and Anderson Companies be selected as the development team to redevelop the SWLRT Wooddale Avenue Station site. Saturday Properties and Anderson Companies are both St. Louis Park-based companies with an established track record of successful urban/suburban mixed-use, mixed-income, TOD projects including affordable housing, and have the financial capacity to develop a project of the scale envisioned by the EDA.

**Financial or budget considerations:** The Saturday Properties/Anderson Companies team offered $3 million for the EDA-owned property. Implementation of the proposed TOD plans for the SWLRT Wooddale Avenue Station site will likely require some amount of TIF assistance, yet to be determined.

**Strategic priority consideration:**
St. Louis Park is committed to:
- providing a broad range of housing and neighborhood-oriented development;
- continue to lead in environmental stewardship;
- providing a wide variety of options for people to make their way around the city comfortably, safely, and reliably;
- being a leader in racial equity and inclusion to create a more just and inclusive community for all;
- creating opportunities to build social capital through community engagement.

**Supporting documents:**
- Discussion
- Summary metrics of redevelopment proposals
- Saturday Properties’ Wooddale Station redevelopment proposal

**Prepared by:** Greg Hunt, economic development coordinator; Jennifer Monson, senior planner
**Reviewed by:** Karen Barton, community development director
**Approved by:** Tom Harmening, city manager, EDA executive director
Discussion

Property description and background: The Southwest LRT Wooddale Avenue Station Site (5950 36th St. W.) is located at the northeast corner of 36th Street West and Wooddale Avenue South in the Elmwood neighborhood. The 1.68-acre site consists of a single property owned by the city’s Economic Development Authority (EDA) which abuts the planned SWLRT Wooddale Station platform to the north. The site is currently occupied by a vacant 16,700 square foot commercial building and an excess municipal parking lot. Vehicle access is provided along Yosemite Avenue and 36th Street West, while bike and pedestrian access is provided along 36th Street West, Wooddale Avenue South and via the adjacent Cedar Lake LRT Regional Trail. There is also a Metro Transit bus stop on the property along 36th Street.

Immediately adjacent to the Station Site to the east is a 1.4-acre parcel owned by Standal Properties. It is occupied by a one-story, multi-tenant commercial building and parking lot.
At the Feb. 10, 2020 study session, the EDA reviewed and discussed proposed redevelopment objectives for the SWLRT Wooddale Avenue Station Site to be included in a Request For Proposals (RFP). Based upon feedback provided by the EDA at the study session, the Redevelopment Objectives for the Station Site were revised and presented in a July 27, 2020 study session staff report along with the proposed developer selection process. The revised Redevelopment Objectives for the Station Site listed in the RFP were as follows:

The SWLRT Wooddale Avenue Station Site is envisioned to be an active, vibrant and connected place where people can affordably live, work and recreate with the opportunities and advantages of proximity to LRT. The site is expected to become an important community hub for mixed-income housing, neighborhood business and transit. Accordingly, the EDA seeks proposals that include:

- An abundance of affordable multifamily housing that exceeds the city’s Inclusionary Housing Policy requirements and facilitates multicultural and intergenerational living (i.e. includes larger size units);
- Smaller scale, affordable, ground floor commercial spaces conducive for neighborhood businesses;
- Attractive, bold and creative architecture;
- Building and site designs that incorporate numerous “green” elements including renewable energy sources designed to achieve net zero carbon emissions at the site and serve as a showcase for environmental sustainability;
- Numerous accommodations for pedestrians, bicyclists, transit riders, and automobiles, including electric bikes, electric vehicles, and possibly car sharing;
- A public plaza or community space with unique community landmark or feature;
- High quality site amenities and public art;
- Connections to nature through green features such as enhanced landscaping, green roofs or living wall systems.

Proposed projects were also encouraged to seamlessly integrate with the adjacent SWLRT Wooddale Avenue Station and connect to the surrounding Elmwood neighborhood.

**Summary of redevelopment proposals:** On August 5, 2020, a Request for Proposals (RFP) for the SWLRT Wooddale Avenue Station Site was distributed to the Twin Cities development community. Seven area development teams ultimately submitted proposals which are summarized below.

**Aeon** (Minneapolis) proposed two, six-story buildings on the EDA property with central green space and walkway from the LRT corridor to a center courtyard. Each building had 73 units for a total of 146 apartments (density of 89 units per acre) all of which would be affordable to households between 30 percent and 60 percent AMI. The western building would feature 4,250 square feet of flexible commercial space at the corner of 36th Street and Wooddale Avenue which would result in an unspecified amount of employment. Total estimated construction cost of the development was $44.5 million ($304,922 per unit). The developer offered to purchase the EDA property for $1.5 million ($10,000 per unit).

**Crowe Companies** (St. Paul) proposed a single building with six and seven story massings on the EDA property with sizable roof top amenities, a small landscaped courtyard and pollinator park
adjacent to the transit station. The building included 205 multifamily housing units (density of 122 units per acre), (including rowhomes along the north and south sides), of which 21 units or 10 percent would be affordable to households at 50 percent AMI. Approximately 8,220 square feet of commercial space was included on the western side of the building adjacent to the transit station and along Wooddale Avenue along with amenity spaces on the upper floors. The building featured numerous sustainable components and features including a 200kw roof top solar panel array. It was estimated that the development would result in approximately 40 property management and commercial business positions. The estimated construction cost of the development was $52.9 million ($258,000 per unit). The developer offered to purchase the EDA property for $2.5 million ($12,195 per unit).

Saturday Properties/Anderson Companies (St. Louis Park) proposed a six story, 86-unit mixed-use, mixed-income building on the EDA property and a six story, 197-unit mixed-use, mixed-income building on the abutting Standal property. With a total of 283 units the project’s density was 92 units per acre. Both buildings would be mixed income with a total of 57 units, or 20 percent, restricted to affordable rent levels. Specifically, 29 units (10 percent) would be affordable to households at 50 percent AMI and 28 units (10 percent) would be affordable to households at 60 percent AMI. The development included 16,100 square feet of commercial space wrapping around the west side of the west building with spaces across from the transit station, along Wooddale Avenue as well as along 36th Street. There was also another 1,090 square feet of commercial space and 1,800 square feet of community/co-working space in the east building along 36th Street. The development included a 25,000 square foot public plaza adjacent to the transit station designed to accommodate public gatherings and social events as well as two top floor amenity spaces overlooking the station area. It was estimated that the development would result in approximately 49 property management and commercial business positions. The estimated total development cost of the project was $83.5 million ($295,000 per unit). The developer offered to purchase both properties for $3 million each ($21,201 per unit).

Schafer Richardson (Minneapolis) proposed a six story, u-shaped building on the EDA property with a total of 164 residential units and 6,400 square feet of commercial space along the west side of the building. All residential units were affordable to households at 60 percent AMI. The development included a public plaza along Wooddale Avenue adjacent to the station and a courtyard for residents. It was estimated that the development would result in approximately 10 property management and commercial business positions. The estimated construction cost of the development was $43.6 million ($266,000 per unit). The developer offered to purchase the EDA property for $1.6 million ($10,000 per unit).

Solhem (Minneapolis) proposed a five story, u-shaped building on the EDA property with a total of 178 residential units (density of 106 units per acre) of which 23 units (13 percent) would be affordable to households at 50 percent AMI. The development featured a separate 1,842 square foot retail building across from the station platform with other retail and service spaces across from the transit station, along Wooddale Avenue as well as along 36th Street. The development included ground floor walk-up units, a small public plaza next to the retail building along Wooddale Avenue, rain gardens across from the station area and a private courtyard featuring a garden and patio for residents. It was estimated that the development would result in approximately 22 property management and commercial business positions. The estimated construction cost of the development was $42 million ($236,000 per unit). The developer offered to purchase the EDA property for $3.6 million ($20,225 per unit).
United Properties (Minneapolis) proposed a five story, T-shaped building on the EDA property with a total of 89 residential units (density of 50 units per acre) of which 27 units (30 percent) would be affordable to households at 50 percent AMI. The development featured 5,000 square feet of commercial space along 36th Street, another 4,200 square feet of commercial flex space along 36th Street as well as an 1,800 square foot community room. The development included a generous public plaza along 36th Street and a smaller private courtyard for residents on the building’s north side. The development’s estimated employment was unspecified depending on how the commercial spaces were utilized. The estimated construction cost of the development was up to $26 million ($292,000 per unit). The developer offered to purchase the EDA property for $1.5 million ($10,000 per unit).

Wellington Management (Minneapolis) proposed two buildings on the EDA property with a total of 223,286 square feet and 225 apartment units (density of 134 units per acre). All the residential units would be affordable to households at 30 to 50 percent AMI. The building on the west side would be six stories with 75 apartment units and 2,050 square feet of commercial along 36th Street. The eastern building would be five stories with 150 apartment units with a 3,358 square foot residential lobby. The development included a generous public plaza between the two buildings which provided a pedestrian access from 36th Street to the station. The development’s estimated employment was unspecified. The estimated construction cost of the development was $55 million ($244,318 per unit). The developer offered to purchase the EDA property for $2.5 million ($11,111 per unit).

Proposal evaluation and selection: A team of seven staff members and a representative from Ehlers (the EDA’s financial advisor) evaluated the proposals in a systematic manner according to the following criteria outlined in the RFP.

I. Site and building plans: Degree to which proposal meets or exceeds city's TOD vision, development objectives, and the goals of previous planning studies; integrates with the station area, pedestrian and neighborhood connections; and exhibits site synergies as well as creative and efficient design (up to 16 points).

II. Project program: Proposed housing and commercial components, square footages, bedroom mix as well as number of affordable housing units and their respective affordability levels above city requirements (up to 16 points).

III. Economic impact: Proposed property purchase price, estimated taxable market value of completed project, hiring of BIPOC contractors and workers, and project’s overall employment potential (up to 12 points).

IV. Community benefits: Connectivity of proposed project to the surrounding area; quality of public spaces, including gathering areas/plazas, green space, landscaping, public art (up to 12 points).

V. Racial equity and inclusion: How the proposed development advances one of the city’s key Strategic Priorities of Racial Equity and Inclusion in order to create a more just and inclusive community for all (i.e., through outreach to historically underserved communities, the hiring of BIPOC contractors/workers, provision of affordable housing, inclusion of creative housing types/features, through commercial spaces, public spaces, planned social events, building management and policies, etc.) (up to 16 points).
VI. **Sustainability**: Inclusion of green building elements that meet and exceed city requirements, including on-site energy generation, waste reduction, measures to reduce trip generation and degree to which project meets city’s energy and carbon neutrality goals *(up to 16 points)*.

VII. **Development team**: Overall experience of company and project principals with similar projects and the type of development being proposed; financial and team member capacity to implement proposal; previous experience of development team working together; ability of development team to meet regularly with city staff to refine project plans, positive property management experience *(up to 12 points)*.

The development teams with the two top scoring proposals (Saturday Properties and Solhem) were then asked to present their proposed projects to the staff team and answer questions. Following these developer interviews, staff unanimously selected the Saturday Properties/Anderson Companies’ proposal as being the most closely aligned with the city’s vision, strategic priorities, development objectives and preferred programming for the Site.

Below is a summary of how the Saturday Properties/Anderson Companies’ proposal meets the city’s Strategic Priorities.

- **St. Louis Park is committed to being a leader in racial equity and inclusion in order to create a more just and inclusive community for all.**
  
The development team has an established track record of racial equity and inclusion as evidenced in the diverse team. Forty-six percent of the Saturday Properties’ team is comprised of people of color, and equity and inclusion are integral components of their company’s mission. The co-developers committed to recruiting BIPOC and woman-owned subcontractors in the construction of the project as well as in its property management and providing opportunities for BIPOC businesses within the commercial offerings. The team has vowed to work closely with the St. Louis Park community to design the development’s public spaces in a manner that is open, welcoming and inclusive to ensure the city’s racial equity goals are met. The team also committed to creating both resident and community events that are culturally inclusive once the development is operational.

- **St. Louis Park is committed to continue to lead in environmental stewardship.**
  
The proposed development will exceed the city’s Green Building Policy requirements and will include solar arrays on the buildings’ rooftops. The team plans to conduct a resource assessment of the site’s climate conditions to inform the buildings’ massing and orientation to optimize their energy efficiency, natural ventilation, daylighting, and view potential. The team strives to reduce energy consumption by 35 to 50 percent from a business-as-usual forecast, will participate in Xcel Energy’s Design Assistance program, and will use energy modeling to inform decisions for envelope, mechanical and electrical systems. Geothermal heating and cooling will be explored. Occupancy sensing light controls will be installed in common areas and parking garages. High efficiency HVAC, Energy Star windows, lighting, and appliances will be used throughout the development in addition to low flow kitchen and bathroom fixtures. It will also incorporate an electric vehicle charging station and abundant bike parking. Additionally, the development provides open spaces, enhanced landscaping, innovative stormwater systems, green roofs, living walls and fountains. The development team also plans to explore reuse of gray water on-site.
- **St. Louis Park is committed to providing a broad range of housing and neighborhood-oriented development.**

  The proposal includes the redevelopment of two key properties along 36th Street and fronting the Wooddale LRT Station: 5950 36th Street (owned by the EDA) and 5802 36th Street (owned by Standal Properties). By combining these two properties, the development can take advantage of the entire block’s frontage and topography to create a more spacious site design that facilitates a truly mixed-use, mixed-income, transit-oriented development with comfortable and welcoming public spaces. By spreading the development across both properties, it reduces the density of the block and creates efficiencies than if both parcels were developed separately. The proposed development provides a total of 283 multifamily housing units of which 57 would be restricted to affordable rent levels. Specifically, 29 units (10 percent) will be available to households at 50 percent area median income and another 28 units (10 percent) will be available to households at 60 percent area median income. The number of affordable units proposed is close to that of the recently approved all-affordable Union Park Flats development; however, the affordable units at the Wooddale Station Site will be fully integrated with the market rate units. The two, six-story buildings are logically designed to complement the existing development along 36th Street in scale and massing, with wide sidewalks, a step-back above the ground floor to reduce the feel of the buildings on the street, and active street frontages. By locating the buildings along the block’s outer edges, it makes the interior public spaces feel protected and more comfortable for public and private gatherings.

  The proposal includes almost 17,000 square feet of ground floor commercial space with frontage on both the Wooddale LRT Station and 36th Street. The city has worked diligently in recent decades to create a commercial corridor along 36th Street, and this proposal is consistent with that vision. The commercial space fronting Wooddale Avenue also provides an opportunity for innovative placemaking, setting this station apart and making it attractive for visitors, whether traveling by foot, bike, light rail or car.

  The development offers a plethora of community space including a 25,000 square foot plaza facing the LRT station and a community co-working space on 36th Street. The public plaza provides opportunities for programed events and activities (such as concerts, movie nights and yoga) for residents and the community throughout the year.

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

  The development is designed to be welcoming to invite the neighborhood and trail users through the project to safely access the LRT. The site plan accommodates all modes of transportation and has been designed for people first, with wide sidewalks and pedestrian connections around and through the site. The development team has set the buildings further north to accommodate an off-street bike facility on 36th Street, which will need further exploration with city engineering staff.

  The development proposal is fully integrated into the Wooddale LRT Station, and the developers are proposing a Metro Transit bus stop in front of the development on 36th Street. Coordination will need to occur with Metro Transit and the Metropolitan Council SWLRT project office.
Additionally, the site has been designed to provide convenient commercial and residential parking underneath the site, and on portions of the ground floor on the east side of the site. The commercial parking is accessed from 36th Street, and all residential parking is accessed from Yosemite Avenue. The vehicular circulation patterns follow the recommendations from the traffic studies that were completed for a previous development proposal for this site. Approximately 1.25 parking spaces per unit are proposed, which is a number staff feels comfortable supporting for this site.

- **St. Louis Park is committed to creating opportunities to build social capital through community engagement.**
  The development team has committed to providing a robust public participation process through the planning stages of the development, including community outreach with the neighborhood, local businesses and various special interest groups. They will also work with the community to provide placemaking opportunities within the site area, including public art, and will coordinate with the community to activate the spaces with community events in the future. Additionally, they will allow neighborhood use of the community room within the east building.

The Saturday Properties/Anderson Companies proposal assumes acquisition of the adjacent 5802 36th Street West property owned by Standal Properties. Staff contacted the Standal family to verify their willingness to sell their property as reflected in the Saturday Properties/Anderson Companies proposal. They confirmed their interest in selling their property and willingness to enter into sale negotiations with the development team selected by the EDA. With the Standals looking to sell their property in the near term, it is most efficient to combine both properties and redevelop the entire 3-acre block at approximately the same time.

Saturday Properties and Anderson Companies are both St. Louis Park-based companies, whose offices are within walking distance of the site and will be long term owners of the development. Both firms, along with architect, Cunningham Group, and civil engineer Kimley Horn, have a history of redeveloping complicated sites and a portfolio of successful urban/suburban mixed-use, mixed-income, TOD projects. This experience includes the TowerLight mixed-use, TOD building across the street; the recently completed Nolan Mains mixed-use, mixed-income redevelopment near 50th & France in Edina; as well as the multi-phase Southsider mixed-use, mixed-income TOD project in Minneapolis. Saturday Properties currently manages nearly 2,000 multifamily housing units, has sizable affordable housing experience, and has the financial capacity to develop a project of the scale envisioned by the city. Additionally, the firms have experience securing public grants and tax increment financing. In summary, the development team is proposing a transformative redevelopment for the Elmwood neighborhood and is “committed to providing a project that the city will view as a model for mixed-use, mixed-income, transit-oriented development” as well as “a showcase for environmental sustainability.”

Given all the above, staff recommends that Saturday Properties/Anderson Companies be selected as the development team to redevelop the SWLRT Wooddale Avenue Station Site.

**Next Steps:** Staff recommends that the development team be invited to the December 14, 2020 study session to present their redevelopment proposal to the EDA and answer questions. Following that discussion, the EDA would be asked if it wishes to partner with the selected development team and enter into a preliminary development contract for the site. Consideration of a formal preliminary development contract with the development team would follow soon thereafter.
Contact: Developer recommendation for SWLRT Wooddale Avenue Station site

Parking

<table>
<thead>
<tr>
<th>Project Team</th>
<th>Building Summary</th>
<th>Site Rendering</th>
<th>Total # &amp;</th>
<th>Component SL</th>
<th>Traffic and Site Circulation</th>
<th>Packing</th>
<th>TOE Elements</th>
<th>Total Adept Units &amp; Units per acre</th>
<th>Unit Mix</th>
<th>Affordables &amp; Family</th>
<th>Commercial SF &amp; Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metro, Hennepin Construction</td>
<td>2 buildings with central green space and walkway from LRT corridor to center square space</td>
<td>10,000 square feet</td>
<td>2,144 units</td>
<td>6,255 housing, 3,800 of commercial</td>
<td>Underground parking and small surface lot all accessed via 36th Street. Above ground parking facing 36th Street accessed via entrance drive really close to the intersection. Does not utilize the northern access drive. Cost estimate includes 25% for parking.</td>
<td>Total Parking #: 2146</td>
<td>Usability</td>
<td>100% @ 40 – 60 AHS</td>
<td>160,000 sf retail</td>
<td>Total per acre: 80.4</td>
<td>21 units (5% or 45% AMI) could possibly add 10 more units @ 40% AHS with city assistance</td>
</tr>
<tr>
<td></td>
<td>Buildings hug 36th Street; Wooddale Avenue Station site is divided by road on site and is different floor all parking underground</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Parking

| Crown Companies, PLB Architects, Eberhard Design, MetroLink Architecture, Street, Jahn Automotive | 1 building of 7 stories, | 320,532 sf of housing, 62,000 sf commercial | 10,000 sf of community space + 10,000 sf parking | 4,500 sf parking | 1 level underground parking and one level parking, at grade and one level parking. All parking is accessed via services road in place provided via R360 only along 36th Street. Wooddale designed for walk only spaces. Does not utilize the northern access drives. No pedestrian access through the site, as the building takes up the entire site. Elder storage and maintenance provided on the ground level. | Total Parking #: 205 | Spaces per unit: 1 | 5 per unit Commercial | Total per acre: 102 | Unit Mix: 53 | 3 bdrm apartments | 205 units |
| | Apartments with right-in on 36th and south corridor | | | | | | | | | 21 units (5% or 45% AMI) could possibly add 10 more units @ 40% AHS with city assistance | 6,229 sf commercial space, 6,708 sf service |

Parking

| Saturday Properties, Anderson Architecture, Sunburn Group, Wolley Home, | 2 buildings - 135-unit property, 1 condo | West building along 36th and Wooddale with large open space and south corridor | East building is backdropped and open to a walkway and walkable patios. Artistic building gives classic feel | 116,500 sf parking | Fire exit 36th Street is moved slightly east, and is exit only with the exit to the east side of site. Designed to be a 5-story building. Commercial parking accessed via woonerf, residential parking accessed via grade level. Commercial and underground parking and underground accessed via woonerf and Yosemite (two-way service for retail, and a two level entrance on Yosemite) | Total Parking #: 600 | Spaces per unit: 1 | 2 per unit Commercial | Total per acre: 50.5 | 134 units | 20% @ 50% AMI units |
| | Strand Park | 6,200 sf of community space | 12,600 sf of community space | 12,600 sf of parking | | | | | | | 168,900 sf total development work space |

Parking

| Urbanlight, NW Safford, North Star Design Group | 7 stories - shaped building open to road corridor brought to a human scale along 36th Street. Courtyard open to rail corridor | 6,404 sf of community space, 6,170 sf of parking | 100 units | 20 stories | The entrance drive at 36th Street is moved slightly east, and is exit only with the exit to the east side of site. Designed to be a 13-story building. Commercial parking accessed via woonerf, residential parking accessed via grade level. Commercial and underground parking and underground accessed via woonerf and Yosemite (two-way service for retail, and a two level entrance on Yosemite) | Total Parking #: 100 | Spaces per unit: 1 | 6 per unit Commercial | Total per acre: 69.4 | Unit Mix: 13 | 2 bdrm apartments | 134 units |
| | Bankers Hall, Urbanworks | 6,404 sf of community space | 6,170 sf of parking | 100 units | 20 stories | | | | | | | 168,900 sf total development work space |

Parking

| TruStar Properties, Park & Co, Architecture, Urban Anthology | 5-story shaped building | 224,870 sf of housing, 6,480 sf commercial | 4,044 sf of community space, 6,170 sf of parking | 1,457 sf of parking | Completely removed access via 36th Street and fully utilizes the Yosemite access drives. Shaping a commercial podium across Wooddale (out to 35th and 36th Street and LRT). Commercial parking accessed via woonerf, residential parking accessed via grade level. Commercial and underground parking and underground accessed via woonerf and Yosemite (two-way service for retail, and a two level entrance on Yosemite) | Total Parking #: 77 | Spaces per unit: 1 | 6 per unit Commercial | Total per acre: 40.6 | Unit Mix: 60 | 2 bdrm apartments | 134 units |
| | | 1,457 sf of parking | | | | | | | | | 168,900 sf total development work space |

Parking

| United Properties, Pladak Design, Architecture | 5-stories shaped building open space along 36th Street and along the rail corridor | 116,500 sf of housing, 5,000 sf of retail | 116,500 sf of housing | 5,000 sf of retail | The site is primarily accessed from Yosemite Avenue to the underground garage, and utilizes a right turn only movement onto 36th Street, with the same entrance drive. Parking level at street is designed to be a 13-story building. Commercial parking accessed via woonerf, residential parking accessed via grade level. Commercial and underground parking and underground accessed via woonerf and Yosemite (two-way service for retail, and a two level entrance on Yosemite). Parking lot is below ground level | Total Parking #: 76 | Spaces per unit: 57 below grade | 1 per 57 sf of Commercial | Total per acre: 50 | Unit Mix: 22 | 2 bdrm apartments | 205 units |
| | | 116,500 sf of housing | 5,000 sf of retail | | | | | | | | | 134 units |

Parking

<p>| Busing at Management | 2 buildings that form a Y from 36th Street | 212,300 sf of retail | 212,300 sf of retail | | | | | | | | | 168,900 sf total development work space |</p>
<table>
<thead>
<tr>
<th>Property Title</th>
<th>Est Market Value</th>
<th>Projected Employment</th>
<th>Required Public Assistance</th>
<th>Public/Attracter Spaces</th>
<th>Sustainable Components</th>
<th>Development Team</th>
<th>Financial Requirements</th>
<th>Team Experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apple, Flattery Construction</td>
<td>$6.5M</td>
<td>400 employees</td>
<td>20 construction positions, unspecified</td>
<td>non-profit</td>
<td>property and retail positions</td>
<td>Not specified</td>
<td>Solar panels, green roof, focus on renewable energy, LEED certified</td>
<td>Aeon</td>
</tr>
<tr>
<td>Crowne, Anderson Companies, Bridewell, Inc.</td>
<td>$2.5M</td>
<td>100 employees</td>
<td>80 construction positions, unspecified property and retail positions</td>
<td>not specified</td>
<td>not specified</td>
<td>not specified</td>
<td>Norwest and Wooddale Avenue Station</td>
<td>Aeon</td>
</tr>
<tr>
<td>Saturday Properties, Anderson Companies</td>
<td>$860,000 for 23 units or with 26 units</td>
<td>100 employees</td>
<td>15 construction positions, 20 property and retail positions</td>
<td>2520 SF/2520 SF</td>
<td>30k SF</td>
<td>25,000 SF</td>
<td>Wooddale Avenue Station &amp; Wooddale Avenue Station</td>
<td>2015 Properties</td>
</tr>
<tr>
<td>Solterra, MHR Group, Urban Design, Parka Hill &amp; Associated, Urban Design</td>
<td>$1.5M</td>
<td>100 employees</td>
<td>200 construction positions, unspecified</td>
<td>non-profit</td>
<td>property and retail positions</td>
<td>20 years of TIF</td>
<td>Wooddale Avenue Station &amp; Wooddale Avenue Station</td>
<td>Solterra</td>
</tr>
<tr>
<td>Bluegreens Management</td>
<td>$2.5M</td>
<td>100 employees</td>
<td>40 construction positions, unspecified property and retail positions</td>
<td>not specified</td>
<td>not specified</td>
<td>not specified</td>
<td>Wooddale Avenue Station</td>
<td>Bluegreens</td>
</tr>
</tbody>
</table>

**Notes:**
- **Market Estimated** and **Requested Public/outdoor Development Similar** values are not specified.
- **Development Team** includes various companies and partners, including Aeon, Flattery Construction, and various architectural firms.
- **Financial Requirements** include costs for projects, such as solar panels, green roofs, and LEED certification.
- **Team Experience** includes previous projects and partnerships.

**Additional Details:**
- **Green roof** projects are highlighted, such as those involving Flannery and Aeon.
- **Modeling & Collage Arch on Aeon of projects** indicates collaboration with architectural firms.

**Further Reading:**
- Study of session meeting of November 23, 2020 (Item No. 4) - Developer recommendation for SWLRT Wooddale Avenue Station site.
- Market Estimated values for various projects.
- Requested Public/outdoor Development Similar values for similar projects.
- Development Team includes various companies and partnerships.
- Financial Requirements and Team Experience highlight previous projects and partnerships.

**Image References:**
- Various images of project locations, including Wooddale Avenue Station, with emphasis on sustainable features such as green roofs and solar panels.
October 9, 2020

City of Saint Louis Park
Greg Hunt, Economic Development Coordinator
5005 Minnetonka Blvd.
St. Louis Park, MN 55416
952 924 2197
ghunt@stlouispark.org

Re: Redevelopment Proposal for SWLRT Wooddale Avenue Station Site

Mr. Hunt,

We are pleased to provide this response to the City of St. Louis Park’s request for proposals to reimagine the area to the south of the Wooddale LRT Station. Our team began this by focusing on the ways people will access the LRT platform, and by creating aspects that add placemaking and vibrancy to this area. The redevelopment team is a joint venture led by Anderson Companies and Saturday Properties. Both companies are based in St. Louis Park in the Historic Walker-Lake District, and the principals of both firms have a history of redeveloping in St. Louis Park on complicated sites. In addition to the development experience, Anderson’s role as the general contractor and Saturday’s role as property manager ensure the redevelopment being proposed is feasible, buildable and can operate as proposed.

Below is a summary of the key components of the Wooddale Station Redevelopment:

1. 283 new rental apartments, with 20% of the apartments restricted to affordable rent levels
2. 16,800 square feet of new retail space which opens to both 36th, Wooddale, and the plaza
3. Creation of a public plaza adjacent to the Wooddale Station
4. Sustainability and energy reduction measures throughout the area
5. Numerous connection points to the station through the site for pedestrians and bicyclists
6. Circulation and drop off/pick up area for vehicles and ride-sharing
7. An extensive public outreach program prior to finalizing plans and programming
8. $3.5 million in revenue for the City of Saint Louis Park over the life of the Tax Increment Financing (TIF) district

As stated earlier, Anderson Companies and Saturday Properties are local companies and our roles as contractor and property manager ensures that the long-term quality and operation of this redevelopment is being handled by the team that is presenting this submittal. As a contractor, we have completed developments of similar scale and complexity. As a property manager, we manage a range of rental housing options from luxury to affordable. As a developer, we have been very successful in redeveloping sites that involve numerous sources of public financing in locations that will impact neighboring residents and businesses. As a long-term holder, we are committed to provide a project that the City of Saint Louis Park will view as a model for mixed-use, mixed-income, transit-oriented development.

We look forward to meeting with the City of Saint Louis Park staff, elected officials and city consultants as a means of further introduction and our vision for this redevelopment. Our contact information is listed below, please do not hesitate to reach out with any questions.

Thank you for your consideration,

Brent Rogers
Owner
Saturday Properties
612 419 6680
brogers@saturdayproperties.com

Greg Anderson
Owner
Anderson Companies
952 746 1465
ganderson@andersoncompanies.us
Local Presence

Saturday Properties and Anderson Companies will be working together to co-develop the Wooddale RFP site. Both companies have a strong commitment to the area with their company headquarters located just blocks away from the redevelopment site. Employees work, live and play in Saint Louis Park and are dedicated to seeing this corridor prosper. Below is a list of our involvement in the neighborhood and Saint Louis Park:

- Saturday Properties is headquartered at 3546 Dakota Avenue South, ½ a mile from the Wooddale site.
- Anderson Companies is headquartered at 3340 Republic Avenue, 1 mile from the Wooddale site, and has been there for more than 21 years.
- Both offices are located in the historic Walker Lake district.
- Verge apartments is a 192 unit building at 3601 Park Center Boulevard, managed by Saturday Properties and only ½ a mile from the Wooddale site.
- Brent Rogers participated as a developer representative on the Saint Louis Park Form Based Zoning Code steering committee for the future light rail stations, including the Wooddale Station.
- Brent Rogers is a partner in and was instrumental in the development of Towerlight Senior Housing located across 36th Street from this RFP site.
- Anderson Companies redeveloped the Reilly Tar Superfund site, which is now home to Davita Dialysis and Twin Cities Periodontics.
- Shawn Meschke with Anderson Companies was the Senior Project Manager for the renovation of the Historic Brookside School in Saint Louis Park. As the developer and contractor, Shawn and his team converted the abandoned school into for-sale condominiums.

The co-developers, architect, and consultants are committed to this project and the neighborhood. We have been working closely from project inception and will be a cohesive team all the way through construction. Saturday’s role as property manager, and ownership’s long-term investment strategy, insures our commitment to the neighborhood.
Study session meeting of November 23, 2020 (Item No. 4)
Title: Developer recommendation for SWLRT Wooddale Avenue Station site
Team Experience Working Together

Our selected team members were selected for their depth of experience working together as a cohesive team. Selected project experience of this team working together in the last five years is demonstrated below.

*Legend = Firm Experience*

- [Saturday Properties](#)
- [Anderson Companies](#)
- [Cunningham Group](#)
- [Kimley Horn](#)

---

Madison Mixed Use
Madison, Wisconsin

Nolan Mains
Edina, Minnesota

Parallel Apartments
Denver, Colorado

Benedictine Living Community of Shakopee, Minnesota

Lowa46
Minneapolis, Minnesota

The Brickhouse at Lamar Station
Denver, Colorado

Pivot Apartments
Saint Paul, Minnesota

Westwood Community Church
Excelsior, Minnesota
SATURDAY was formed around the philosophy that the most successful properties incorporate a creative approach to project design, operations, staffing and marketing from the very start of the process.

Developers at heart, we manage each property with that same attention to detail and critical eye. They are constantly pushing the boundaries of the industry to provide an exceptional resident experience and increase the value of our buildings.

The Saturday development process begins with an underutilized building or site in neighborhoods that are on the move. Their development team collaborates to create a unique concept that will both fit into the surroundings as well as enhance the neighborhood experience.

They approach the development process in a unique, holistic fashion that brings the same attention to detail and focus throughout the entire process from site selection, project design, construction management, project launch and asset management. They are data-driven and draw on both previous experience and market knowledge in order make objective decisions at each stage of development. The result of this process is a project that enhances its community, creates value for partners and investors, provides a new place to live and do business, as well as outperform the competitive set.

### Projects Under Management

<table>
<thead>
<tr>
<th>Project</th>
<th># of Units</th>
<th>Location</th>
<th>Retail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nolan Mains</td>
<td>100</td>
<td>50th and France, Edina, Minnesota</td>
<td>34,000 SF</td>
</tr>
<tr>
<td>Lime</td>
<td>171</td>
<td>Lyn-lake, Minneapolis, Minnesota</td>
<td>6,400 SF</td>
</tr>
<tr>
<td>Blue</td>
<td>242</td>
<td>Lyn-lake, Minneapolis, Minnesota</td>
<td>11,800 SF</td>
</tr>
<tr>
<td>Pivot Apartments</td>
<td>137</td>
<td>Midway, Saint Paul, Minnesota</td>
<td></td>
</tr>
<tr>
<td>Southsider</td>
<td>123</td>
<td>Lake &amp; Hiawatha LRT Station, Minneapolis, Minnesota</td>
<td></td>
</tr>
<tr>
<td>Verge</td>
<td>192</td>
<td>Wolfe Park, St. Louis Park, Minnesota</td>
<td></td>
</tr>
<tr>
<td>Chamberlain</td>
<td>316</td>
<td>East Edge, Richfield, Minnesota</td>
<td></td>
</tr>
<tr>
<td>Hello</td>
<td>172</td>
<td>Golden Valley, Minnesota</td>
<td></td>
</tr>
<tr>
<td>Rex26</td>
<td>87</td>
<td>Minneapolis, Minnesota</td>
<td></td>
</tr>
</tbody>
</table>
EXPERIENCE THE ANDERSON ADVANTAGE

In this world, we’re taught you can’t have it all, but at Anderson Companies, we’re design-builders. We are trained to find a way to give you what you need and what you want: design, schedule and budget. Anderson Companies believes you deserve a construction and development partner that is an expert in your business: a large national firm with the services and experience you need. How about a company that also truly values your business? A partner-organization where the owner not only knows your name, he knows exactly where your project is at. A place where everyone is responsive, flexible and dedicated to your satisfaction. That’s the Anderson Advantage: a team of industry professionals that complements its large-company experience and market knowledge with hard work, agility, responsiveness and just great customer service. We have the stability and expertise to take you where you need to go, and the personal investment to ensure you'll enjoy the journey getting there.

EXPERIENCE AND KNOWLEDGE

When you have the right team, success takes care of itself. Our team boasts more than 500 years of construction and development experience on projects ranging from 100-square-foot tenant improvements to 275-acre mixed-use community developments. Our team has deep market expertise in your project type and broad experience in multiple construction delivery methods and development. Whether you need a truly turnkey development design-build solution for your corporate headquarters relocation or someone to oversee the upgrade of your manufacturing facility, our team delivers the highest standards of quality through a disciplined, collaborative and field-tested project approach.

TRUST

Every project is an opportunity to achieve a vision, solve a problem, contribute to a community, and we take that responsibility seriously. Our owner Greg Anderson is always accessible, checking in on projects, meeting with clients and mentoring employees. He stands behind your project, ensuring your project team not only delivers on your project goals, but innovates solutions that address your facility’s long-term lifecycle costs, energy efficiency, operating performance and technological adaptability.

At Anderson Companies, you can have it all: a successful and enjoyable project experience, a facility you will love now and 10 years from now, and a trusted construction partner sized just right for you.

CONNECTION TO SAINT LOUIS PARK

Anderson Cos has done business (and maintained their office) in Saint Louis Park for more than 21 years. We have a strong track record in the area, including the redevelopment of the Reilly Tar Superfund site which is now home to Davita Dialysis and Twin Cities Periodontics. Anderson Companies also developed the adjacent site and relocated its headquarters to 3340 Republic at the intersection of Louisiana and Highway 7. Our employees have been big users of the Greenway and will be within walking distance of the new light rail line.
Nolan Mains
New Luxury Living Development
Edina, Minnesota

DETAILS

• 100 luxury apartment residences
• 34k SF new high-street retail
• 10% of apartments affordable at 50% and 60% AMI
• Public plaza, weroof, 500 stalls new public parking
• City of Edina RFP, utilized Tax Increment Financing, Met Council & DEED grants, City of Edina Affordable Housing Foundation funds
• Construction commenced January 2018. Completion scheduled December 2019
• Total Development Cost: $78,000,000

SEE THE PROJECT HERE
nolanmains.com
Southsider Multi-Phase Residential Development
Minneapolis, Minnesota

RELEVANCY
- Transit Oriented Design
- Mixed-Use
- Sustainability
- Public Space

DETAILS
- 550 units of mixed-income housing in 4 phases
- New public plaza & home for the Midtown Farmers Market
- Public Private Partnership with Hennepin County HRA, Met Council, City of Minneapolis, & Corcoran Neighborhood Association
- Phase 1: 123 units completed December 2018 (Southsider Apartments)
- Phase 2: 142 units commencing late 2019 (B Side Apartments)
- Total Development Cost: $150,000,000

BEFORE

AFTER

SEE THE PROJECT HERE southsidermpls.com
This Project provides an important opportunity to transform this site to improve the pedestrian experience in a way that blends into a mixed-use of retail, residential housing, and public space. The site’s concept is based on the various documents provided in the RFP and from the City such as the RFP, 2040 Comprehensive Plan, City’s Vision 3.0 Report, SWLRT Wooddale Avenue Station Plan, Wooddale Station Area Plan, Corridor Development Initiative and other documents. We believe the key elements of this Project as highlighted by the city’s vision, development objectives, and station area plans are:

A. Cultural and Social Elements
B. Building Design
C. Sustainability & Environmental Stewardship
D. Transit and Mobility
E. Housing Options
F. Equity and Inclusion

A. Culture and Social Elements
- This project includes a 25,000 square foot public plaza built to welcome transit users to the area from the light-rail stop.
- The plaza will include open space for events, gatherings, or a beautiful rest stop while waiting for the train, creating a community hub.
- The site is designed to welcome people, no matter how they are getting to the site and encourages gatherings and social events through the use of engaging open space and opportunities for public community events year-round.
- The public plaza will be activated with patio space for the commercial tenants, water feature, planting beds and large public space that can be programmed for concerts, movie nights, and yoga.

B. Building Design
- The buildings, plaza, and transit station are well connected through the careful thought out site plan and designed to highlight the transit station.
- The buildings wrap around the center of the site, creating a central meeting spot and sense of connection between the varying uses on site and pedestrian access points.
- The ground floor of both buildings along West 36th Avenue and Wooddale Avenue will have active uses consisting of retail and apartment amenities.
- The two buildings are designed to be timeless with attractive architecture that will draw people’s attention to the site. The buildings are broken in two to provide a view corridor to the LRT station and public plaza providing enhanced multi-modal movement and the streetscape. The buildings gently embrace and protect the public plaza providing a public realm not often provided in private projects.
- The exterior designs of the buildings are seamlessly integrated with hints
of color and contrast between the two.

• The building will be segmented into a base middle and top. The base will utilize rich authentic materials and pedestrian detail and the building is crowned by simple pediment that shelters the patios. The building façade steps back to provide a gentle street edge and provide for a human scale development that isn’t overwhelming to pedestrians. The fenestrations, patios and other items will be artfully composed to be a rich attractive neighbor for years to come.

• The retail parking is located in the same parking garage as the residential with different entrances that will be clearly marked. All retail parking is accessed off the woonerf area, while residents have secured parking access off of Yosemite Avenue South, with limited surface parking.

• The project will invest in quality materials for public amenities for seating and bike racks, plaza materials such as colored concrete and pavers and native plantings carefully selected for low water use and the environment.

C. Sustainability & Environmental Stewardship

The Project will act as a showcase for environmental sustainability touch on not only reducing energy use but addressing shifts occurring in lifestyles, mobility, flexibility, and embracing connectivity to the community. The Project will support the LRT and residents will benefit from the proximity to LRT. The site is designed to be inclusive and invite the neighborhood through the Project to safely access the LRT and enjoy the public plaza and amenities.

Connections are made to nature through green features such as enhanced landscaping, green roofs or living wall systems. Great care has been taken to soften the project edge with pedestrian detail, tree’s and planting’s and amenities. A tree-scape shelters the pedestrian as they walk around and through the development. Water fountains provide calming, zen-like sounds not typically available outside of a natural area.

Green sustainable strategies are listed below:

• Incorporated into the design of the plaza are green elements such as open green space, native plants and trees.

• Strive to reduce energy consumption by 35 to 50% from a business-as-usual forecast for residential buildings, per the City’s Climate Action Plan.

• A resource assessment of existing climate conditions around not just the building site, but the from the adjacent urban fabric that includes wind flow patterns, shadow studies, temperatures, precipitation, and cloud cover analysis, which can inform early decisions about building massing and orientation for optimizing energy efficiency, natural ventilation, daylighting, and view potential.

• Participate in Xcel Design Assistance (EDA) program.


• Develop an Envelope Optimization Strategy.
Energy Modeling – energy analysis and simulations to inform decisions for envelope and mechanical/electrical systems.

Investigate financial incentives.

Building to be “solar ready”.

**D. Transit and Mobility**

The site was designed around pedestrian and bicycle flow throughout the site from the transit station, nearby neighborhoods, and the community. With the station at the center of the design, the plaza, woonerf, retail and housing are all designed to be an appealing place for walkers and bikers to approach, spend time, and utilize the station to get around. Care has been taken to separate pedestrian path from vehicles and making the pedestrian the priority. Some of these considerations include:

- Limited at grade parking is provided to accommodate short-term parking required to attract customers to commercial spaces.
- A designated transit user drop-off and pick-up area. Vehicles access the site from West 36th Avenue in one-way traffic flow to not only ease traffic along Wooddale Avenue and 36th but improve the overall plaza experience.
- Residents may access the underground parking both from the plaza as well as to the east from Yosemite Avenue South. The project can easily continue to adapt and evolve to housing needs, future transit and next generations to come.
- Connections to the Cedar Lake Regional Trail will be transparent and easy to follow for pedestrians and bicyclists.
- Bus route 17 connects to Up Town, Downtown Minneapolis, and Northeast and will be repositioned towards the entrance to the site off West 36th Avenue. This allows pedestrians to walk right through the plaza and into the light-rail area.
- Bike racks will be positioned throughout the plaza and public areas to provide parking for people coming from the trail, nearby neighborhoods, or off the light rail.

**E. Housing Options**

- Mix of affordability with 225 units (80%) at market rate, 29 units (10%) at 60% AMI and 29 units (10%) at 50% AMI.
- All of the units will be dispersed throughout the two buildings with access to all of the amenities and features the project has to offer.
- Range of unit sizes with a mix of studios, alcoves, one-bedroom, two-bedroom and three-bedroom units.
- Affordability levels will be split evenly amongst the unit sizes to provide affordable options for all interested tenants.
- The site will have high-quality amenities consisting of a private amenity deck with a pool, grills, green space and seating; a fitness center; office/workspace; and a rooftop deck.
• There will be various unit styles for residents to choose from and secure, underground parking.

F. Equity and Inclusion

• This project reflects Saint Louis Park’s key strategic priorities of racial equity and inclusion. The project will be open, welcoming and weaving all modes of life together – work, live, play.
• The project is a neighborhood-oriented development with spaces for both public activities, local businesses, and residents to enjoy.
• Will build social capital through community engagement both in the design process and in the events hosted on site in the public plaza.
• The site has features designed to welcome all pedestrians whether they come by foot, on bike, from transit, or in a car.
• Will work with local artists on a mural or art piece to be located in the public plaza.
Exhibit D

Preliminary Site Plan

- 36th St.
- Wooddale Ave.
- Yosemite Ave.

**East Building**
- East Lobby
- Resident Parking
- Access
- Parking
- Deck over Parking
- Public Parking
- Resident Parking
- Entry L1
- Resident Parking Entry L0
- Possible PV Array
- Resident Parking below entire building footprint 241 spaces
- Resident Parking behind active Amenity Spaces and below amenity deck 121 Spaces
- Public Parking 12 angled surface parking and 29 interior spaces 43 total

**West Building**
- West Lobby
- Bike Parking
- SWLRT Wooddale Ave. Station
- Bus Stop
- BNSF Heavy Rail
- Cedar Lake Bike Trail

**Exhibit D**

Study session meeting of November 23, 2020 (Item No. 4)
Title: Developer recommendation for SWLRT Wooddale Avenue Station site
Study session meeting of November 23, 2020 (Item No. 4)
Title: Developer recommendation for SWLRT Wooddale Avenue Station site

Rendered Floor Plan - Ground Floor
Conceptual Images

Study session meeting of November 23, 2020 (Item No. 4)
Title: Developer recommendation for SWLRT Wooddale Avenue Station site
Study session meeting of November 23, 2020 (Item No. 4)
Title: Developer recommendation for SWLRT Wooddale Avenue Station site
Areas of direct community benefit on site consist of:

- A public plaza with areas for community events to be hosted (such as movies, music in the park, etc.), people to wait for the train, and a park-like feel for relaxing
- Coordinated programing with the City of Saint Louis Park, the Elmwood Neighborhood Association and local businesses in the plaza throughout the year
- Relocating the bus stop along West 36th Street to improve vehicle flow and pedestrian safety
- Added bike parking in several locations throughout the project site
- Expanded pedestrian sidewalks along West 36th Street and Wooddale Avenue.
- Site lighting at the pedestrian level
- 16,800 square feet of retail space with convenient parking. Users will be a combination of restaurant, retail, and service providers meeting the varying needs and desire of the community
- The retail will open up to the street and plaza to help activate the plaza
- Designated drop-off and pick-up area for light-rail transit users located on site with one-way traffic for additional safety
- Shared woonerf for pedestrians, bicycles and vehicles through the site with one-way traffic for enhance safety for pedestrians and bicyclist
- One-way entrance into the site on W 36th street to ease the flow of traffic into the site and onto W 36th Street
- Wayfinding signage to direct visitors to the plaza, light-rail platform and businesses
- Added green space and green elements with native landscaping surrounding the buildings and throughout the plaza. A water feature is located near the light rail to provide a calming sense and invite people to hangout in the area
- The buildings are setback above the ground level to provide pedestrian-scale development
- A variety of housing options both in unit size and affordability level
- Several areas for public art provided by local artists
Sustainable Elements

The project will act as a showcase for environmental sustainability touch on not only reducing energy use but addressing shifts occurring in lifestyles, mobility, flexibility and embracing connectivity to the community. The project will support the LRT and residents will benefit from the proximity to LRT. The site is designed to be inclusive and invite the neighborhood through the project to safely access the LRT and enjoy the public plaza and amenities. Green sustainable strategies are listed below:

- Strive to reduce energy consumption by 35 to 50% from a business-as-usual forecast for residential buildings, per the City’s Climate Action Plan.
- A resource assessment of existing climate conditions around not just the building site, but the from the adjacent urban fabric that includes wind flow patterns, shadow studies, temperatures, precipitation, and cloud cover analysis, which can inform early decisions about building massing and orientation for optimizing energy efficiency, natural ventilation, daylighting, and view potential
- Participate in Xcel Design Assistance (EDA) program
- Complete Resource Analysis Report – Energy/Daylight/Material/Water
- Develop an Envelope Optimization Strategy
- Energy Modeling – energy analysis and simulations to inform decisions for envelope and mechanical/electrical systems.
- Investigate financial incentives
- Solar arrays on building rooftops
- Secure bicycle storage
- Preserving open space by clustering buildings, roadways, and parking
- Electric vehicle charging station
- Save and reuse all site topsoil
- Light-colored paving material with an albedo of 0.30 or greater
- Windows throughout are ENERGY STAR qualified or have a U value \( \leq 0.35 \) (NFRC label)
- Cool roof
- No use of electric radiant heating
- Variable speed fans, motors, pump and/or blowers
- High efficiency air conditioner or heat pump
- No use of CFC-based refrigerants in building HVAC&R systems.
- Install ENERGY STAR qualified light fixtures
- Compact or linear fluorescent or LED lighting in place of incandescent down lights.
- Occupancy/daylighting controls sensors used in common areas and parking garage areas.
- Low flow kitchen and bathroom plumbing fixtures
Stormwater

The proposed redevelopment will considerably clean up the stormwater leaving the Project site. The majority of the exiting site is old impervious pavement and rooftop which discharges stormwater without any on-site treatment. The regional stormwater treatment facilities at Hoigaard Village are a wonderful improvement to the area. In addition to the regional facilities, this proposed redevelopment will utilize a combination of above-ground and below-ground stormwater management features to add layer of treatment and rate-control on-site. More specifically, enhanced stormwater abstraction via decentralized green infrastructure will leverage the capabilities of soil and vegetation to infiltrate, redistribute, and store stormwater volume. Trees will interact with the urban hydrologic cycle by intercepting stormwater runoff, removing water from the soil via transpiration, enhancing infiltration, and bolstering the performance of other green infrastructure.

Other sustainable infrastructure ideas include:

- Permeable paver or pavements
- Green roof (or partial green features on roof or amenity deck)
- Geothermal heating & cooling
- Traffic Demand Management techniques to further encourage sustainable modes of transportation
Executive summary

Title: 2020 Census outreach final report

Recommended action: None. Thank you for promoting the census through your individual networks, newsletters and communications with residents.

Policy consideration: None.

Summary: The 2020 Census data collection concluded on October 15, 2020. The final self-response rates reported by the Census Bureau were:

- **67.0%** United States
- **75.1%** Minnesota (best in the nation)
- **79.6%** Hennepin County
- **80.6%** St. Louis Park
- **70.1% to 90.1%** Range for individual census tracts in St. Louis Park

14 of 15 of the city’s census tracts matched or improved their final 2010 self-response rates. The most improved was census tract 223.02 (Aquila neighborhood) which improved 7.8%. The highest rate was census tract 228.01 (includes Lake Forest and the northern part of the Fern Hill neighborhoods) at 90.1%. See the attached maps for comparisons and more details.

The U.S. Census Bureau reported total response rates of 99.9% in Hennepin County and Minnesota. That includes its nonresponse follow-up and quality control efforts.

The city received a $7,000 grant from the National League of Cities Census Rapid Response Program which deployed more resources to areas with lower predicted and actual response rates and boost social media messages to historically undercounted communities.

COVID-19 disrupted many planned in-person events and activities intended to promote the 2020 Census. The city shifted its focus to social media, emails, text messaging, various mailings, a virtual phone bank (which reached more than 12,500 Minnesotans) and communications through rental property owners and managers. The racial equity and inclusion team included census messaging in their outreach to people of color, indigenous and rental communities and worked with a partner Latinx organization, HACER, to promote the census.

Many thanks to the complete count committee volunteers and the communications, racial equity and inclusion, housing and planning staff that all helped to achieve these results!

Financial or budget considerations: None. This was a budgeted item supplemented by a grant.

Strategic priority consideration: St. Louis Park is committed to being a leader in racial equity and inclusion in order to create a more just and inclusive community for all.

Supporting documents: 2020 census response rate maps by census tract, city, county and state

Prepared by: Sean Walther, planning and zoning supervisor
Reviewed by: Karen Barton, community development director
Approved by: Tom Harmening, city manager
Self-Response by Census Tract

This map features self-response rates from households that responded to the 2020 Census online, by phone, or by mail.

St. Louis Park, Minnesota
Self-Response

80.6%

Self-Response by City
(in the Twin Cities Metropolitan Area)

This map features self-response rates from households that responded to the 2020 Census online, by phone, or by mail.

Minnesota Self-Response

75.1%

St. Louis Park Self-Response

80.6%

Self-Response by County

This map features self-response rates from households that responded to the 2020 Census online, by phone, or by mail.

Self-Response by State

This map features self-response rates from households that responded to the 2020 Census online, by phone, or by mail.

Executive summary

Title: October 2020 monthly financial report

Recommended action: No action required at this time.

Policy consideration: Monthly financial reporting is part of our financial management policies.

Summary: The monthly financial report provides an overview of general fund revenues and departmental expenditures comparing them to budget throughout the year.

Financial or budget considerations: At the end of October, general fund expenditures were at approximately 76% of the adopted annual budget, which is about 7% under budget. Permit revenue has exceeded the annual budget in October at 103%.

Strategic priority consideration: Not applicable.

Supporting documents: Discussion
Summary of revenues and departmental expenditures

Prepared by: Darla Monson, accountant
Reviewed by: Nancy Deno, deputy city manager/HR director
Approved by: Tom Harmening, city manager
Discussion

Background: This monthly report provides summary information of the overall level of revenues and departmental expenditures in the general fund compared to the adopted budget throughout the year.

Present considerations:

General Fund

Under normal circumstances, expenditures would generally be at about 83% of the annual budget at the end of October. This year general fund expenditures are running about 7% under at 76% of the adopted annual budget through October. No departmental expenditures are exceeding budget. A primary reason for the lower expenditures can be attributed to salary savings from positions in the general fund that were put on hold due to COVID.

The license and permit revenues combined are now exceeding the total annual budget at 103% through October. Net of the refunds that were issued to businesses due to the COVID-19 closures, business and liquor license revenue is at 82% or $789,000 of the annual budget. Permit revenue is at 109% or $4,032,000 of the total budget and includes the permits for Parkway Place Apartments, The Quentin and several school district projects. A portion of the 10 West End permit revenue was deferred last year to 2020 to offset related expenditures.

When the November report is prepared, staff will be able to provide information on the early December property tax settlement from the county. Early indications are that collections will be strong.
### Summary of Revenues & Departmental Expenditures - General Fund

**As of October 31, 2020**

#### General Fund Revenues:

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<tbody>
<tr>
<td><strong>General Property Taxes</strong></td>
<td>$25,705,886</td>
<td>$26,597,928</td>
<td>$26,880,004</td>
<td>$26,952,306</td>
<td>$28,393,728</td>
<td>$14,988,095</td>
<td>$14,050,633</td>
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<td><strong>Licenses and Permits</strong></td>
<td>$3,924,648</td>
<td>$4,001,644</td>
<td>$4,103,424</td>
<td>$4,264,659</td>
<td>$4,660,811</td>
<td>$4,821,515</td>
<td>(160,704)</td>
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<tr>
<td><strong>Fines &amp; Forfeits</strong></td>
<td>$269,200</td>
<td>$282,146</td>
<td>$279,700</td>
<td>$284,340</td>
<td>$290,000</td>
<td>$107,541</td>
<td>172,459</td>
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<tr>
<td><strong>Intergovernmental</strong></td>
<td>$1,864,877</td>
<td>$2,006,435</td>
<td>$1,760,900</td>
<td>$1,761,763</td>
<td>$1,760,082</td>
<td>$1,660,630</td>
<td>99,452</td>
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<tr>
<td><strong>Charges for Services</strong></td>
<td>$2,162,410</td>
<td>$2,180,589</td>
<td>$2,187,319</td>
<td>$2,160,345</td>
<td>$2,273,824</td>
<td>$1,241,592</td>
<td>1,032,233</td>
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<tr>
<td><strong>Rents &amp; Other Miscellaneous</strong></td>
<td>$1,318,037</td>
<td>$1,427,744</td>
<td>$1,367,012</td>
<td>$1,500,867</td>
<td>$1,456,102</td>
<td>$1,031,733</td>
<td>424,369</td>
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<tr>
<td><strong>Transfers In</strong></td>
<td>$1,929,090</td>
<td>$1,929,076</td>
<td>$1,999,877</td>
<td>$2,012,706</td>
<td>$2,038,338</td>
<td>$1,651,949</td>
<td>386,390</td>
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<td><strong>Investment Earnings</strong></td>
<td>$160,000</td>
<td>$251,494</td>
<td>$180,000</td>
<td>$180,000</td>
<td>$157,813</td>
<td>$95,487</td>
<td>114,513</td>
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<tr>
<td><strong>Other Income</strong></td>
<td>$40,950</td>
<td>$35,802</td>
<td>$31,300</td>
<td>$57,274</td>
<td>$621,280</td>
<td>$615,147</td>
<td>6,133</td>
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<tr>
<td><strong>Use of Fund Balance</strong></td>
<td>$523,835</td>
<td>$296,156</td>
<td>$230,026</td>
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<tr>
<td><strong>Remaining to Actual</strong></td>
<td>$37,898,933</td>
<td>$38,712,858</td>
<td>$39,087,692</td>
<td>$40,737,411</td>
<td>$31,807,747</td>
<td>$26,213,687</td>
<td>$15,480,478</td>
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</tbody>
</table>

**General Fund Expenditures:**

**General Government:**
- Administration: $1,341,606
- Finance: $978,752
- Assessing: $759,865
- Human Resources: $796,666
- Community Development: $1,479,911
- Facilities Maintenance: $1,162,342
- Information Resources: $1,589,432
- Communications & Marketing: $765,940
- Community Outreach: $27,637

**Public Safety:**
- Police: $9,930,681
- Fire Protection: $4,657,973
- Building: $2,544,762

**Operations:**
- Public Works Administration: $230,753
- Public Works Operations: $3,091,857
- Vehicle Maintenance: $1,253,367
- Engineering: $525,834

**Parks and Recreation:**
- Organized Recreation: $1,582,490
- Recreation Center: $1,860,755
- Park Maintenance: $1,830,530
- Westwood Nature Center: $622,346
- Natural Resources: $559,662

**Total General Government Expenditures:** $37,898,933

**Total General Fund Expenditures:**

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</thead>
<tbody>
<tr>
<td>Police</td>
<td>$9,930,681</td>
<td>$9,877,014</td>
<td>$10,335,497</td>
<td>$10,452,038</td>
<td>$10,853,821</td>
<td>$8,791,332</td>
<td>$2,062,489</td>
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<tr>
<td>Fire Protection</td>
<td>$4,657,973</td>
<td>$4,630,520</td>
<td>$4,813,078</td>
<td>$4,754,524</td>
<td>$5,040,703</td>
<td>$3,898,483</td>
<td>$1,142,220</td>
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<td>Building</td>
<td>$2,544,762</td>
<td>$2,295,910</td>
<td>$2,555,335</td>
<td>$2,430,473</td>
<td>$2,696,585</td>
<td>$1,931,217</td>
<td>$765,368</td>
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<tr>
<td><strong>Total Public Safety</strong></td>
<td>$17,133,146</td>
<td>$16,803,444</td>
<td>$17,703,910</td>
<td>$17,637,035</td>
<td>$18,591,109</td>
<td>$14,621,032</td>
<td>$245,311</td>
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</table>

**Total Operations**

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</thead>
<tbody>
<tr>
<td>Organized Recreation</td>
<td>$1,582,490</td>
<td>$1,499,780</td>
<td>$1,579,569</td>
<td>$1,498,462</td>
<td>$1,637,002</td>
<td>$1,192,999</td>
<td>$444,003</td>
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<tr>
<td>Recreation Center</td>
<td>$1,860,755</td>
<td>$2,004,937</td>
<td>$1,949,657</td>
<td>$2,041,386</td>
<td>$2,061,394</td>
<td>$1,595,548</td>
<td>$465,846</td>
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<td>Park Maintenance</td>
<td>$1,830,530</td>
<td>$1,866,744</td>
<td>$1,833,297</td>
<td>$1,820,455</td>
<td>$1,906,363</td>
<td>$1,473,311</td>
<td>$433,052</td>
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<tr>
<td>Westwood Nature Center</td>
<td>$622,346</td>
<td>$599,704</td>
<td>$643,750</td>
<td>$612,266</td>
<td>$748,683</td>
<td>$496,887</td>
<td>$251,796</td>
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<tr>
<td>Natural Resources</td>
<td>$559,662</td>
<td>$376,359</td>
<td>$484,784</td>
<td>$429,409</td>
<td>$504,143</td>
<td>$349,987</td>
<td>$154,156</td>
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<td><strong>Total Operations</strong></td>
<td>$6,655,783</td>
<td>$6,347,524</td>
<td>$6,491,057</td>
<td>$6,401,977</td>
<td>$6,857,585</td>
<td>$5,108,733</td>
<td>$1,748,852</td>
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</tbody>
</table>

**Other Depts and Non-Departmental:**
- Racial Equity and Inclusion: $- $- $- $4,592 $314,077 $226,711 $87,366 72.18%
- Sustainability: $28,283 $497,484 $206,402 $291,082 41.49%
- Transfers Out: $1,040,000 $300,000 $0.00%
- Contingency and Other: $315,772 $186,966 $74,350 $121,245 $0.00%

**Total Other Depts and Non-Departmental:** $315,772 $1,226,966 $74,350 $452,119 $811,561 $433,113 $378,448 53.37%

**Total General Fund Expenditures:** $37,898,933 $38,248,388 $39,087,692 $38,929,940 $41,694,165 $31,807,747 $9,886,418 76.29%