City of Ramsey
Agenda
Regular City Council
Monday, February 8, 2021
7:00 pm
Council Chambers, 7550 Sunwood Drive NW

This meeting is being held in accordance with Minnesota Statutes 13D.021. Due to the COVID-19 Pandemic, it is not practical and prudent for all members of this board to attend in person. Current Minnesota law requires certain social distancing standards that impacts the capacity of the Council Chambers. For those at highest risk, it is advised to isolate themselves from the general public. For these reasons, it is not practical and prudent to have this meeting exclusively in person. Members of the public are welcome to attend in person or remotely.

Remote Attendance available at www.cityoframsey.com/meetings. To maximize social distancing due to the COVID-19 Pandemic, those that can join remotely are encouraged to do so. Those joining remotely and requesting to speak are asked to use a webcam when speaking.

1. Call to Order

2. Presentation

1. Mayoral Proclamation Proclaiming February 2021 as Black History Month in the City of Ramsey

3. Citizen Input

4. Approve Agenda

5. Consent Agenda

1. Approve Rental Licenses

2. Adopt Resolution #21-039 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of January 21, 2021 through February 3, 2021

3. Adopt Resolution #21-026 Approving Restaurant Assistance Plan: WAC (Water Availability Charge) Program and Approving Loan for Pleasant Valley Sunrise Group LLC dba (doing business as) Aurelio's Pizza

4. Adopt Resolution #21-037 to Hire a Public Works Parks Maintenance Worker

6. Public Hearing

7. Council Business

1. Introduce Ordinance #21-08 to amend city code Chapter 10, Article III, Sec- 57 & 58 Dog Licensing

2. Adopt Resolution #21-007 Approving Preliminary Plat for Northfork Meadows, Case of Lennar (Project #20-135)

3. 2021 Legislative Platform

4. Adopt Resolution #21-046 Resolution Supporting Legislation Adopting Minnesota Tax Conformity for Payroll Protection Plan (PPP) Loans

5. Adopt Resolution #21-044 Adopting Concept Level Layout Review Comments on Anoka County's Interim Improvements Proposed to Bunker Lake Boulevard/County Road 116

6. Adopt Ordinance #21-05 Vacating Easement for Riverstone 5th Addition

7. Authorize Staff to Submit Application to Legislative-Citizen Commission on Minnesota Resources, and Minnesota DNR for Tree Preservation for Riverstone South (Project No. 19-152); Case of Capstone Homes

8. Mayor/Council/Staff Input

9. Adjournment

CC Regular Session **2. 1.**

Meeting Date: 02/08/2021

Information

Title:

Mayoral Proclamation Proclaiming February 2021 as Black History Month in the City of Ramsey

Purpose/Background:

Black History Month is an annual celebration of achievements by African Americans and a time for recognizing their central role in U.S. history, as well as to understand, appreciate and celebrate the extraordinary achievements and contributions made by members of the African American community to the social, artistic, cultural, political, economic, spiritual and national advancement in the United States and beyond. The City wishes to honor the prominent leaders and activists who have paved the way for equality and justice and calls attention to the continued need to battle racism and to build an equitable society.

Attachments

BHM Proclamation

Form Review

Inbox	Reviewed By	Date
Colleen Lasher	Colleen Lasher	02/04/2021 10:48 AM
Kurt Ulrich	Kurt Ulrich	02/04/2021 04:44 PM
Form Started By: Kathy Schmitz		Started On: 02/03/2021 10:48 AM
Final Approval Date: 02/04/2021		

MAYORAL PROCLAMATION

PROCLAMING FEBRUARY 2021 AS BLACK HISTORY MONTH IN THE CITY OF RAMSEY

WHEREAS, President Gerald R. Ford officially recognized Black History Month in 1976, calling upon the public to "seize the opportunity to honor the too-often neglected;" and

WHEREAS, since 1976, every President has adopted the month of February as Black History Month to celebrate African American achievements and roles in U.S. History; and

WHEREAS, Black History Month is a time to reflect on, understand and appreciate African-American culture, as well as to celebrate the extraordinary achievements and contributions made by members of the African-American community to the social, artistic, cultural, political, economic, spiritual and national advancement in the United States; and

WHEREAS, we honor the prominent leaders and activists who have paved the way for equality and justice, and we recognize the notable contributions of Black citizens in the history of our community.

NOW THEREFORE, I, Mayor Mark E. Kuzma, do hereby proclaim the month of February 2021, as BLACK HISTORY MONTH in the City of Ramsey.

Whereupon said proclamation is announced this 8 th day of February, 2021.

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Mayor Mark E. Kuzma

CC Regular Session **5. 1.**

Meeting Date: 02/08/2021

By: JoAnn Shaw, Community Development

Information

Title

Approve Rental Licenses

Purpose/Background:

Purpose: The purpose of this case is to approve rental license requests for 2021.

Background: Detached Single-Family Homes and Attached Single-Family Homes (townhomes, duplexes, etc.) are required to obtain a license (registration), but are not subject to inspections (unless the City has sufficient evidence of a violation of City Code).

Multi-Family Units (apartments, condos, etc.) are subject to the license and inspection program as required by code.

License application requests are attached for Council approval.

Recommendation:

Staff recommends approval of license applications.

Action:

Motion to approve rental license applications.

Attachments

Rental License Applications

Form Review

Inbox	Reviewed By	Date
Kurt Ulrich	Kurt Ulrich	02/04/2021 02:35 PM
Form Started By: JoAnn Shaw		Started On: 02/03/2021 08:41 AM
Final Approval Date: 02/04/2021		

Report Name: License Report - License Types
Council Dates: 2/8/2021 to 2/8/2021
Status: Active, Inactive
License Type(s): Multi-Family Rental, Rental

City of Ramsey
License Report - License Types

Printed: 2/3/2021

Company	Applicant	Location	Complex	Exp. Date	Council Date	Status
Rental						
Pamela Cribbs		6971 137th Ave NW		2/13/2024	2/8/2021	A
Dennis Augustson		9002 Highway 10 NW		2/13/2024	2/8/2021	A

Rental License Count: 2

Total Licenses: 2

CC Regular Session **5. 2.**

Meeting Date: 02/08/2021

By: Jackie Lipski, Finance

Information

Title

Adopt Resolution #21-039 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of January 21, 2021 through February 3, 2021

Purpose/Background:

Adopt Resolution #21-039 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of January 21, 2021 through February 3, 2021

Recommendation:

Staff Recommends Adopt Resolution #21-039 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of January 21, 2021 through February 3, 2021.

Action:

Motion to Adopt Resolution #21-039 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of January 21, 2021 through February 3, 2021.

Attachments

Bills List 2/8/2021

Resolution 2/8/2021

Form Review

Inbox	Reviewed By	Date
Diana Lund	Diana Lund	02/04/2021 07:17 AM
Kurt Ulrich	Kurt Ulrich	02/04/2021 03:49 PM
Form Started By: Jackie Lipski		Started On: 02/03/2021 01:26 PM
Final Approval Date: 02/04/2021		

CITY OF RAMSEY - FINANCE OFFICE Printed 2/3/2021

RAMSEY CITY COUNCIL MEETING

2/8/2021

BILLS LIST

DISBURSEMENTS TO BE APPROVED THIS MEETING:

DISBURSEMENT TYPE:	SUBMITTED FOR APPROVAL
Purchase Journal:	
Prepaids 1/21/2021-2/3/2021	612,077.54
Accounts Payable 1/21/2021-2/3/2021	170,790.11
Payroll 1/22/2021	206,908.59

TOTAL SUBMITTED FOR APPROVAL THIS MEETING
(Invoices Available for Reviewal) **$ 989,776.24**

	APPROVED PREV. MTG	2021 Y.T.D.
DISBURSEMENTS PREVIOUSLY APPROVED AND PAID:		
NET PAYROLL TOTAL	$ 183,341.32	$ 183,341.32
- CORRECTION TO PAYROLL		
PREPAIDS	235,128.08	235,128.08
- PREPAID ADJUSTMENTS		
WIRE TRANSFERS FOR DEBT SERVICE		
- CORRECTION TO D.S.		
ACCOUNTS PAYABLE INVOICING - PREVIOUS MEETING:		
- BILLS LIST SUBMITTED	774,982.26	884,979.40
ADD (DELETE) BILLS LIST SUBMITTED PAY ESTIMATE(S)	1,767,473.46	1,767,473.46
- CHECKS VOIDED	0.00	0.00
TOTAL CASH DISBURSEMENTS PREVIOUSLY APPROVED	**$ 2,960,925.12**	**$ 3,070,922.26**

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description
111928	**1/21/2021**		**113607 BANKERS TITLE LLC**						
		26.17	UB REFUND 9043 COLLINS DR		105416	012121	9601.4651		WATER REVENUE
		26.17							
111929	**1/21/2021**		**100297 CENTERPOINT ENERGY**						
		418.42	6701 HIWAY 10-YOUTH FIRST		105404	6011580-5 DEC 20	9410.6373	00041012	GAS
		4,123.18	7550 SUNWOOD DR		105405	6702493-5 DEC 20	0194.6373		GAS
		739.90	5650 ALPINE DR- FIRE STATION		105406	5961540-1 DEC 20	0220.6373		GAS
		465.89	15050 ARMSTRONG BLVD NW		105407	5914352-9 DEC 2020	0220.6373		GAS
		5,747.39							
111930	**1/21/2021**		**115574 HEALTHPARTNERS**						
		64,440.00	JAN 21 MEDICAL INS		105418	102123892	9101.2176		LIFE/HEALTH-EMPLOYEE
		64,440.00							
111931	**1/21/2021**		**118178 LESSARD, SCOTT**						
		162.03	UB REFUND 14623 RHINESTONE ST		105419	012121	9601.4651		WATER REVENUE
		162.03							
111932	**1/21/2021**		**100268 LRRWMO CITY OF ANOKA**						
		14.00	BAL DUE COR FILL BASIN		105408	464	9605.1730	00201809	IMPROVEMENTS OTHER
		14.00							
111933	**1/21/2021**		**117918 MACQUEEN EMERGENCY**						
		288.43	FIRE GLOVES		105409	16157	0220.6231		UNIFORMS & TURN-OUT
		450.58	FIRE BOOTS		105410	15711	0220.6231		UNIFORMS & TURN-OUT
		739.01							
111934	**1/21/2021**		**111999 MEADOW CREEK BUILDERS INC**						
		1,500.00	REF ERO ESC 5742 152ND LN NW		105420	012121	9804.6433	00117494	REFUNDS
		1,500.00							
111935	**1/21/2021**		**117049 NORTHLAND RECREATION LLC**						
		1,882.00	BENCH SWING/FRAME		105411	2129	0452.6249		MISCELLANEOUS OPER/
		1,882.00							
111936	**1/21/2021**		**112959 PREMIUM WATERS INC**						
		53.19	DEC 20 BILLING		105412	317928158	0220.6489		OTHER CONTRACTED SI
		78.39	DEC 20 BILLING		105413	317890732	0220.6489		OTHER CONTRACTED SI
		131.58							
111989	**1/28/2021**		**117732 AFFINITY AT RAMSEY LLC**						
		11,042.55	TIF 2ND PAYMENT		105478	012521	9214.6433		REFUNDS
		15,088.40	TIF 2ND PAYMENT		105478	012521	9214.6433		REFUNDS
		26,130.95							
111990	**1/28/2021**		**111377 ANOKA MUNICIPAL UTILITY**						
		66.30	14034 DYSPOSIUM ST NW		105469	22-610280-00 DEC 20	9603.6371		ELECTRIC UTILITIES
		88.80	RAMSEY STREET LIGHTS		105470	22-990005-01 DEC 2020	9603.6371		ELECTRIC UTILITIES
		47.46	BUNKER LK BLVD/DYSPOSIUM		105471	22-61200-01 DEC	0260.6371		ELECTRIC UTILITIES

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description
111990	1/28/2021		111377 ANOKA MUNICIPAL UTILITY						Continued
						20			
		112.58	CTY RD 116/HWY 47 SIGNAL		105472	22-613120-01 DEC 20	0260.6371		ELECTRIC UTILITIES
		315.14							
111991	1/28/2021		115243 ARDEN TITLE LLC						
		208.50	UB REF 14585 OLIVINE TER		105480	012721A	9601.4651		WATER REVENUE
		208.50							
111992	1/28/2021		115243 ARDEN TITLE LLC						
		43.48	UB REF 16681 GARNET ST NW		105481	012721B	9601.4651		WATER REVENUE
		43.48							
111993	1/28/2021		100063 ASPEN MILLS						
		226.90	MISC J. HENNINGER		105473	262317	0220.6231		UNIFORMS & TURN-OUT
		226.90	MISC. C. FORSTER		105474	262316	0220.6231		UNIFORMS & TURN-OUT
		453.80							
111994	1/28/2021		118187 AUGST, DANIEL OR CELESTE						
		58.83	UB REF 13924 GARNET TER		105479	012721	9601.4651		WATER REVENUE
		58.83							
111995	1/28/2021		118189 BERGLUND,BERGLUND LTD TRUST						
		160.33	UB REF 17450 BAUGH ST NW		105484	012721	9601.4651		WATER REVENUE
		160.33							
111996	1/28/2021		118192 BIER, LELAND OR MARLENE						
		207.80	UB REF 5421 145TH AVE NW		105483	012721	9601.4651		WATER REVENUE
		207.80							
111997	1/28/2021		117080 BLIP II LLC						
		18,403.28	TIF 4TH PAYMENT		105485	012521	9216.6433		REFUNDS
		4,759.26	TIF 4TH PAYMENT		105485	012521	9216.6433		REFUNDS
		23,162.54							
111998	1/28/2021		118190 BOZICH, JANET						
		97.25	UB REF 8851 162ND LN NW		105486	012721	9601.4651		WATER REVENUE
		97.25							
111999	1/28/2021		107662 CEAM CO LEAGUE OF MN CITIES						
		60.00	CEAM 2021 DUES B. WESTBY		105487	012521	0301.6451		MEMBERSHIP DUES
		60.00							
112000	1/28/2021		100297 CENTERPOINT ENERGY						
		132.04	14515 E TOWN CENTER DR		105475	8782239-1 DEC 20	9601.6373		GAS
		132.04							
112001	1/28/2021		106583 DELTA DENTAL PLAN OF MINNESOTA						
		3,717.85	FEB 21 DENTAL INS		105488	RIS0003286786	9101.2170		DENTAL/DISABILITY/LIFE
		3,717.85							
112002	1/28/2021		111335 FIRST FINANCIAL TITLE AGENCY OF MN						
		67.17	UB REF 15490 YAKIMA CT		105489	012721	9601.4651		WATER REVENUE
		67.17							

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description
112002	1/28/2021		111335 FIRST FINANCIAL TITLE AGENCY OF MN						Continued.
112003	1/28/2021		118196 GERMUNDSON, JOSEPH OR KELLY						
		359.53	UB REF 15863 PERIDOT ST		105490	012721	9601.4651		WATER REVENUE
		359.53							
112004	1/28/2021		115574 HEALTHPARTNERS						
		64,440.00	FEB 2021 MEDICAL INS		105491	102320288	9101.2176		LIFE/HEALTH-EMPLOYEE
		64,440.00							
112005	1/28/2021		113464 LAND TITLE						
		39.18	UB REF 6014 157TH LN NW		105492	012721	9601.4651		WATER REVENUE
		39.18							
112006	1/28/2021		113464 LAND TITLE						
		227.94	UB REF 14316 WACO ST		105493	012721A	9601.4651		WATER REVENUE
		227.94							
112007	1/28/2021		117259 LEGACY TITLE						
		149.28	UB REF 14629 HELIUM ST NW		105495	012721	9601.4651		WATER REVENUE
		149.28							
112008	1/28/2021		117618 LEGACY TITLE						
		354.36	UB REF 5719 162ND LN		105494	012721	9601.4651		WATER REVENUE
		354.36							
112009	1/28/2021		118184 LEGACY TITLE						
		20.54	UB REF 6000 145TH LN NW		105496	012721	9601.4651		WATER REVENUE
		20.54							
112010	1/28/2021		116025 MINNESOTA TITLE						
		562.79	UB REF 5722 152ND LN		105497	012721	9601.4651		WATER REVENUE
		562.79							
112011	1/28/2021		110469 MN STATE PATROL						
		22.00	CITY VEHICLE INSPECT DECALS		105498	012721	0311.6249		MISCELLANEOUS OPER/
		22.00							
112012	1/28/2021		100351 NCPERS GROUP LIFE INS						
		432.00	FEB 21 LIFE INS		105499	704800022021	9101.2170		DENTAL/DISABILITY/LIFE
		432.00							
112013	1/28/2021		117114 PARK VIEW EAST-MINNEAPOLIS LLC						
		61,458.60	TIF 6TH PAYMENT		105500	012521	9214.6433		REFUNDS
		4,531.27	TIF 6TH PAYMENT		105500	012521	9214.6433		REFUNDS
		65,989.87							
112014	1/28/2021		116065 PARTNERS TITLE						
		307.22	UB REF 15111 SODIUM ST		105501	012721	9601.4651		WATER REVENUE
		307.22							
112015	1/28/2021		114811 RESIDENCE AT THE COR APARTMENTS LLC						
		97,928.74	TIF 11TH PAYMENT		105502	012521	9214.6433		REFUNDS
		74,092.35	TIF 11TH PAYMENT		105502	012521	9214.6433		REFUNDS
		172,021.09							

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description
112016	1/28/2021		117038 RESULTS TITLE						Continued.
		104.58	UB REF 7360 147TH LN NW		105503	012721A	9601.4651		WATER REVENUE
		104.58							
112017	1/28/2021		117038 RESULTS TITLE						
		56.52	UB REF 7321 147TH TER NW		105504	012721B	9601.4651		WATER REVENUE
		56.52							
112018	1/28/2021		118185 RESULTS TITLE						
		167.61	UB REF 5620 149TH LN NW		105505	012721	9601.4651		WATER REVENUE
		167.61							
112019	1/28/2021		118195 RUBEL, VITALIY						
		349.00	UB REF 7333 148TH LN NW		105506	012721	9601.4651		WATER REVENUE
		349.00							
112020	1/28/2021		118193 SEELEY. JENNIFER OR CAMERON						
		208.50	UB REF 14589 OLIVINE ST		105507	012721	9601.4651		WATER REVENUE
		208.50							
112021	1/28/2021		116367 SERVION TITLE INC						
		42.04	UB REF 16762 NUTRIA ST		105508	012721	9601.4651		WATER REVENUE
		42.04							
112022	1/28/2021		118188 SOUSA, TOM OR TONI						
		179.03	UB REF 14800 ARGON ST NW		105509	012721	9601.4651		WATER REVENUE
		179.03							
112023	1/28/2021		118191 SPARKS, DEREK OR SARAH						
		230.40	UB REF 5285 142ND LN NW		105510	012721	9601.4651		WATER REVENUE
		230.40							
112024	1/28/2021		118194 STEWART, FREDERICK						
		198.09	UB REF 7260 147TH TER NW		105511	012721	9601.4651		WATER REVENUE
		198.09							
112025	1/28/2021		118186 WHITERIDGE PROPERTIES LLC						
		275.79	UB REF 5371 140TH AVE		105512	012721	9601.4651		WATER REVENUE
		275.79							
1002138	1/22/2021		116845 CADY BUSINESS TECHNOLOGIES INC						
		39.00	JAN 21 SERVICE		105417	00000048 JAN 21	0192.6405		OFFICE & DATA PROCES
		39.00							
1002139	1/22/2021		100469 STREICHER'S POLICE EQUIPMENT						
		661.93	MOBILE FIELD FORCE MISC		105414	I1469309	0211.6231		UNIFORMS & TURN-OUT
		661.93							
1002140	1/22/2021		100510 VERIZON WIRELESS						
		93.00	DEC 20 SERVICES		105415	9870332154	0280.6323		CELLULAR PHONES
		463.13	DEC 20 SERVICES		105415	9870332154	0211.6415		OTHER EQUIPMENT REN
		1,189.89	DEC 20 SERVICES		105415	9870332154	0211.6323		CELLULAR PHONES
		1,746.02							
1002141	1/22/2021		101257 YOUTH FIRST						
		15,000.00	2021 PARTNER/PROGRAM SUPPORT		105421	1011	9270.6491		DONATIONS

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description
1002141	1/22/2021		101257 YOUTH FIRST						Continued.
		15,000.00							
1002142	1/26/2021		100257 LAW ENFORCEMENT LABOR SRV INC						
		825.50			105203	0107211453322	9101.2177		UNION DUES
		825.50			105396	012121727212	9101.2177		UNION DUES
		1,651.00							
1002143	1/26/2021		100298 MN AFSCME COUNCIL 5						
		551.04			105204	0107211453323	9101.2177		UNION DUES
		550.83			105397	012121727213	9101.2177		UNION DUES
		1,101.87							
1002189	1/29/2021		110553 ANCHOR PAPER COMPANY						
		945.00	COPIER PAPER		105476	10633541-00	0130.6203		DUPLICATING SUPPLY &
		945.00							
1002190	1/29/2021		116114 AVESIS THIRD PARTY ADMINISTRATORS						
		206.75	FEB 21 VISION INS		105482	2609102	9101.2170		DENTAL/DISABILITY/LIFE
		206.75							
1002191	1/29/2021		100510 VERIZON WIRELESS						
		75.62	DEC 20 SERVICES		105477	9870882542	0130.6323		CELLULAR PHONES
		69.50	DEC 20 SERVICES		105477	9870882542	0192.6321		TELEPHONE
		212.50	DEC 20 SERVICES		105477	9870882542	0191.6323		CELLULAR PHONES
		114.67	DEC 20 SERVICES		105477	9870882542	0194.6323		CELLULAR PHONES
		551.63	DEC 20 SERVICES		105477	9870882542	0220.6323		CELLULAR PHONES
		86.51	DEC 20 SERVICES		105477	9870882542	0240.6323		CELLULAR PHONES
		211.01	DEC 20 SERVICES		105477	9870882542	0301.6323		CELLULAR PHONES
		241.35	DEC 20 SERVICES		105477	9870882542	0311.6323		CELLULAR PHONES
		255.06	DEC 20 SERVICES		105477	9870882542	0452.6323		CELLULAR PHONES
		326.34	DEC 20 SERVICES		105477	9870882542	9601.6323		CELLULAR PHONES
		2,144.19							
90589750	1/22/2021		100398 PUBLIC EMPLOYEES RETIREMENT ASSN						
		108.33			105332	0119211358061	9101.2174		PERA-EMPLOYEE
		108.33			105333	0119211358062	9101.2183		PERA-EMPLOYER
		24,057.87			105398	012121727214	9101.2174		PERA-EMPLOYEE
		32,343.61			105399	012121727215	9101.2183		PERA-EMPLOYER
		56,618.14							
94797723	1/22/2021		101306 IRS						
		394.69			105301	0119211024292	9101.2171		FEDERAL WITHHOLDING
		1,843.58			105302	0119211024293	9101.2173		FICA & MEDICARE-EMPL
		1,843.58			105303	0119211024294	9101.2182		FICA & MEDICARE-EMPL
		402.70			105335	0119211358064	9101.2171		FEDERAL WITHHOLDING
		260.62			105336	0119211358065	9101.2173		FICA & MEDICARE-EMPL
		260.62			105337	0119211358066	9101.2182		FICA & MEDICARE-EMPL
		25,738.84			105401	012121727217	9101.2171		FEDERAL WITHHOLDING
		14,311.66			105402	012121727218	9101.2173		FICA & MEDICARE-EMPL
		14,311.66			105403	012121727219	9101.2182		FICA & MEDICARE-EMPL
		59,367.95							
98012221	1/22/2021		115568 ALERUS FINANCIAL NA						
		4,172.37			105395	0121217272114	9101.2176		LIFE/HEALTH-EMPLOYEE
		4,172.37							

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description
98012221	**1/22/2021**		**115568 ALERUS FINANCIAL NA**						**Continued**
99012221	**1/22/2021**		**107962 TOTAL ADMINISTRATIVE SERVICE CORP**						
		1,756.10			105391	0121217272110	9101.2176		LIFE/HEALTH-EMPLOYEE
		1,756.10							
99470112	**1/22/2021**		**100601 MN DEPT OF REV WH**						
		393.08			105300	0119211024291	9101.2172		STATE WITHHOLDING
		50.00			105334	0119211358063	9101.2172		STATE WITHHOLDING
		11,696.24			105400	012121727216	9101.2172		STATE WITHHOLDING
		12,139.32							
99474733	**1/22/2021**		**100223 ICMA RETIREMENT TRUST 457**						
		1,920.85			105390	012121727211	9101.2175		DEFERRED COMPENSAT
		1,920.85							
99681949	**1/22/2021**		**114790 GREAT WEST LIFE AND ANNUITY INS CO**						
		9,699.18			105393	0121217272112	9101.2175		DEFERRED COMPENSAT
		9,699.18							
99683023	**1/22/2021**		**114790 GREAT WEST LIFE AND ANNUITY INS CO**						
		3,822.69			105394	0121217272113	9101.2176		LIFE/HEALTH-EMPLOYEE
		3,822.69							
99724121	**1/22/2021**		**114486 SUN LIFE ASSURANCE COMPANY OF CANADA**						
		975.79			105199	01072114533211	9101.2176		LIFE/HEALTH-EMPLOYEE
		975.31			105392	0121217272111	9101.2176		LIFE/HEALTH-EMPLOYEE
		938.86	LTD Prem		105392	0121217272111	9101.2170		DENTAL/DISABILITY/LIFE
		2,889.96							
		612,077.54	Grand Total						

Payment Instrument Totals

Checks	436,195.22
EFT Payments	152,386.56
A/P ACH Payment	23,495.76
Total Payments	612,077.54

R04570

CITY OF RAMSEY
Create Payment Control Groups

Payment Group Control Number	3161		
Bank Account	999.1010	CASH IN BANK	00002224
Version	LOGIS004V		
Originator	JLIPSKI		
Payment Instrument	Check Payment		
Pay Through Date	12/31/2021		

Payee Number	Payee Name / Mailing Address	Stub Message	Document Ty	Document Number	Itm	Co	Due Date	Invoice Number	Payment Amount
117651	ACCESS MECHANICAL INC	BOILER REPAIR	PV	105422	001	09101	1/19/2021	011921-1000	3,455.00
	ACCESS MECHANICAL INC P O BOX 5 CIRCLE PINES MN 55014			Summary Total					3,455.00
				Payment Amount					3,455.00
107485	ALEXANDRA HOUSE INC	2021 PROFESSIONAL SERVICES	PV	105605	001	09270	1/26/2021	280	5,000.00
	ALEXANDRA HOUSE INC 10065 3RD STREET NE BLAINE MN 55434			Summary Total					5,000.00
				Payment Amount					5,000.00
107442	ALLDATA	SOFTWARE VEHICLE REPAIR 21	PV	105548	001	09101	1/27/2021	101549392	1,500.00
	ALLDATA P O BOX 848379 DALLAS TX 75284-8379			Summary Total					1,500.00
				Payment Amount					1,500.00
100063	ASPEN MILLS	MISC- J. MCPHEETERS	PV	105425	001	09101	1/18/2021	267822	56.80
	ASPEN MILLS			Summary Total					56.80
	8201 C CENTRAL AVE NE	MISC- C. FORESTER	PV	105426	001	09101	1/14/2021	267703	98.65
	SPRING LAKE PARK MN 55432			Summary Total					98.65
		MISC- J. MCPHEETERS	PV	105427	001	09101	1/7/2021	267293	63.70
				Summary Total					63.70
		MISC- J. MOELLER	PV	105428	001	09101	1/7/2021	267287	118.50
				Summary Total					118.50
		MISC C. FORESTER	PV	105589	001	09101	1/14/2021	267703A	7.00
				Summary Total					7.00
		MISC J.MCPHEETERS	PV	105590	001	09101	1/18/2021	267822A	2.00
				Summary Total					2.00
		MISC J. PETRICK	PV	105591	001	09101	1/26/2021	268197	112.15
				Summary Total					112.15
		MISC J. PETRICK	PV	105592	001	09101	1/26/2021	268198	111.65
				Summary Total					111.65
		MISC S. MARQUETTE	PV	105593	001	09101	1/26/2021	268196	105.30
				Summary Total					105.30

CITY OF RAMSEY
Create Payment Control Groups

Payment Group Control Number	3161		
Bank Account	999.1010	CASH IN BANK	00002224
Version	LOGIS004V		
Originator	JLIPSKI		
Payment Instrument	Check Payment		
Pay Through Date	12/31/2021		

Payee Number	Payee Name / Mailing Address	Stub Message	Document Ty	Number	Itm	Co	Due Date	Invoice Number	Payment Amount
		MISC J. OLIVERIUS	PV	105594	001	09101	1/26/2021	268195	109.30
							Summary Total		109.30
							Payment Amount		785.05
116015	AXON ENTERPRISE INC	BLACK CEW HANDLES	PV	105429	001	09101	1/21/2021	SI-1711131	2,326.18
	AXON ENTERPRISE INC 17800 NORTH 85TH STREET SCOTTSDALE AZ 85255							Summary Total	2,326.18
								Payment Amount	2,326.18
108513	BLAINE LOCK AND SAFE INC	10 KEY CUTS	PV	105549	001	09101	1/21/2021	25130	42.50
	BLAINE LOCK AND SAFE INC 10136 SUNSET AVENUE BLAINE MN 55014							Summary Total	42.50
								Payment Amount	42.50
116439	CANTEEN VENDING	5 FILTER CHANGES	PV	105433	001	09101	1/13/2021	MSP22016	425.00
	CANTEEN VENDING P O BOX 91337 CHICAGO IL 60693-1337							Summary Total	425.00
								Payment Amount	425.00
110536	CBIZ FINANCIAL SOLUTIONS INC	4TH QTR 20 ADV SERVICES	PV	105517	001	09101	12/31/2020	5605	35.60
	CBIZ FINANCIAL SOLUTIONS INC P O BOX 643792 CINCINNATI OH 45264-3792							Summary Total	35.60
								Payment Amount	35.60
118179	COLUMBIA WINDOW FILM AND GRAPHICS LLC	PD SAFETY WINDOW FILM	PV	105437	001	09101	1/17/2021	50305	10,440.00
	COLUMBIA WINDOW FILM AND GRAPHICS LLC 5100 EDINA INDUSTRIAL BLVD #224 EDINA MN 55439							Summary Total	10,440.00
								Payment Amount	10,440.00
100116	CONNEXUS ENERGY	SIRENS	PV	105595	001	09101	1/21/2021	759126-303095 JAN 21	85.00

CITY OF RAMSEY
Create Payment Control Groups

Payment Group Control Number 3161
Bank Account 999.1010 CASH IN BANK 00002224
Version LOGIS004V
Originator JLIPSKI
Payment Instrument Check Payment
Pay Through Date 12/31/2021

Payee Number	Name / Mailing Address	Stub Message	Ty	Document Number	Itm	Co	Due Date	Invoice Number	Payment Amount
	CONNEXUS ENERGY				Summary Total				85.00
	PO BOX 1808	MISC CITY ACCOUNTS	PV	105596	001	09230	1/21/2021	759126-303107 JAN 21	74.22
	MINNEAPOLIS MN 55480-1808	MISC CITY ACCOUNTS	PV	105596	002	09230	1/21/2021	759126-303107 JAN 21	1,851.16
		MISC CITY ACCOUNTS	PV	105596	003	09230	1/21/2021	759126-303107 JAN 21	28.76
		MISC CITY ACCOUNTS	PV	105596	004	09230	1/21/2021	759126-303107 JAN 21	593.43
		MISC CITY ACCOUNTS	PV	105596	005	09230	1/21/2021	759126-303107 JAN 21	5,214.50
		MISC CITY ACCOUNTS	PV	105596	006	09230	1/21/2021	759126-303107 JAN 21	5,012.56
		MISC CITY ACCOUNTS	PV	105596	007	09230	1/21/2021	759126-303107 JAN 21	207.08
					Summary Total				12,981.71
		STREET LIGHTS	PV	105597	001	09603	1/21/2021	759126-303101 JAN 21	10,185.10
					Summary Total				10,185.10
		WELLS/WTR TWR/LIFT STATIONS	PV	105598	001	09601	1/21/2021	759126-303102 JAN 21	7,042.01
		WELLS/WTR TWR/LIFT STATIONS	PV	105598	002	09601	1/21/2021	759126-303102 JAN 21	1,174.07
					Summary Total				8,216.08
		TRAFFIC LIGHTS	PV	105599	001	09101	1/21/2021	759126-303100 JAN 21	946.48
					Summary Total				946.48
		MISC PW ACCOUNTS	PV	105600	001	09101	1/21/2021	759126-303106 JAN 21	963.61
		MISC PW ACCOUNTS	PV	105600	002	09101	1/21/2021	759126-303106 JAN 21	321.20
		MISC PW ACCOUNTS	PV	105600	003	09101	1/21/2021	759126-303106 JAN 21	321.20
		MISC PW ACCOUNTS	PV	105600	004	09101	1/21/2021	759126-303106 JAN 21	321.21
		MISC PW ACCOUNTS	PV	105600	005	09101	1/21/2021	759126-303106 JAN 21	1,118.21
					Summary Total				3,045.43
					Payment Amount				35,459.80
100117	CONNEXUS ENERGY	STREET LIGHT-14199 JASPAR ST	PV	105532	001	09603	11/16/2020	LGT0000811	348.00
	CONNEXUS ENERGY 14601 RAMSEY BLVD NW RAMSEY MN 55303				Summary Total				348.00

CITY OF RAMSEY
Create Payment Control Groups

Payment Group Control Number	3161		
Bank Account	999.1010	CASH IN BANK	00002224
Version	LOGIS004V		
Originator	JLIPSKI		
Payment Instrument	Check Payment		
Pay Through Date	12/31/2021		

Payee Number	Payee Name / Mailing Address	Stub Message	Document Ty	Number	Itm	Co	Due Date	Invoice Number	Payment Amount
				Payment Amount					348.00
115887	DVS RENEWAL	RENEWAL SQUAD 366	PV	105440	001	09101	1/26/2021	012621A	14.25
	DVS RENEWAL PO BOX 64587 ST PAUL MN 55164-0587			Summary Total					14.25
				Payment Amount					14.25
115887	DVS RENEWAL	RENEWAL SQUAD 367	PV	105441	001	09101	1/26/2021	012621B	14.25
	DVS RENEWAL PO BOX 64587 ST PAUL MN 55164-0587			Summary Total					14.25
				Payment Amount					14.25
115887	DVS RENEWAL	RENEWAL SQUAD 396	PV	105442	001	09101	1/26/2021	012621C	14.25
	DVS RENEWAL PO BOX 64587 ST PAUL MN 55164-0587			Summary Total					14.25
				Payment Amount					14.25
100169	EMERGENCY APPARATUS MAINTENANCE INC	REPAIR 556	PV	105446	001	09101	1/20/2021	115545	472.07
	EMERGENCY APPARATUS MAINTENANCE INC 7512 4TH AVENUE LINO LAKES MN 55014			Summary Total					472.07
				Payment Amount					472.07
100143	FERGUSON WATERWORKS # 2516	METER GASKETS	PV	105569	001	09601	1/26/2021	0468849	43.68
	FERGUSON WATERWORKS 2516 P O BOX 802817 CHICAGO IL 60680-2817			Summary Total					43.68
				Payment Amount					43.68
115760	HENRY SCHEIN INC	FINGER TIP OXIMETER/MISC	PV	105450	001	09101	1/5/2021	88153938	77.51
	HENRY SCHEIN INC DEPT CH 10241			Summary Total					77.51
		HANDHELD SUCTION DEVICE	PV	105451	001	09101	1/13/2021	88153940	62.46

CITY OF RAMSEY
Create Payment Control Groups

Payment Group Control Number 3161
Bank Account 999.1010 CASH IN BANK 00002224
Version LOGIS004V
Originator JLIPSKI
Payment Instrument Check Payment
Pay Through Date 12/31/2021

Payee Number	Name / Mailing Address	Stub Message	Document Ty	Number	Itm	Co	Due Date	Invoice Number	Payment Amount
	PALATINE IL 60055-0241			Summary Total					62.46
		ISOLATION GOWNS	PV	105452	001	09101	1/12/2021	88493326	15.73
				Summary Total					15.73
				Payment Amount					155.70
106324	INSPECTRON INC	DEC 20 SERVICES	PV	105537	001	09101	1/15/2021	011521	9,200.00
	INSPECTRON INC CODE COMPLIANCE INSPECTIONS 15120 CHIPPENDALE AVE SUITE 202 ROSEMOUNT MN 55068			Summary Total					9,200.00
				Payment Amount					9,200.00
100256	LANO EQUIPMENT INC	HANDLE BAR/BULB FRONT	PV	105513	001	09101	1/19/2021	02-808415	71.30
	LANO EQUIPMENT INC 6140 HIGHWAY 10 NW ANOKA MN 55303			Summary Total					71.30
				Payment Amount					71.30
117918	MACQUEEN EMERGENCY	CAL GAS MONITORS	PV	105455	001	09101	1/7/2021	16730	270.00
	MACQUEEN EMERGENCY 1125 7TH STREET E ST PAUL MN 55106			Summary Total					270.00
				Payment Amount					270.00
108208	METRO PRODUCTS INC	SHOP SUPPLIES	PV	105458	001	09101	1/21/2021	156844	52.56
	METRO PRODUCTS INC			Summary Total					52.56
	7401 CENTRAL AVENUE NE	MISC SUPPLIES	PV	105575	001	09101	1/27/2021	157005	106.25
	FRIDLEY MN 55432			Summary Total					106.25
				Payment Amount					158.81
100345	NAPA AUTO PARTS ELK RIVER	PD MISC SUPPLIES	PV	105460	001	09101	1/18/2021	095842	86.96
	NAPA AUTO PARTS ELK RIVER			Summary Total					86.96
	17137 YALE STREET NW	5W30 OIL	PV	105461	001	09101	1/7/2021	094645	13.14
	P O BOX 1041			Summary Total					13.14
	ELK RIVER MN 55330	WIPER BLADES	PV	105462	001	09101	1/7/2021	094643	33.98
				Summary Total					33.98
				Payment Amount					

CITY OF RAMSEY
Create Payment Control Groups

Payment Group Control Number	3161		
Bank Account	999.1010	CASH IN BANK	00002224
Version	LOGIS004V		
Originator	JLIPSKI		
Payment Instrument	Check Payment		
Pay Through Date	12/31/2021		

Payee Number	Payee Name / Mailing Address	Stub Message	Document Ty	Document Number	Itm	Co	Due Date	Invoice Number	Payment Amount
									134.08
100360	NORTH STAR TOWING INC	TOW SQUAD 394	PV	105463	001	09702	1/22/2021	76637	161.00
	NORTH STAR TOWING INC 833 NORTH STREET ANOKA MN 55303			Summary Total					161.00
				Payment Amount					161.00
111368	POLLARDWATER	MISC PARTS	PV	105578	001	09602	1/13/2021	0183199	457.93
	POLLARDWATER P O BOX 417592 BOSTON MA 02241-7592			Summary Total					457.93
		MISC PARTS	PV	105579	001	09601	1/25/2021	0183934	179.06
				Summary Total					179.06
		METER PARTS	PV	105580	001	09602	1/21/2021	0183205	129.90
				Summary Total					129.90
				Payment Amount					766.89
107711	SCHINDLER ELEVATOR	FEB-APR 21 QTR BILLING	PV	105465	001	09101	2/1/2021	8105542345	695.49
	SCHINDLER ELEVATOR P O BOX 93050 CHICAGO IL 60673-3050			Summary Total					695.49
				Payment Amount					695.49
100440	SHORT ELLIOT HENDRICKSON INC	DEC 20 SERVICES	PV	105543	001	09601	1/14/2021	399372	4,039.84
	SHORT ELLIOT HENDRICKSON INC P O BOX 64780 ST PAUL MN 55164-0780			Summary Total					4,039.84
				Payment Amount					4,039.84
118197	STORM COMBATIVES TRAINING AND CONSULT	TRAINING MAY 10-14, 2021	PV	105584	001	09101	1/26/2021	1131	3,196.00
	STORM TRAINING GROUP 10181 LAUREL DRIVE EDEN PRAIRIE MN 55347			Summary Total					3,196.00
				Payment Amount					3,196.00
108522	TOTAL CONTROL SYSTEMS,	WELL 6 FAN/WELL 8	PV	105586	001	09601	1/27/2021	9647	2,317.10

CITY OF RAMSEY
Create Payment Control Groups

Payment Group Control Number	3161		
Bank Account	999.1010	CASH IN BANK	00002224
Version	LOGIS004V		
Originator	JLIPSKI		
Payment Instrument	Check Payment		
Pay Through Date	12/31/2021		

Payee Number	Name / Mailing Address	Stub Message	Document Ty	Number	Itm	Co	Due Date	Invoice Number	Payment Amount
	INC	LEVEL PROBE							
	TOTAL CONTROL SYSTEMS, INC P O BOX 40 STANCHFIELD MN 55080							Summary Total	2,317.10
								Payment Amount	2,317.10
110456	W S DARLEY AND CO	3 LED FLASHLIGHTS	PV	105587	001	09602	1/21/2021	17422821	504.33
	W S DARLEY AND CO SLOT A-74 P O BOX 66973 CHICAGO IL 60666-0973							Summary Total	504.33
								Payment Amount	504.33
113539	WINSUPPLY TWIN CITIES MN CO.	MISC PARTS	PV	105610	001	09601	1/21/2021	135807 01	28.19
	WINSUPPLY TWIN CITIES MN CO. 13930 RADIUM STREET NW RAMSEY MN 55303							Summary Total	28.19
								Payment Amount	28.19
								Total Amount to be Processed	82,074.36
								Total Number of Payments to be Processed	30

CITY OF RAMSEY
Create Payment Control Groups

Payment Group Control Number	3162		
Bank Account	999.1010	CASH IN BANK	00002224
Version	LOGIS004V		
Originator	JLIPSKI		
Payment Instrument	T	A/P ACH Payment	
Pay Through Date	12/31/2021		

Payee Number	Name / Mailing Address	Stub Message	Ty	Document Number	Itm	Co	Due Date	Invoice Number	Payment Amount
116603	ADRENALINE SPORTS CENTER INC	PD NEW HIRE- FIELD 1/23/21	PV	105547	001	09101	1/21/2021	012121	340.00
	ADRENALINE SPORTS CENTER INC 8310 147TH LANE NW RAMSEY MN 55303			Summary Total					340.00
				Payment Amount					340.00
100625	ALEX AIR APPARATUS INC	COMPRESSOR	PV	105423	001	09234	1/11/2021	INV-43004	23,025.00
	ALEX AIR APPARATUS INC 11897 COUNTY ROAD 87 SE ALEXANDRIA MN 56308			Summary Total					23,025.00
				Payment Amount					23,025.00
107587	ANOKA COUNTY TREASURY DEPARTMENT	FEB 21 CAC FIBER	PV	105424	001	09101	1/20/2021	B210119M	492.00
	ANOKA COUNTY TREASURY DEPARTMENT			Summary Total					492.00
	2100 THIRD AVENUE	JUL/AUG 20-QTR 3 SIGNALS	PV	105515	001	09101	1/22/2021	HWYSQ32020	220.61
	ANOKA MN 55303			Summary Total					220.61
				Payment Amount					712.61
116848	BAYCOM INC	BATTERIES FOR SQUAD MICS	PV	105430	001	09101	1/19/2021	EQUIPINV_030782	585.00
	BAYCOM INC N16 W23217 STONE RIDGE DRIVE # 250 WAUKESHA WI 53188			Summary Total					585.00
				Payment Amount					585.00
100647	BOLTON AND MENK INC	RIVERDALE DR LRIP DEC 20	PV	105516	001	09402	1/21/2021	0263558	910.00
	BOLTON AND MENK INC			Summary Total					910.00
	1960 PREMIER DRIVE	RIVERDALE DR NOV/DEC 20	PV	105544	001	09402	1/21/2021	0263556	8,822.00
	MANKATO MN 56001-5900			Summary Total					8,822.00
		BUSINESS PRK NOV/DEC 20	PV	105545	001	09435	1/21/2021	0263557	3,147.50
				Summary Total					3,147.50
		RE: TIGER ST NOV/DEC 20	PV	105546	001	09435	1/21/2021	0263559	2,170.00

CITY OF RAMSEY
Create Payment Control Groups

Payment Group Control Number	3162		
Bank Account	999.1010	CASH IN BANK	00002224
Version	LOGIS004V		
Originator	JLIPSKI		
Payment Instrument	T	A/P ACH Payment	
Pay Through Date	12/31/2021		

Payee Number	Payee Name / Mailing Address	Stub Message	Document Ty	Number	Itm	Co	Due Date	Invoice Number	Payment Amount
				Summary Total					2,170.00
				Payment Amount					15,049.50
103641	BOYER TRUCKS ROGERS	BLOCK FUSE	PV	105431	001	09101	1/22/2021	90224R	193.73
	BOYER TRUCKS			Summary Total					193.73
	P O BOX 18338	WORK ON 662	PV	105432	001	09101	1/21/2021	485630	1,596.00
	MINNEAPOLIS MN 55418	WORK ON 662	PV	105432	002	09101	1/21/2021	485630	567.24
				Summary Total					2,163.24
		CLAMP/PIPE TURBO	PV	105550	001	09101	1/29/2021	90384R	273.05
				Summary Total					273.05
		WORK ON 662	PV	105551	001	09101	1/27/2021	485700	1,846.01
				Summary Total					1,846.01
				Payment Amount					4,476.03
116197	CINTAS CORPORATION	UNIFORM CLEANING	PV	105434	001	09101	1/20/2021	4073527610	172.54
	CINTAS CORPORATION	UNIFORM CLEANING	PV	105434	002	09101	1/20/2021	4073527610	5.00
	CINTAS LOC #4K	UNIFORM CLEANING	PV	105434	003	09101	1/20/2021	4073527610	10.27
	P O BOX 650838	UNIFORM CLEANING	PV	105434	004	09101	1/20/2021	4073527610	10.27
	DALLAS TX 75265-0838			Summary Total					198.08
		MATS- FIRE DEPT	PV	105435	001	09101	1/13/2021	4072869869	16.56
				Summary Total					16.56
		UNIFORMS	PV	105436	001	09101	1/13/2021	4072870092	326.59
		UNIFORMS	PV	105436	002	09101	1/13/2021	4072870092	5.00
				Summary Total					331.59
		UNIFORM CLEANING	PV	105552	001	09101	1/27/2021	4074227284	208.76
		UNIFORM CLEANING	PV	105552	002	09101	1/27/2021	4074227284	4.36
		UNIFORM CLEANING	PV	105552	003	09101	1/27/2021	4074227284	17.20
		UNIFORM CLEANING	PV	105552	004	09101	1/27/2021	4074227284	17.20
				Summary Total					247.52
				Payment Amount					793.75
110734	CITY OF RAMSEY	14700 ERKIUM ST NW	PV	105518	001	09101	1/25/2021	726294 4TH QTR 20	43.53
	CITY OF RAMSEY			Summary Total					43.53
	P O BOX 251100	16303 QUICKSILVER ST NW	PV	105519	001	09101	1/25/2021	724874 4TH QTR 20	134.62
	ST PAUL MN 55125-6100			Summary Total					134.62
		7401 E RAMSEY PKWY	PV	105520	001	09101	1/25/2021	724628 4TH QTR 20	118.67
				Summary Total					118.67
		161ST AVE/URANIMATE IRRG E	PV	105521	001	09101	1/25/2021	727918 4TH QTR 20	2.43

Payment Group Control Number 3162
Bank Account 999.1010 CASH IN BANK 00002224
Version LOGIS004V
Originator JLIPSKI
Payment Instrument T A/P ACH Payment
Pay Through Date 12/31/2021

Payee Number	Payee Name / Mailing Address	Stub Message	Document Ty	Document Number	Itm	Co	Due Date	Invoice Number	Payment Amount
				Summary Total					2.43
		161ST/URANIMATE IRRIG W	PV	105522	001	09101	1/25/2021	727919 4TH QTR 20	2.43
				Summary Total					2.43
		14700 TOWN CENTER DR NW	PV	105523	001	09101	1/25/2021	724470 4TH QTR 20	2.43
				Summary Total					2.43
		6860 RIVERDALE DR NW	PV	105524	001	09101	1/25/2021	723960 4TH QTR 20	118.67
				Summary Total					118.67
		14779 ZEOLITE ST NW	PV	105525	001	09101	1/25/2021	722164 4TH QTR 20	2.43
				Summary Total					2.43
		16303 QUICKSILVER IRRIG	PV	105526	001	09101	1/25/2021	724931 4TH QTR 20	2.43
				Summary Total					2.43
		7550 SUNWOOD DR	PV	105527	001	09101	1/25/2021	444931294 4TH QTR 20	243.16
				Summary Total					243.16
		7650 SUNWOOD DR	PV	105528	001	09240	1/25/2021	444931372 4TH QTR 20	118.67
				Summary Total					118.67
		5650 ALPINE DR- FIRE STATION	PV	105529	001	09101	1/25/2021	726528 4TH QTR 20	337.44
				Summary Total					337.44
		15050 ARMSTRONG BLVD NW	PV	105530	001	09101	1/25/2021	727978 4TH QTR 20	563.55
				Summary Total					563.55
		6701 HWY 10 NW	PV	105531	001	09410	1/25/2021	719019 4TH QTR 20	616.94
				Summary Total					616.94
				Payment Amount					2,307.40
117810	COORDINATED BUSINESS SYSTEMS LTD	7 USB POCKET READERS	PV	105553	001	09101	1/27/2021	INV132303	1,548.75
	COORDINATED BUSINESS SYSTEMS LTD 851 W 128TH STREET BURNSVILLE MN 55337			Summary Total					1,548.75
				Payment Amount					1,548.75
100129	CRYSTEEL TRUCK EQUIPMENT	CUTTING EDGES/BOLTS	PV	105438	001	09101	1/22/2021	FP180411	1,674.65
	CRYSTEEL MANUFACTURING 1130 73RD AVENUE NE			Summary Total					1,674.65
		PLOW SUPPLIES	PV	105554	001	09101	1/25/2021	FP180644	622.60

Payment Group Control Number 3162
Bank Account 999.1010 CASH IN BANK 00002224
Version LOGIS004V
Originator JLIPSKI
Payment Instrument T A/P ACH Payment
Pay Through Date 12/31/2021

Payee Number	Name / Mailing Address	Stub Message	Ty	Document Number	Itm	Co	Due Date	Invoice Number	Payment Amount
	FRIDLEY MN 55432			Summary Total					622.60
		MISC PLOW SUPPLIES	PV	105601	001	09101	2/1/2021	FP180796	215.43
				Summary Total					215.43
		MISC PARTS	PV	105606	001	09101	2/1/2021	FP180795	453.66
				Summary Total					453.66
				Payment Amount					2,966.34
113306	DEFINITIVE TECHNOLOGY SOLUTIONS INC	COPIER OVERAGE OCT-DEC 20	PV	105533	001	09101	1/22/2021	INV213387	44.84
	DEFINITIVE TECHNOLOGY SOLUTIONS INC			Summary Total					44.84
	9401 JAMES AVENUE SOUTH SUITE 120	COPIER OVERAGE OCT-DEC 20	PV	105534	001	09101	1/22/2021	INV213247	44.84
	BLOOMINGTON MN 55431			Summary Total					44.84
		COPIER JAN/FEB 21	PV	105555	001	09101	1/22/2021	INV213404	157.50
		COPIER JAN/FEB 21	PV	105555	002	09101	1/22/2021	INV213404	188.10
				Summary Total					345.60
		JAN 21 OVERAGE-COPIER	PV	105556	001	09101	1/22/2021	INV213387-21	80.02
				Summary Total					80.02
		COPIER JAN-FEB 21	PV	105557	001	09101	1/22/2021	INV213247-21	344.89
				Summary Total					344.89
				Payment Amount					860.19
100144	DEHN OIL COMPANY	DIESEL FUEL	PV	105439	001	09101	1/22/2021	80568	1,812.60
	DEHN OIL COMPANY			Summary Total					1,812.60
	6735 141ST AVENUE NW	FILTER/FUEL HOSE	PV	105558	001	09101	1/28/2021	25167189	112.90
	RAMSEY MN 55303			Summary Total					112.90
				Payment Amount					1,925.50
116175	ECKBERG LAMMERS ATTORNEYS AT LAW	JAN 21 SERVICES	PV	105607	001	09101	1/31/2021	01 2021	6,081.07
	ECKBERG LAMMERS ATTORNEYS AT LAW			Summary Total					6,081.07
	1809 NORTHWESTERN AVENUE STILLWATER MN 55082			Payment Amount					6,081.07
100158	ECM PUBLISHERS INC	2021 BUDGET SUMMARY	PV	105443	001	09101	1/15/2021	814869	118.25
	ECM PUBLISHERS INC			Summary Total					118.25

CITY OF RAMSEY
Create Payment Control Groups

Payment Group Control Number 3162
Bank Account 999.1010 CASH IN BANK 00002224
Version LOGIS004V
Originator JLIPSKI
Payment Instrument T A/P ACH Payment
Pay Through Date 12/31/2021

Payee Number	Name / Mailing Address	Stub Message	Document Ty	Number	Itm	Co	Due Date	Invoice Number	Payment Amount
	4095 COON RAPIDS BLVD	FEB 2 ELECTION ACCURACY	PV	105444	001	09101	1/22/2021	815798	26.88
	COON RAPIDS MN 55433			Summary Total					26.88
		2/16/21 BOARD COMMISSIONS AD	PV	105445	001	09101	1/15/2021	814868	48.38
				Summary Total					48.38
		NOTICE OF ELECTION	PV	105559	001	09101	1/22/2021	815797	59.13
				Summary Total					59.13
		RE: BECKER ROLLING PINES	PV	105560	001	09804	1/22/2021	815799	75.25
				Summary Total					75.25
		PH PROJECT 21-102	PV	105561	001	09804	1/22/2021	815800	75.25
				Summary Total					75.25
		PH PROJECT 21-100	PV	105562	001	09804	1/22/2021	815801	102.13
				Summary Total					102.13
		MULLER 2ND ADD	PV	105563	001	09804	1/22/2021	815802	75.25
				Summary Total					75.25
				Payment Amount					580.52
114680	ELECTRICAL PRODUCTION SERVICES INC	DEC 20 SERVICE ON CAMERAS	PV	105535	001	09240	1/28/2021	6616	735.00
	ELECTRICAL PRODUCTION SERVICES INC			Summary Total					735.00
	2431 GALPIN COURT SUITE 140	OCT 20 GROUND DATA CABINETS	PV	105536	001	09101	1/28/2021	6408	165.00
	CHANHASSEN MN 55317			Summary Total					165.00
				Payment Amount					900.00
108737	EMERGENCY AUTOMOTIVE TECHNOLOGY INC	PUSH BUMPER/GUN LOCK	PV	105588	001	09101	1/25/2021	DL011821-20	1,369.18
	EMERGENCY AUTOMOTIVE TECHNOLOGY INC 2755 GENEVA AVE N OAKDALE MN 55128			Summary Total					1,369.18
				Payment Amount					1,369.18
113321	FACTORY MOTOR PARTS CO	OIL FILTERS	PV	105564	001	09101	1/29/2021	6-1582378	29.88
	FACTORY MOTOR PARTS CO			Summary Total					29.88
	BIN 139107	AIR FILTERS	PV	105568	001	09101	1/27/2021	6-1582197	21.73
	P O BOX 9107			Summary Total					21.73

Payment Group Control Number	3162		
Bank Account	999.1010	CASH IN BANK	00002224
Version	LOGIS004V		
Originator	JLIPSKI		
Payment Instrument	T	A/P ACH Payment	
Pay Through Date	12/31/2021		

Payee Number	Name / Mailing Address	Stub Message	Document Ty	Number	Itm	Co	Due Date	Invoice Number	Payment Amount
	MINNEAPOLIS MN 55480-9107								
								Payment Amount	51.61
107099	FASTENAL	MISC PARTS	PV	105565	001	09101	1/26/2021	MNTC8192265	22.27
	FASTENAL COMPANY							Summary Total	22.27
	P O BOX 1286	MISC PARTS	PV	105566	001	09101	1/27/2021	MNTC8192283	10.56
	WINONA MN 55987							Summary Total	10.56
								Payment Amount	32.83
100186	FRANKENSIGNS INC	SIGN- STAFF ONLY	PV	105447	001	09101	1/20/2021	276925	42.00
	FRANKENSIGNS							Summary Total	42.00
	9991 GOODHUE STREET NE								
	P O BOX 490301								
	BLAINE MN 55449								
								Payment Amount	42.00
100200	GOPHER STATE ONE CALL INC	2021 ANNUAL OPERATOR FEE	PV	105448	001	09601	1/31/2021	1000690	16.66
	GOPHER STATE ONE CALL	2021 ANNUAL OPERATOR FEE	PV	105448	002	09601	1/31/2021	1000690	16.67
	7223 PARKWAY DRIVE SUITE 210	2021 ANNUAL OPERATOR FEE	PV	105448	003	09601	1/31/2021	1000690	16.67
	HANOVER MD 21076-1317							Summary Total	50.00
								Payment Amount	50.00
100204	GRAFIX SHOPPE	GRAPHICS FOR 2020 ATV	PV	105514	001	09101	1/22/2021	137339	39.02
	GRAFIX SHOPPE							Summary Total	39.02
	3240 MIKE COLLINS DRIVE								
	EAGAN MN 55121								
								Payment Amount	39.02
100211	HAWKINS INC	CHEMICALS	PV	105570	001	09601	1/18/2021	4865776	2,860.66
	HAWKINS INC							Summary Total	2,860.66
	P O BOX 860263								
	MINNEAPOLIS MN 55486-0263								
								Payment Amount	2,860.66
112475	INNOVATIVE OFFICE SOLUTIONS	OFFICE SUPPLIES	PV	105453	001	09101	1/18/2021	IN3233492	80.31

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Originator	JLIPSKI		
Payment Instrument	T	A/P ACH Payment	
Pay Through Date	12/31/2021		

Payee Number	Payee Name / Mailing Address	Stub Message	Ty	Document Number	Itm	Co	Due Date	Invoice Number	Payment Amount
	INNOVATIVE OFFICE SOLUTIONS	OFFICE SUPPLIES	PV	105453	002	09101	1/18/2021	IN3233492	9.47
	P O BOX 860627				Summary Total				89.78
	MINNEAPOLIS MN 55486-0001	OFFICE SUPPLIES	PV	105571	001	09101	1/27/2021	IN3243962	1.47
		OFFICE SUPPLIES	PV	105571	002	09101	1/27/2021	IN3243962	9.82
		OFFICE SUPPLIES	PV	105571	003	09101	1/27/2021	IN3243962	123.97
					Summary Total				135.26
		RETURN- CALENDARS	PD	105572	001	09101	1/28/2021	SCN-104868	62.93-
					Summary Total				62.93-
					Payment Amount				162.11
113658	MARCO	ECOPRINT 2021 SUPPORT	PV	105456	001	09101	1/18/2021	INV8357846	1,623.00
	MARCO				Summary Total				1,623.00
	NW 7128 PO BOX 1450	FEB 21 SERVICES	PV	105608	001	09101	2/1/2021	INV8402970	60.00
	MINNEAPOLIS MN 55485-7128				Summary Total				60.00
					Payment Amount				1,683.00
100283	MENARDS COON RAPIDS	TRASH CAN	PV	105457	001	09101	1/9/2021	42996	27.99
	MENARDS COON RAPIDS 3045 MAIN STREET COON RAPIDS MN 55433				Summary Total				27.99
					Payment Amount				27.99
100284	MENARDS ELK RIVER	MISC SUPPLIES	PV	105573	001	09601	1/22/2021	24925	522.11
	MENARDS ELK RIVER				Summary Total				522.11
	19521 EVANS STREET NW	MISC SUPPLIES	PV	105574	001	09601	1/21/2021	24859	453.18
	ELK RIVER MN 55330-1077				Summary Total				453.18
		MISC SUPPLIES	PV	105602	001	09601	1/28/2021	25232	285.05
					Summary Total				285.05
					Payment Amount				1,260.34
100435	MINNESOTA EQUIPMENT	O RINGS	PV	105576	001	09101	1/27/2021	P39448	7.62
	MINNESOTA EQUIPMENT 13725 MAIN STREET ROGERS MN 55374				Summary Total				7.62
					Payment Amount				7.62

CITY OF RAMSEY
Create Payment Control Groups

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Payment Instrument	T	A/P ACH Payment	
Pay Through Date	12/31/2021		

Payee Number	Name / Mailing Address	Stub Message	Ty	Document Number	Itm	Co	Due Date	Invoice Number	Payment Amount
115375	MUTT MITT	REFILLS/ 2 DISPENSERS	PV	105459	001	09101	1/21/2021	387531	1,497.81
	MUTT MITT 12316 WORLD TRADE DRIVE SUITE 102 SAN DIEGO CA 92128				Summary Total				1,497.81
					Payment Amount				1,497.81
100363	NORTHERN SANITARY SUPPLY CO	CUPS	PV	105464	001	09101	1/21/2021	200773	72.08
	NORTHERN SANITARY SUPPLY CO 341 COON RAPIDS BLVD MINNEAPOLIS MN 55433				Summary Total				72.08
					Payment Amount				72.08
115232	NORTHERN TECHNOLOGIES LLC	PRESERVE NORTHFORK	PV	105603	001	09804	1/16/2021	37734	1,078.85
	NORTHERN TECHNOLOGIES LLC 3522 4TH AVENUE S FARGO ND 58103				Summary Total				1,078.85
					Payment Amount				1,078.85
115071	NORTHLAND OCCUPATIONAL HEALTH	PRE EMPLOY DRUG SCREEN	PV	105538	001	09101	10/26/2020	8377	50.00
	NORTHLAND OCCUPATIONAL HEALTH				Summary Total				50.00
	7533 SUNWOOD DRIVE NW SUITE 212	BREATH ALCOHOL TEST	PV	105577	001	09101	1/21/2021	9290	50.00
	RAMSEY MN 55303				Summary Total				50.00
					Payment Amount				100.00
113444	PRECISE	DEC 20 SERVICES	PV	105539	001	09101	1/27/2021	200-1029280	900.00
	PRECISE 501 EAST CLIFF ROAD SUITE 100 BURNSVILLE MN 55337				Summary Total				900.00
					Payment Amount				900.00
107978	PREMIER COMMERCIAL PROPERTIES INC	DEC 20 HIWAY 10 MANAGEMENT	PV	105540	001	09410	12/31/2020	7374	200.00
	PREMIER COMMERCIAL PROPERTIES INC	DEC 20 HIWAY 10 MANAGEMENT	PV	105540	002	09410	12/31/2020	7374	200.00
	299 COON RAPIDS BLVD NW #200	DEC 20 HIWAY 10 MANAGEMENT	PV	105540	003	09410	12/31/2020	7374	200.00

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Version	LOGIS004V		
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Payment Instrument	T	A/P ACH Payment	
Pay Through Date	12/31/2021		

Payee Number	Name / Mailing Address	Stub Message	Document Ty	Number	Itm	Co	Due Date	Invoice Number	Payment Amount
	COON RAPIDS MN 55433							Summary Total	600.00
								Payment Amount	600.00
113737	RATWIK ROSZAK AND MALONEY PA	DEC 20 RETAINER	PV	105541	001	09101	12/31/2020	67997	3,215.00
	RATWIK ROSZAK AND MALONEY PA							Summary Total	3,215.00
	300 U.S. TRUST BUILDING	DEC 20 SERVICES	PV	105542	001	09101	12/31/2020	67996	1,668.00
	730 SECOND AVENUE SOUTH MINNEAPOLIS MN 55402							Summary Total	1,668.00
								Payment Amount	4,883.00
117396	RIHM KENWORTH	MISC PARTS 672	PV	105581	001	09101	1/28/2021	3065484G	1,829.91
	RIHM KENWORTH							Summary Total	1,829.91
	425 CONCORD STREET S	MODULE/SENSOR MISC 672	PV	105582	001	09101	1/28/2021	3065399G	3,445.82
	SOUTH ST PAUL MN 55075							Summary Total	3,445.82
		CLAMP/GASKET	PV	105583	001	09101	1/28/2021	3065474G	95.87
								Summary Total	95.87
								Payment Amount	5,371.60
100976	SHRED IT	PD SHREDDING	PV	105466	001	09101	1/15/2021	8181275804	88.47
	SHRED IT USA MINNEAPOLIS 28883 NETWORK PLACE CHICAGO IL 60673-1288							Summary Total	88.47
								Payment Amount	88.47
110313	SUMMIT COMPANIES	1/12/21 SERVICE CALL-DETECTOR	PV	105585	001	09240	1/15/2021	130005730	300.00
	SUMMIT COMPANIES P O BOX 6205 CAROL STREAM IL 60197-6205							Summary Total	300.00
								Payment Amount	300.00
100485	TIMESAVER OFF SITE SECRETARIAL INC	JAN 21 MEETING	PV	105467	001	09101	1/14/2021	M26161	404.63
	TIMESAVER OFF SITE SECRETARIAL INC							Summary Total	404.63
	21021 KAROLINE COURT N	JAN 21 MEETINGS	PV	105609	001	09101	1/28/2021	M26195	1,791.50
	FOREST LAKE MN 55025							Summary Total	1,791.50
								Payment Amount	2,196.13

CITY OF RAMSEY
Create Payment Control Groups

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Payment Instrument	T	A/P ACH Payment	
Pay Through Date	12/31/2021		

Payee Number	Name / Mailing Address	Stub Message	Document Ty	Number	Itm	Co	Due Date	Invoice Number	Payment Amount
100539	WRIGHT TIRE SERVICE INC	6 TIRES/MOUNTED	PV	105468	001	09101	1/14/2021	85628	1,889.79

WRIGHT TIRE SERVICE INC
710 WEST MAIN STREET
ANOKA MN 55303

Summary Total	1,889.79
Payment Amount	1,889.79
Total Amount to be Processed	88,715.75
Total Number of Payments to be Processed	39

Councilmember introduced the following resolution and moved for its adoption:

RESOLUTION #21-039

RESOLUTION APPROVING CASH DISBURSEMENTS MADE AND AUTHORIZING PAYMENT OF ACCOUNTS PAYABLE INVOICING RECEIVED DURING THE PERIOD OF JANUARY 21, 2021 THROUGH FEBRUARY 3, 2021

WHEREAS, the City of Ramsey Finance Department has made cash disbursements and received accounts payable invoicing during the period of January 21, 2021, through February 3, 2021, in the amount of $ 989,776.24 and

WHEREAS, the City Council of the City of Ramsey is required to authorize payment for all disbursement transactions.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

1) That the Ramsey City Council hereby approves the cash disbursements made and authorizes payment of the accounts payable invoices as detailed in the attached Bills List for the period January 21, 2021, through February 3, 2021, in the amount of $ 989,776.24.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember , and upon vote being taken thereon, the following voted in favor thereof:

Mayor Kuzma
Councilmember
Councilmember
Councilmember
Councilmember
Councilmember

and the following voted against the same:

None

and the following abstained:

None

and the following were absent:

Existing Vacancy

Whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 8th day of February, 2021.

_____
Mayor

ATTEST:

_____
City Clerk

CC Regular Session **5. 3.**

Meeting Date: 02/08/2021

Submitted For: Sean Sullivan, Community Development

By: Sean Sullivan, Community Development

Information

Title:

Adopt Resolution #21-026 Approving Restaurant Assistance Plan: WAC (Water Availability Charge) Program and Approving Loan for Pleasant Valley Sunrise Group LLC dba (doing business as) Aurelio's Pizza

Purpose/Background:

Purpose / Background:

The purpose of this case is to review the proposed the request for assistance and to consider extending or amending the current Restaurant Subsidy Program. Feedback from residents, businesses, visitors, and elected/appointed officials states that attracting more restaurants is a priority for Ramsey. On July 24, 2018 the City of Ramsey adopted a WAC (Water Availability Charge) Assistance program that is set to sunset on July 31, 2021. This Restaurant Subsidy Program is only for "new for-profit restaurants" but does have the ability to consider exceptions for existing businesses that are relocating or expanding. The city has received an application from Pleasant Valley Sunrise Group LLC dba Aurelio's Pizza for financial assistance relating to SAC (Sewer Availability Charge) and WAC Fees for an expansion.

The Covid-19 Pandemic has been very hard on Ramsey restaurant businesses. The fact that we have an existing business willing to take the risk to expand its footprint during these times is unexpected. The proposed expansion would add a banquet space and more efficiency to its existing restaurant concept. The SAC Charge (from Metropolitan Council) is estimated to be $14,910 and the WAC Charge (from City of Ramsey) is estimated to be $8,190. These fees total $23,100. Pleasant Valley Sunrise Group LLC dba Aurelio's Pizza is requesting as much assistance as possible to help mitigate these fees. The EDA supports the application and consideration for financial assistance.

Notification:

N/A

Observations/Alternatives:

Observations:

Project costs for this expansion are $75,000. The owner is applying $50,000 in SBA (Small Business Administration) Financing, private cash equity and a City of Ramsey SAC and WAC Loan. Staff supports approval of a 70%, 0% interest loan, forgivable loan for both the SAC an WAC Fees in the amount of $16,170; subject to satisfactory underwriting. The applicant would also be required to pay $6,930 (30%) for the SAC and WAC charges upfront and closing costs estimated to be $500-$750. The financing of this deal would include a loan agreement, and a subordinated UCC filing against collateral owned by the applicant. The applicant leases the space and a real estate mortgage would not be obtainable in this circumstance. Staff will work with the applicant to gather necessary financial information necessary to complete underwriting of the loan.

The current Restaurant Subsidy Program would require an amendment or a City Council exception to allow for both the SAC and WAC forgivable loan. The program has been extended and/or modified multiple times in the past to address current economic conditions and City retail/restaurant goals. The current Restaurant Subsidy Program sunsets on 7/31/21.

The EDA reviewed this item on January 14th and the draft minutes are attached for review.

Alternatives:

Loan Approval

1. City Council approval of a $16,170 SAC and WAC Loan to Pleasant Valley Sunrise Group LLC dba Aurelio's Pizza (would also need to amend the Restaurant Subsidy Program, or request action to allow for SAC and WAC to be eligible for the loan)
2. Something Else

Restaurant Subsidy Program Changes and or Extensions

1. City Council to amend the Restaurant Subsidy Program to allow for both SAC and WAC charges to be eligible for loans and to Sunset on July 31, 2024 (3 year extension)
2. City Council to amend the current Restaurant Subsidy Program to Sunset on July 31, 2024 (3 year extension)
3. City Council to to amend the Restaurant Subsidy Program to allow for both SAC and WAC charges to be eligible for loans and to allow for expansions to existing full service restaurants that result in additional SAC and WAC Charges be permitted.

Funding Source:

Funding for financial assistance would come from the City's EDA Cash Balance. The EDA Cash Balance is estimated to be $1.137M but the year has not been closed out by Finance.

Recommendation:

The EDA recommends that the City Council amend the Restaurant Subsidy Program to allow for both SAC and WAC charges to be eligible for loan and to allow for expansion to existing restaurants to be permitted. The Draft policy is attached.

and;

The EDA recommends approval of 70%, 0% interest loan, forgivable loan for both the SAC and WAC Charges in the amount of $16,170 for Pleasant Valley Sunrise Group LLC dba Aurelio's Pizza; subject to satisfactory underwriting.

Action:

Motion to Adopt Resolution #21-026 approving modification to the Restaurant Subsidy Policy: WAC Program and approving loan for Pleasant Valley Sunrise Group LLC dba Aurelio's Pizza; subject to City Attorney review and satisfactory underwriting.

Attachments

ACTION Resolution #21-026

Loan Application and Construction Plans

Draft WAC AND SAC Program REDLINE

ACTION - Draft WAC AND SAC Program CLEAN

Excerpt of 1.14.21 EDA Minutes

Form Review

Inbox	Reviewed By	Date
Sean Sullivan (Originator)	Sean Sullivan	02/02/2021 03:38 PM
Tim Gladhill	Tim Gladhill	02/03/2021 10:28 AM
Kurt Ulrich	Kurt Ulrich	02/04/2021 01:56 PM
Form Started By: Sean Sullivan		Started On: 01/08/2021 09:56 AM

Final Approval Date: 02/04/2021

Councilmember _____ introduced the following resolution and moved for its adoption:

RESOLUTION #21-026

RESOLUTION APPROVING LOAN AND MODIFICATION TO WAC PROGRAM FOR PLEASANT VALLEY SUNRISE GROUP LLC DBA AURELIO'S PIZZA

WHEREAS, the City of Ramsey, created a WAC Loan Program for restaurants on July 24, 2018 that sunsets on July 31, 2021; and

WHEREAS, Pleasant Valley Sunrise Group LLC dba Aurelio's Pizza ("Aurelio's") submitted an application requesting a, 0% interest, forgivable loan for 70% of the $23,100 in SAC and WAC Charges due for the proposed restaurant expansion totaling $16,170; and

WHEREAS, an amendment to the existing WAC Loan Program to allow for SAC and WAC Charges and the expansion to existing restaurants to be eligible would be need to be adopted to allow for approval of the loan requested by Aurelio's; and

WHEREAS, the EDA met on January 14, 2021 and recommended that City Council approve a 70%, 0% interest, forgivable loan for Aurelio's and to amend the WAC Loan Program to permit SAC Charges and expansions to existing full service restaurants; and

WHEREAS, Pleasant Valley Sunrise Group LLC is Active / in Good Standing with office of the Minnesota Secretary of State as of 2/2/2021

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

1) That the City Council approves and amendment to the Restaurant Subsidy Program to allow for both SAC and WAC charges to be eligible for loan and to allow for expansion to existing restaurants to be permitted.
2) That the City Council approves a $16,170 loan to Pleasant Valley Sunrise Group LLC dba Aurelio's Pizza; subject to satisfactory underwriting.
3) The City Council authorizes the execution of required loan documents by the Mayor and City Administrator.
4) The $16,170 loan is to be funded from the EDA Cash balance.

That the motion for the adoption of the foregoing resolution was duly seconded by _____, and upon vote being taken thereon, the following voted in favor:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this 8th day of February, 2021.

_____
Mayor

ATTEST:

_____
City Clerk

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EXHIBIT A

BUSINESS ASSISTANCE APPLICATION

A. APPLICANT INFORMATION

Name of Corporation/Partnership Pleasant Valley Sunrise Group LLC

Address 6415 US Hwy 10

Primary Contact Randall Stawski

Address [redacted] Ramsey 55303

Phone [redacted] Fax _____ E-mail [redacted]

Type of business assistance requested (select one):

☐ Tax Abatement ☐ Tax Increment Financing ☐ Revolving Loan Fund ☒ Other

Have you been, or are you currently, involved in any bankruptcy proceedings or lawsuits related to other development projects with which you have been involved? If yes, please provide an explanation.

☐ Yes ☒ No

On a separate sheet, please provide the following:

- Brief description of the corporation/partnership's business, including history, principal product or service, etc. **Attach as Part 1.**
- List names of officers and shareholders/partners with more than five percent (5%) interest in the corporation/partnership. **Attach as Part 2.**
- Brief description of the proposed project. **Attach as Part 3.**
- A *but for* analysis and narrative. **Attach as Part 4.**
- Completed Revolving Loan Fund Application. **Attach as Part 5 if required.**

Attorney Name _____

Address _____

Phone _____ Fax _____ E-mail _____

Contractor Name Pleasant Valley Sunrise Group LLC

Address [redacted] Ramsey MN 55303

Phone [redacted] _____ E-mail Randy@PVHMN.com

Engineer Name _____

Address _____

Phone _____ Fax _____ E-mail _____

Architect Name Anderson Design

Address 8400 Cedar Lake RD S St Louis Park 55426

Phone [redacted] _____ E-mail _____

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B. PROJECT INFORMATION

The project will be: (Check all that apply)

- ☐ Industrial: (☐ New Construction ☐ Redevelopment/Rehab ☐ Expansion)
- ☐ Office/research facility: (☐ New Construction ☐ Redevelopment/Rehab ☐ Expansion)
- ☒ Commercial: (☐ New Construction ☐ Redevelopment/Rehab ☒ Expansion)
- ☐ Housing: (☐ New Construction ☐ Redevelopment/Rehab ☐ Expansion)
- ☐ Other _____

The project will be: ☒ Owner Occupied ☐ Leased Space

- If leased space, please attach a list of names and addresses of future tenants and indicate the status of commitments or lease agreements. **Attach as Part 5.**

Project Address 6415 US Hwy 10 # 118 + 120

- Include Legal Description and PID number(s). **Attach as Part 6.**

Site Plan Attached: ☒ Yes ☐ No

Current Real Estate Taxes on Project Site:$ NA

Estimated Real Estate Taxes Upon Completion: Phase I $ NA
Phase II $_____
Phase III $_____
Total $_____

Construction Start Date: Jan 2021

Construction Completion Date: May 15 2021

If Phased Project: _____ % Completed in _____ years
_____ % Completed in _____ years
_____ % Completed in _____ years

C. PUBLIC PURPOSE OBJECTIVES

It is the policy of the City and EDA of Ramsey that the business assistance should result in a public benefit as identified in items 1-10 below. Please indicate how the proposed project will accomplish this by checking the appropriate boxes. **Attach additional narrative as Part 7.**

- ☐ 1. To encourage redevelopment.
- ☐ 2. To retain local jobs and/or increase the number and diversity of jobs that offer stable employment and/or attractive wages and benefits.
- ☐ 3. To enhance and/or diversify the City's economic base.
- ☐ 4. To encourage additional unsubsidized private (re)development.
- ☐ 5. To remove blight and/or encourage (re)development of commercial and industrial areas.
- ☐ 6. To create housing opportunities.
- ☐ 7. To provide a diversity of housing.
- ☐ 8. To provide a variety of family housing ownership alternatives and housing choices.
- ☐ 9. To promote neighborhood stabilization and revitalization by the removal of blight and the upgrading of existing housing stock in residential areas.
- ☐ 10. To accomplish other public policies which may be adopted such as the promotion of quality urban or architectural design, energy conservation, and decreasing capital and/or operating costs of local government.
  - Utilization of architectural and landscaping techniques that will enable the components of the project to blend with the natural environment.
  - Mitigation of project impact on the natural environment.

D. SOURCES & USES OF FUNDS

Attach additional information as Part 8

SOURCES	AMOUNT
Bank Loan SBA	$ 50,000.00
Other Loans WAC/SAC	$ 16,170.00
Owner Equity	$ 8,830.00
Fed Grant/Loan	$
State Grant/Loan	$
Industrial Development Bonds	$
Tax Increment Financing	$
Tax Abatement	$
Revolving Loan Fund	$
Other	$
TOTAL	$ 75,000.00

USES	AMOUNT
Land Acquisition	$
Site Development	$
Construction	$ 51,900.00
Machinery & Equipment	$
Architectural/Engineering Fees	$
Debt Service Reserve	$
Contingencies	$
Other Sas/Wac	$ 23,100.00
TOTAL	$ 75,000.00

Total Amount of business assistance requested from either Revolving Loan Fund, Abatement, Tax Increment Financing or another source: $ 16,170.00

E. ADDITIONAL DOCUMENTATION AND CHECKLIST

Applicants will also be required to provide the following documentation.
All personal financial information will be kept private and confidential.

- ☐ 1. Written business plan or a description of the business, ownership/ management, date established, products and services, and future plans.
- ☐ 2. Financial statements for past two years, including profit and loss statements and balance sheets.
- ☐ 3. Two year financial projections.
- ☐ 4. Personal financial statements of all major shareholders (principals) including the most recent 2 years of tax returns. (If requested.)
- ☐ 5. Letter of commitment from other sources of financing, stating terms and conditions of their participation in the project.
- ☐ 6. Administrative fee of up to $5,000. In addition to defraying the cost of staff time, the fee will be used to pay costs associated with processing this request for financial assistance such as legal, engineering and financial analysis. The City reserves the right to stop the processing of the request until additional fees are paid should the original amount be insufficient to pay such costs. That portion which remains unspent, if any, will be returned only if the project is denied approval.
- ☐ 7. Attach the following documentation:
  - _____ Part 1 – Corporation/Partnership Description
  - _____ Part 2 – List of Shareholders/Partners
  - _____ Part 3 – Description of Project
  - _____ Part 4 – *But For* Analysis
  - _____ Part 5 – List of Prospective Lessees (If requested)
  - _____ Part 6 – Legal Description, Property Identification Numbers, maps of the project area, and project renderings
  - _____ Part 7 – Public Purpose Narrative
  - _____ Part 8 – Sources & Uses of Funds – Additional Information

The undersigned certifies that all information provided in this application is true and correct to the best of the undersigned's knowledge. The undersigned authorizes the City and EDA of Ramsey to check credit references, verify financial and other information, and share this information with other political subdivisions as needed. The undersigned also agrees to provide any additional information as may be requested by the City after the filing of this application.

Applicant Name Randall J Stawski Date Jan 6 2021

By Randall J Stawski

Its Owner

Part 1

Aurelio's Pizza is a franchise restaurant in business since 1959.

It all started in Chicago. We, the Stawski Family have been in

Business for 37 years.

We offer pizza, salad, appetizers, sandwiches and full bar.

Dine-in, Carryout and Delivery.

We have a signed lease for 7 yrs with 5 yrs remaining.

We have added adjacent unit on to the lease.

Part 2

Randall J Stawski

[redacted]

Ramsey, MN 55303

Jerice E Stawski

[redacted]

Ramsey, MN 55303

Sara E Stawski

[redacted]

Anoka, MN 55303

Part 3

We are adding on an outside bar and patio.

We are also expanding next door which will add 1700 sq ft

To the restaurant. The new space will have additional seating

And full bar. It will mainly be used as a banquet room for

Birthday Parties, Sports team year end celebrations and so on.

AURELIO'S PIZZA

6415 US-10 #120, RAMSEY, MN 55303

PROJECT GENERAL NOTES

1. ALL WORK SHALL COMPLY WITH APPLICABLE FEDERAL, LOCAL AND MUNICIPAL BUILDING AND ZONING CODES, AS WELL AS ANY AND ALL REGULATORY AGENCIES, INCLUDING, BUT NOT LIMITED TO, ANSI, OSHA, ETC. GENERAL NOTES SHALL APPLY TO ALL DRAWINGS.
2. THE TERMS "CONSTRUCTION CONTRACTOR," "GENERAL CONTRACTOR, G.C., CONSTRUCTION MANAGER/MANAGEMENT" AND "CONTRACTOR SHALL BE UNDERSTOOD TO BE THE SAME UNLESS SPECIFICALLY NOTED OTHERWISE.
3. G.C. SHALL PROVIDE ALL THE DRAWINGS, COMPLETED PAPERWORK AND CERTIFICATES OF INSPECTION AND SHALL PERFORM ALL THE CONTROLLED INSPECTIONS AS REQUIRED FOR BUILDING DEPARTMENT SIGN OFF.
4. THE ARCHITECT AND THE TENANT RESERVES THE RIGHT TO ALLOW OTHER CONTRACTS TO PERFORM WORK IN CONNECTION WITH THE PROJECT. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION OF WORK AND ESTABLISHING SCHEDULES FOR ALL TRADES; THEY SHALL AFFORD OTHER CONTRACTORS REASONABLE OPPORTUNITY FOR THE INTRODUCTION AND STORAGE OF THEIR MATERIALS AND EQUIPMENT AND THE EXECUTION OF THEIR WORK.
5. ALL WORK IS TO CONFORM TO THE CONTRACT DOCUMENTS AND SHALL BE NEW AND OF THE BEST QUALITY OF THE KINDS SPECIFIED.
6. ALL MATERIALS AND EQUIPMENT SPECIFIED SHALL BE SUPPLIED, INSTALLED, CONNECTED, ERECTED, CLEANED, AND CONDITIONED AS DIRECTED BY THE SUPPLIER/MANUFACTURER, IN ACCORDANCE WITH ACCEPTED INDUSTRY STANDARD PRACTICE AND IN COMPLIANCE WITH PRODUCT WARRANTY.
7. THE CONTRACTOR SHALL IN ALL RESPECTS COMPLY WITH ALL REGULATIONS OF THE BUILDING MANAGEMENT. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN SUCH REGULATIONS FROM THE BUILDING MANAGEMENT. IN THE EVENT OF CONFLICT BETWEEN BUILDING REGULATIONS AND OTHER CONTRACT DOCUMENTS, THE ARCHITECT SHALL BE CONSULTED PRIOR TO PROCEEDING.
8. GENERAL CONTRACTOR IS RESPONSIBLE TO PROTECT, AS REQUIRED, ALL TENANT OCCUPIED AREAS WHERE FINISH WORK OR GENERAL CONSTRUCTION IS TO BE PERFORMED. GENERAL CONTRACTOR TO INSTALL ADEQUATE PROTECTION OF BUILDING PAPER, MASONITE, OR OTHER APPROVED MATERIAL ON ALL FINISHED SURFACES AS DIRECTED BY THE ARCHITECT PRIOR TO THE TENANT'S MOVING DATE, AND SHALL REMOVE SAME FOLLOWING COMPLETION OF THE MOVE
9. THE GENERAL CONTRACTOR WILL BE RESPONSIBLE FOR ALL COSTS INCURRED FOR DAMAGES CAUSED BY THEIR SUBCONTRACTORS.
10. ALL WORK SHALL CONFORM WITH THE REQUIREMENTS OF APPLICABLE CODES: RULES AND REGULATIONS ALL IN THEIR LATEST EDITION OF ALL AUTHORITIES HAVING JURISDICTION OVER WORK OF THIS TYPE, INCLUDING THE RULES AND REGULATIONS OF THE BUILDING MANAGEMENT.

ABBREVIATIONS

A.F.F.	ABOVE FINISHED FLOOR	LAV.	LAVATORY
AC.	ACOUSTICAL	L.H.	LEFT HAND
AC.T.	ACOUSTICAL TILE	L.	LENGTH
ADJ.	ADJACENT	LT.	LIGHT
ADJT.	ADJUSTABLE	LT.WT.	LIGHTWEIGHT
A/C	AIR CONDITIONING	LIN.	LINEAR
ALT.	ALTERNATE	LVR.	LOUVER
ALUM.	ALUMINUM	L.P.	LOW POINT
A.B.	ANCHOR BOLT	MFR.	MANUFACTURE (R)
ANOD.	ANODIZED	MATL.	MATERIAL (S)
APPROX.	APPROXIMATE	MAX.	MAXIMUM
ARCH.	ARCHITECT (URAL)	MECH.	MECHANIC (AL)
AUTO.	AUTOMATIC	MED.	MEDIUM
BSMT.	BASEMENT	MEMB.	MEMBRANE
BM.	BEAM	MTL.	METAL
BRG.	BEARING	MEZZ.	MEZZANINE
BET.	BETWEEN	MIN.	MINIMUM
B.L.	BUILDING LINE	MIR.	MIRROR
BLK.	BLOCK	MISC.	MISCELLANEOUS
BLKG.	BLOCKING	M.D.	MOLDING, MOULDING
BD.	BOARD	M.R.	MOISTURE RESISTANT
BOT.	BOTTOM	MT.	MOUNT (ED) (ING)
BLDG.	BUILDING	MOV.	MOVABLE
B.U.R.	BUILT UP ROOFING	MULL.	MULLION
CAB.	CABINET	NAT.	NATURAL
CPT.	CARPET (ED)	NOM.	NOMINAL
C.I.	CAST IRON	N.	NORTH
C.I.F.	CAST IN FIELD	N.I.C.	NOT IN CONTRACT
CLG.	CEILING	N.T.S.	NOT TO SCALE
CLG.HT.	CEILING HEIGHT	NO.	NUMBER
CEM.	CEMENT	OFF.	OFFICE
CTR.	CENTER	O.C.	ON CENTER (S)
C.T.	CERAMIC TILE	OPG.	OPENING
CLR.	CLEAR (ANCE)	OPP.	OPPOSITE
CLO.	CLOSET	O.D.	OUTSIDE DIAMETER
COL.	COLUMN	O.A.	OVERALL
CONC.	CONCRETE (CAST IN PLACE)	PARQ.	PARQUET FLOORING
C.M.U.	CONCRETE MASONRY UNIT	PTD.	PAINT (ED)
CONST.	CONSTRUCTION	PNL.	PANEL
CONST.JT.	CONSTRUCTION JOINT	P.BD.	PARTICLE BOARD
CONT.	CONTINUOUS/CONTINUE	PTN.	PARTITION
C.J.	CONTROL JOINT	PERF.	PERFORATE (D)
C.G.	CORNER GUARD	P.	PERSON (S)
CORR.	CORRIDOR	PLAS.	PLASTER
C.W.	COLD WATER/CURTAIN WALL	P.LAM.	PLASTIC LAMINATE
D.	DEEP/DEPTH	PL.	PLATE
DET.	DETAIL	PLGL.	PLATE GLASS
DIAG.	DIAGONAL	PLMG.	PLUMBING
DIA.	DIAMETER	PWD.	PLYWOOD
DIF.	DIFFUSER	PT.	POINT
DIM.	DIMENSION	PVC.	POLYVINYL CHLORIDE
DISP.	DISPENSER	P.S.F.	POUNDS PER SQUARE FOOT
DR.	DOOR	P.S.I.	POUNDS PER SQUARE INCH
DWR.	DRAWER	P.L.	PROPERTY LINE
DWG.	DRAWING	Q.T.	QUARRY TILE
E.	EAST	RAD.	RADIUS
ELEC.	ELECTRIC (AL)	RECP.	RECEPTACLE
E.W.C.	ELECTRIC WATER COOLER	REF.	REFERENCE
EL.	ELEVATION	REG.	REGISTER
ELEV.	ELEVATION	REINF.	REINFORCE (D) (ING)
EMER.	EMERGENCY	RESIL.	RESILIENT
ENC.	ENCLOSE (URE)	RET.	RETURN
EQ.	EQUAL	R.A.	RETURN AIR
EQUIP.	EQUIPMENT	REV.	REVISION (S), REVISED
EXH.	EXHAUST	RM.	ROOM
EXIST.	EXISTING	R.O.	ROUGH OPENING
EXP.JT.	EXPANSION JOINT	SCH.	SCHEDULE
EXP.	EXPOSED	SEC.	SECOND, SECTION
EXT.	EXTERIOR	SHT.	SHEET
FIN.	FINISH (ED)	SIM.	SIMILAR
F.A.	FIRE ALARM	S.C.	SOLID CORE
F.H.S.	FIRE HOSE STATION	S.	SOUTH
FP.	FIREPROOFING	SPK.	SPEAKER
F.P.S.C.	FIRE-PROOF-SELF-CLOSING	SPEC.	SPECIFICATION (S)
F.R.	FIRE-RESISTANT	SQ.	SQUARE
FLR.	FLOOR (ING)	S.Y.	SQUARE YARD
F.D.	FLOOR DRAIN	S.S.	STAINLESS STEEL
FLUOR.	FLUORESCENT	STD.	STANDARD
F.R.P.	FIBERGLASS REINFORCED PANEL	STL.	STEEL
FT.	FOOT	STOR.	STORAGE
FTG.	FOOTING	S.D.	STORM DRAIN
FND.	FOUNDATION	STRUCT.	STRUCTURAL
F.A.I.	FRESH AIR INTAKE	SUSP.	SUSPENDED
F.S.	FULL SIZE	SYM.	SYMMETRY (ICAL)
FURR.	FURRED (ING)	SYS.	SYSTEM
FUT.	FUTURE	TEL.	TELEVISION
GA.	GAGE, GLAZING	TEMP.	TEMPERED
GALV.	GALVANIZED	TERR.	TERRAZO
GL.	GLASS, GLAZING	THK.	THICK (NESS)
GL.BLK.	GLASS BLOCK	THRES.	THRESHOLD
G.T.	GRANITE TILE	TOL.	TOLERANCE
G.	GRANITE	T&G.	TONGUE AND GROOVE
GYP.BD.	GYPSUM WALLBOARD	T.O.C.	TOP OF CURB
G.W.B.	GYPSUM WALLBOARD	T.O.S.	TOP OF SLAB
HBD.	HARDBOARD	T.O.STL.	TOP OF STEEL
HDW.	HARDWARE	T.O.W.	TOP OF WALL
HDWD.	HARDWOOD	T.	TREAD
HDR.	HEADER	TX.	TRANSFORMER
H.O.	HIGH OUTPUT	TYP.	TYPICAL
HTG.	HEATING	UNF.	UNFINISHED
H.V.A.C.	HEATING/VENTILATION/AIR COND.	U.O.N.	UNLESS OTHERWISE NOTED
HT.	HEIGHT	V.B.	VAPOR BARRIER
H.	HIGH	VAR.	VARIES, VARNISH
H.P.	HIGH POINT	VNR.	VENEER
H.C.	HOLLOW CORE	VERT.	VERTICAL
H.M.	HOLLOW METAL	VEST.	VESTIBULE
HORIZ.	HORIZONTAL	V.	VINYL
H.B.	HOSE BIBB	V.C.T.	VINYL COMPOSITION TILE
H.W.	HOT WATER	V.I.F.	VERIFY IN FIELD
HR.	HOUR	W.T.W.	WALL TO WALL
HYD.	HYDRANT	W.C.	WATER CLOSET
IN.	INCH	WP.	WATERPROOFING
INCL.	INCLUDE (D) (ING)	WS.	WEATHER STRIPPING
I.D.	INSIDE DIAMETER	WT.	WEIGHT
INSUL.	INSULATE (D) (ION)	W.W.F.	WELDED WIRE FABRIC
INT.	INTERIOR	W.	WEST, WIDE, WIDTH
JAN.	JANITOR	W/	WITH
JT.	JOINT	WDW.	WINDOW
KIT.	KITCHEN	W.GL.	WIRED GLASS
K.O.	KNOCK OUT	W/O	WITHOUT
LBL.	LABEL	WD.	WOOD
LAB.	LABORATORY	W.P.	WORKING POINT
LAD.	LADDER		
LAM.	LAMINATE (D)		

PLAN SYMBOLS

- DENOTES AREA NOT IN CONTRACT
- XXX — DENOTES FURNITURE TYPE - SEE FURNITURE SCHEDULE
- XXX / XXX — DENOTES ROOM NAME AND NUMBER
- ? — DENOTES PARTITION TYPE - SEE SHEET A1.1 FOR PARTITION TYPES
- A.F.F. — DENOTES ELEVATION REFERENCE SYMBOL
- X — DENOTES FINISH REFERENCE SYMBOL - SEE FINISH PLAN
- X — DENOTES DEMOLITION PLAN KEY NOTE REFERENCE SYMBOL - SEE DEMOLITION PLAN
- X — DENOTES PLAN KEY NOTE REFERENCE SYMBOL - SEE PLANS
- X — DENOTES REVISION DELTA REFERENCE SYMBOL - SEE DRAWINGS
- 1 / A1.1 — DENOTES DETAIL REFERENCE SYMBOL - SEE DRAWINGS
- XX / AXXX — DENOTES DETAIL/ ENLARGED PLAN REFERENCE SYMBOL - SEE DETAILS/ ENLARGED PLANS
- XX / AXXX — DENOTES ELEVATION REFERENCE SYMBOL - SEE ELEVATIONS
- 1 / AXXX — DENOTES SECTION/ DETAIL REFERENCE SYMBOL - SEE DETAILS & SECTIONS
- ALIGN — DENOTES TO ALIGN FACE OF OBJECTS - SEE DRAWINGS

1	CLNG	1 = CEILING FINISH TYPE
2	WALL	2 = WALL FINISH TYPE
3	BASE	3 = BASE FINISH TYPE
4	FLOOR	4 = FLOOR FINISH TYPE

SITE MAP



PROJECT INFORMATION

PROJECT:	AURELIO'S PIZZA - RAMSEY
PROJECT LOCATION:	6415 US-10 #120, RAMSEY, MN 55303
PROJECT SCOPE OF WORK:	EXPANSION OF NEW DINING ROOM TO WEST.
SQUARE FEET:	1,687 S.F EXPANSION, 4,845 S.F. TOTAL

APPLICABLE CODES

THE FOLLOWING IS AN ANALYSIS AND SUMMARY OF THE APPLICABLE BUILDING CODES:

MINNESOTA STATE BUILDING CODE (SBC)	2020 EDITION
MINNESOTA PLUMBING CODE (SPC)	2015 EDITION
INTERNATIONAL MECHANICAL CODE (IMC)	2020 EDITION
INTERNATIONAL FUEL GAS CODE (IFGC)	2020 EDITION
NATIONAL ELECTRIC CODE (NEC)	2017 EDITION
MINNESOTA FIRE CODE	2020 EDITION
MINNESOTA ACCESSIBILITY CODE	2020 EDITION
COMMERCIAL ENERGY CODE	2020 EDITION

OCCUPANCY/ CONST. TYPE

OCCUPANCY TYPE:	ASSEMBLY A-2 RESTAURANT
CONSTRUCTION TYPE:	TYPE II-B SPRINKLERED
REMODEL AREA:	1,687 SF ADDITION 4,845 SF INTERIOR, TOTAL

OCCUPANCY CALCULATIONS

OCCUPANCY AREAS	SF/LF PER OCC	AREA	OCCUPANTS
DINING: TABLES & CHAIRS INTERIOR	15 SF	1,905 SF	127 OCC
DINING: TABLES & CHAIRS PATIO	15 SF	977 SF	66 OCC
FIXED SEATING	2 LF	90 LF	45 OCC
KITCHEN	200 SF	1,207 SF	7 OCC
OFFICE	150 SF	94 SF	1 OCC
STORAGE	300 SF	212 SF	1 OCC
MECHANICAL	300 SF	146 SF	1 OCC
TOTAL:			248 OCCUPANTS

REQUIRED EGRESS & EXITING:

MEANS OF EGRESS SIZING:
TOTAL EGRESS WIDTH REQUIRED:
(249 OCCUPANTS) X .20 W/ SPRINKLER) = 49.8"
TOTAL EGRESS WIDTH PROVIDED: = 134"

EXIT CAPACITY:
NUMBER OF EXITS REQUIRED:
(2 EXITS REQ'D IF OCCUPANT LOAD IS LESS THAN 500) = 2
NUMBER OF EXITS PROVIDED: = 4

EXIT SEPARATION:
MINIMUM DISTANCE REQUIRED:
(½ DIST. OF OVERALL DIAGONAL DIST. W/SPRINKLER SYST.) = 111'-6"/3 = 37.2'
DISTANCE PROVIDED: = 60'-1"

TRAVEL DISTANCE:
EXIT ACCESS TRAVEL DISTANCE REQ'D: 250'-0" MAX. W/ SPRINKLER SYSTEM
COMMON PATH OF TRAVEL DISTANCE REQ'D: 75'-0" MAX. W/ SPRINKLER SYSTEM

PLUMBING FIXTURE COUNT

2015 MINNESOTA STATE PC	WATER CLOSETS		LAVATORIES		SERVICE SINK	DRINKING FOUNTAIN
	MALE	FEMALE	MALE	FEMALE		
TOTAL OCC: 248	124	124	124	124		
CODE REQUIREMENT:	1:75	1:75	1:200	1:200		
REQUIRED FIXTURE:	2	2	1	1		
FIXTURES PROVIDED:	2	2	2	2	1	

*URINALS CAN NOT BE MORE THAN 67% OF THE FIXTURES REQUIRED

SHEET INDEX

PERMIT SUBMITTAL 9/18/2020	PROGRESS - FOR REVIEW ONLY 9/4/20	DEMO PERMIT SUBMITTAL 7/13/20	PROGRESS - FOR REVIEW ONLY 4/17/20		
ARCHITECTURAL					
●	●	●	●	A0.0	COVER SHEET
●	●	●	●	D1.1	DEMOLITION PLAN
●	●	●	●	A1.0	LIFE-SAFETY PLAN
●	●	●	●	A1.1	CONSTRUCTION PLAN
●	●	●	●	A5.1	FURNITURE AND EQUIPMENT PLAN
●				A10.1	DETAILS

PROJECT TEAM

TENANT
AURELIO'S PIZZA
6415 US-10, SUITE 120,
RAMSEY, MN 55303
CONTACT: RANDY STAWSKI
PHONE: 612-209-2111
E-MAIL: randy@pvhomes.com

ARCHITECT
GREGORY T. HOUCK

ARCHITECTURAL PROJECT MANAGEMENT AND DRAFTING
ANDERSON DESIGN, INC
CONTACT: BRIAN ANDERSON
PHONE: 612-203-1815
E-MAIL: brian@andersondesignInc.com

M.E.P. ENGINEERS
DESIGN BUILD

ARCHITECTURAL SCOPE OF WORK SUMMARY

EXPANSION OF EXISTING RESTAURANT INTO ADJACENT SPACE, TO INCLUDE NEW DINING AREA, BAR, EXPANSION OF EXISTING KITCHEN, NEW WALK IN COOLER SPACE, THE REMODEL OF (1) EXISTING RESTROOM AND ADDITION OF (1) RESTROOM.

Anderson Design, Inc
612-203-1815

Consulting with Registered Architect Gregory T. Houck

I hereby certify that this plan, specification, or report, was prepared by me or under my direct supervision and that I am a duly licensed Professional Architect under the laws of the State of Minnesota.

Gregory T. Houck, AIA
MN Lic# 45999

9/18/2020
Signature Date

Project:
AURELIO'S PIZZA
6415 US-10
SUITE 120
RAMSEY, MN
55303

Revisons:

7/13/20	Demo Permit
9/18/20	Permit

Project #: 20-106

Drawn by:
Checked by:
Date: 9/18/2020
Scale: NO SCALE

Sheet Title
PROJECT COVER SHEET

Sheet Number
A0.0

LIFE SAFETY PLAN GENERAL NOTES

1. SEPARATE PERMIT AND SHOP DRAWINGS FOR FIRE ALARM SYSTEM.

2. SEPARATE PERMIT AND SHOP DRAWINGS FOR FIRE SPRINKLER SYSTEM.

3. ALL DOORS IN THE MEAN OF EGRESS SHALL BE SINGLE ACTION RELEASE AND SHALL NOT REQUIRE THE USE OF A KEY, TOOL, OR SPECIAL KNOWLEDGE TO OPEN FROM EGRESS SIDE.

4. ALL FIRE EXTINGUISHERS SHALL BE CURRENTLY DATED AND TAGGED BY A LICENSED FIRE EQUIPMENT COMPANY

LIFE SAFETY PLAN LEGEND

EXIT SIGN LIGHTS.
SEE MEP DESIGN-BUILD FOR MORE INFORMATION.

ALL EXISTING FIRE EXTINGUISHERS TO REMAIN, VERIFY LOCATIONS WITH AUTHORITY HAVING JURISDICTION.

(K) CLASS 'K' EXTINGUISHERS REQUIRED AT ALL KITCHEN AREAS

(F) ABC EXTINGUISHERS REQUIRED AT ALL COMMON AREAS

(FC) FIRE EXTINGUISHER CABINET W/ FIRE EXTINGUISHER. LOCATION TO BE VERIFIED BY THE AUTHORITY HAVING JURISDICTION.

APPLICABLE CODES

THE FOLLOWING IS AN ANALYSIS AND SUMMARY OF THE APPLICABLE BUILDING CODES:

MINNESOTA STATE BUILDING CODE (SBC)	2020 EDITION
MINNESOTA PLUMBING CODE (SPC)	2015 EDITION
INTERNATIONAL MECHANICAL CODE (IMC)	2020 EDITION
INTERNATIONAL FUEL GAS CODE (IFGC)	2020 EDITION
NATIONAL ELECTRIC CODE (NEC)	2017 EDITION
MINNESOTA FIRE CODE	2020 EDITION
MINNESOTA ACCESSIBILITY CODE	2020 EDITION
COMMERCIAL ENERGY CODE	2020 EDITION

OCCUPANCY/ CONST. TYPE

OCCUPANCY TYPE: ASSEMBLY A-2 RESTAURANT
CONSTRUCTION TYPE: TYPE II-B SPRINKLERED
REMODEL AREA: 1,687 SF ADDITION
4,845 SF INTERIOR, TOTAL

OCCUPANCY CALCULATIONS

OCCUPANCY AREAS	SF/LF PER OCC	AREA	OCCUPANTS
DINING: TABLES & CHAIRS INTERIOR	15 SF	1,905 SF	127 OCC
DINING: TABLES & CHAIRS PATIO	15 SF	977 SF	66 OCC
FIXED SEATING	2 LF	90 LF	45 OCC
KITCHEN	200 SF	1,207 SF	7 OCC
OFFICE	150 SF	94 SF	1 OCC
STORAGE	300 SF	212 SF	1 OCC
MECHANICAL	300 SF	146 SF	1 OCC
TOTAL:			248 OCCUPANTS

REQUIRED EGRESS & EXITING:

MEANS OF EGRESS SIZING:
TOTAL EGRESS WIDTH REQUIRED:
(249 OCCUPANTS) X .20 W/ SPRINKLER) = 49.8"
TOTAL EGRESS WIDTH PROVIDED: = 134"

EXIT CAPACITY:
NUMBER OF EXITS REQUIRED:
(2 EXITS REQ'D IF OCCUPANT LOAD IS LESS THAN 500) = 2
NUMBER OF EXITS PROVIDED: = 4

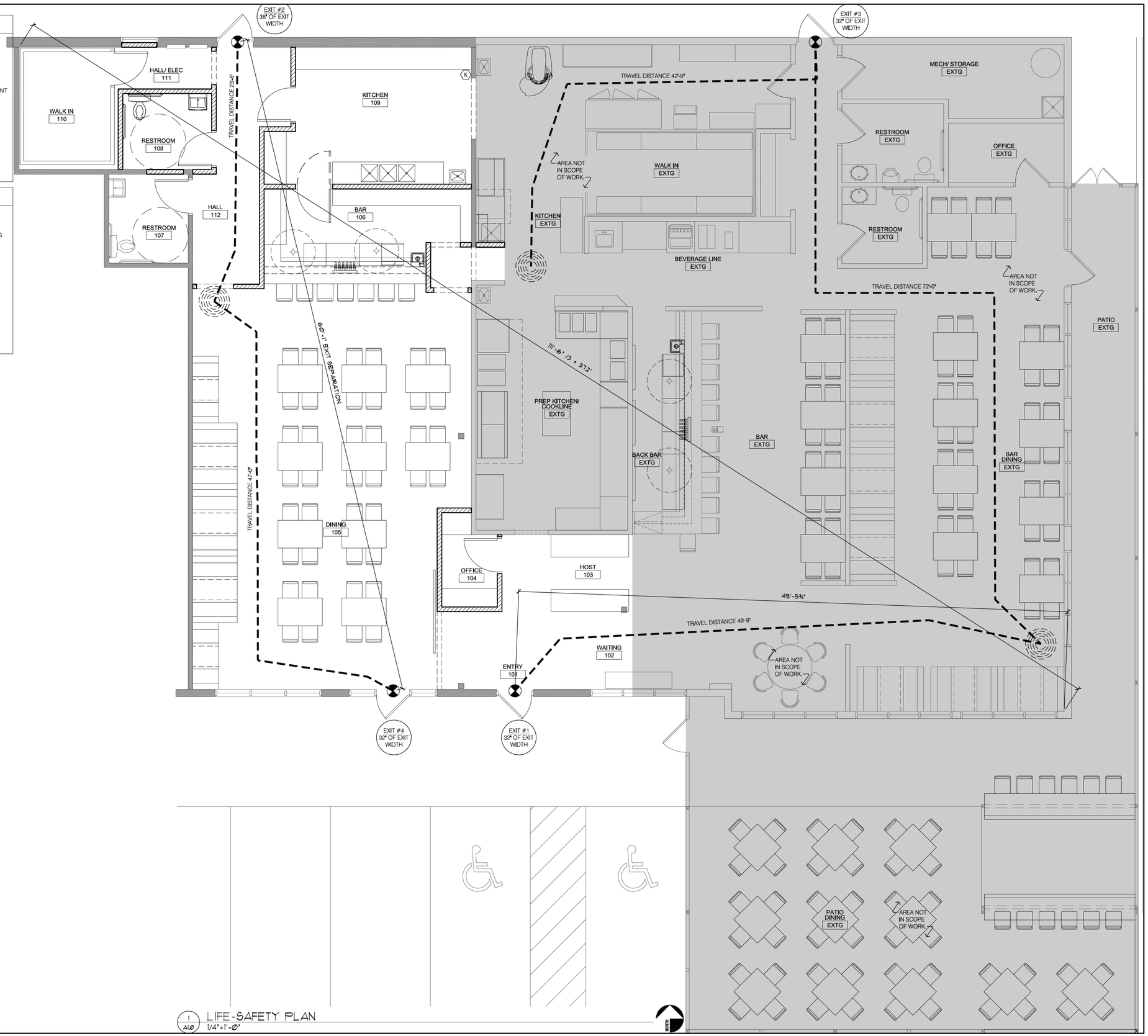
EXIT SEPARATION:
MINIMUM DISTANCE REQUIRED:
½ DIST. OF OVERALL DIAGONAL DIST. W/SPRINKLER SYST.) = 111'-6"/3 = *37.2'*
DISTANCE PROVIDED: = 60'-1"

TRAVEL DISTANCE:
EXIT ACCESS TRAVEL DISTANCE REQ'D: 250'-0" MAX. W/ SPRINKLER SYSTEM
COMMON PATH OF TRAVEL DISTANCE REQ'D: 75'-0" MAX. W/ SPRINKLER SYSTEM

PLUMBING FIXTURE COUNT

2015 MINNESOTA STATE PC	WATER CLOSETS		LAVATORIES		SERVICE SINK	DRINKING FOUNTAIN
	MALE	FEMALE	MALE	FEMALE		
TOTAL OCC: 248	124	124	124	124		
CODE REQUIREMENT:	1:75	1:75	1:200	1:200		
REQUIRED FIXTURE:	2	2	1	1		
FIXTURES PROVIDED:	2	2	2	2	1	

*URINALS CAN NOT BE MORE THAN 67% OF THE FIXTURES REQUIRED



1 LIFE-SAFETY PLAN
A1.0 1/4"=1'-0"

AD
Anderson Design, Inc
612-203-1815

Consulting with Registered Architect Gregory T. Houck

I hereby certify that this plan, specification, or report, was prepared by me or under my direct supervision and that I am a duly licensed Professional Architect under the laws of the State of Minnesota.

Gregory T. Houck, AIA
MN Lic# 45999

9/18/2020
Signature Date

Project:
AURELIO'S PIZZA
6415 US-10
SUITE 120
RAMSEY, MN
55303

Revisons:

7/13/20	Demo Permit
9/18/20	Permit

Project #: 20-106

Drawn by:
Checked by:
Date: 9/18/2020
Scale: 1/4" = 1'-0"

Sheet Title
LIFE-SAFETY PLAN

Sheet Number
A1.0

DRAFT 1/15/21~~12/31/20~~

Full-Service Restaurant Subsidy: Water Availability Charge (WAC) and Sewer Availability Charge (SAC) Program

The Program

This subsidy program is intended to serve as a catalyst for securing new restaurants and to promote the expansion of existing restaurants in Ramsey by providing financial assistance to qualified restaurant businesses. The full-service restaurant must be located in The City of Ramsey. To facilitate new full-service restaurants, the EDA would provide zero interest, forgivable loans to eligible full-service restaurants for the purpose of financing their water and sewer connection fees. The maximum loan amount would be 70% of the proposed restaurant's Water Availability Charge (WAC fee) and Sewer Availability Charge (SAC fee). The 70% cap would ensure that the businesses are covering some of the fixed capital costs for the City's water system. The loan would be recorded as a subordinated mortgage, or security and the principal would be forgiven if the restaurant remained in operation and in good standing with the City for five years. The loan principal would be forgiven at a rate of 20% per year.

In establishing the loan amount and the percentage of WAC and SAC subsidy, the EDA would advise the Ramsey City Council regarding several factors. The factors are (1) the size of the restaurant's capital investment, (2) the financial need and potential for long-term viability, and (3) the quality of the restaurant's concept. A full-service restaurant is defined as one that has washable plates, cups and utensils, wait staff, food served at tables, and whose projected SAC/WAC fees are charged at a rate of X unit per seat.

Funding Source

The funding for the Water Availability Charge (WAC) and Sewer Availability Charge (SAC) Program will come from the EDA Fund.

Eligibility

Eligible applicants are for-profit restaurant businesses considering new, ~~or~~ additional or the expansion of existing restaurants in The City of Ramsey. ~~The City is willing to consider exceptions for existing business who are relocating or expanding.~~ Eligible businesses must devote a majority of their floor space to the restaurant concept. All applicants must be a permitted use in compliance with all laws, zoning ordinances, rules and regulations applicable to the business. The Ramsey EDA will review each application on a case-by-case basis and reserves the right to exclude activities not consistent with the City's Comprehensive Plan, or if the concept does not benefit the health, safety and welfare of the community.

Application Process

The applicant must submit a completed Business Assistance Application and all required attachments to the City's Economic Development Department. The Ramsey Economic Development Authority will make a recommendation on the full-service restaurant subsidy to the Ramsey City Council. Applicants will be notified of EDA and City Council meetings and may be asked to attend to present their request for assistance. Any financial assistance to full-service restaurants as part of this program is subject to City Council approval. Moreover, such financial assistance is limited by the availability of City Water Funds. The City will underwrite the loan request to ensure that the business concept is financially viable.

Implementation Procedures

The program does require the applicant pay upfront permit fees, and a minimum of 30% ~~and~~ of all applicable Water Access Charges (WAC) and Sewer Access Charge (SAC fees) that the City of Ramsey is required to pay on behalf of the project to the City and Metropolitan Council. To be in good standing with the City, applicant and/or landlords must be current on all municipal taxes, special assessments, City utility bills, or EDA loans. Principal forgiveness will cease if the applicant and/or landlords fail to be current on these obligations. Principal forgiveness will cease if the applicant discontinues the business, moves the business, or fails to comply with any and all building, fire, health, or zoning codes or regulations.

Sunset Date ~~(7/31/2021)~~

~~The Full-Service Restaurant Subsidy Policy and Program Guidelines will expire three years (and at the end of the month) from the date this policy is approved. Financial assistance that has been approved for projects that have not yet begun by the sunset date would still be valid, unless otherwise determined by the City Council.~~There is no Sunset Date on this program and it will remain in place until such date that the City Council determines it is no longer necessary.

DRAFT 1/15/21

Full-Service Restaurant Subsidy: Water Availability Charge (WAC) and Sewer Availability Charge (SAC) Program

The Program
This subsidy program is intended to serve as a catalyst for securing new restaurants and to promote the expansion of existing restaurants in Ramsey by providing financial assistance to qualified restaurant businesses. The full-service restaurant must be located in The City of Ramsey. To facilitate new full-service restaurants, the EDA would provide zero interest, forgivable loans to eligible full-service restaurants for the purpose of financing their water and sewer connection fees. The maximum loan amount would be 70% of the proposed restaurant's Water Availability Charge (WAC fee) and Sewer Availability Charge (SAC fee). The 70% cap would ensure that the businesses are covering some of the fixed capital costs for the City's water system. The loan would be recorded as a subordinated mortgage, or security and the principal would be forgiven if the restaurant remained in operation and in good standing with the City for five years. The loan principal would be forgiven at a rate of 20% per year.

In establishing the loan amount and the percentage of WAC and SAC subsidy, the EDA would advise the Ramsey City Council regarding several factors. The factors are (1) the size of the restaurant's capital investment, (2) the financial need and potential for long-term viability, and (3) the quality of the restaurant's concept. A full-service restaurant is defined as one that has washable plates, cups and utensils, wait staff, food served at tables, and whose projected SAC/WAC fees are charged at a rate of X unit per seat.

Funding Source
The funding for the Water Availability Charge (WAC) and Sewer Availability Charge (SAC) Program will come from the EDA Fund.

Eligibility
Eligible applicants are for-profit restaurant businesses considering new, additional or the expansion of existing restaurants in The City of Ramsey. Eligible businesses must devote a majority of their floor space to the restaurant concept. All applicants must be a permitted use in compliance with all laws, zoning ordinances, rules and regulations applicable to the business. The Ramsey EDA will review each application on a case-by-case basis and reserves the right to exclude activities not consistent with the City's Comprehensive Plan, or if the concept does not benefit the health, safety and welfare of the community.

Application Process
The applicant must submit a completed Business Assistance Application and all required attachments to the City's Economic Development Department. The Ramsey Economic Development Authority will make a recommendation on the full-service restaurant subsidy to the Ramsey City Council. Applicants will be notified of EDA and City Council meetings and may be asked to attend to present their request for assistance. Any financial assistance to full-service restaurants as part of this program is subject to City Council approval. Moreover, such financial assistance is limited by the availability of City Water Funds. The City will underwrite the loan request to ensure that the business concept is financially viable.

Implementation Procedures
The program does require the applicant pay upfront permit fees, and a minimum of 30% of all applicable Water Access Charges (WAC) and Sewer Access Charge (SAC fees) that the City of Ramsey is required to pay on behalf of the project to the City and Metropolitan Council. To be in good standing with the City, applicant and/or landlords must be current on all municipal taxes, special assessments, City utility bills, or EDA loans. Principal forgiveness will cease if the applicant and/or landlords fail to be current on these obligations. Principal forgiveness will cease if the applicant discontinues the business, moves the business, or fails to comply with any and all building, fire, health, or zoning codes or regulations.

Sunset Date
There is no Sunset Date on this program and it will remain in place until such date that the City Council determines it is no longer necessary.

ECONOMIC DEVELOPMENT AUTHORITY
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

The City of Ramsey Economic Development Authority (EDA) conducted a regular meeting on Thursday, January 14, 2021, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Jim Steffen
Member Brian Burandt
Member Scott Cords
Member Ryan Heineman
Member Chelsea Howell
Member Chris Riley

Members Absent: None

Also Present: Sean Sullivan, Economic Development Manager
Tim Gladhill, Deputy City Administrator
Bruce Westby, City Engineer
Mark Riverblood, Parks and Assistant Public Works Superintendent
Grant Riemer, Public Works Superintendent

DRAFT

4. EDA BUSINESS

4.02: Consider Loan Application for Restaurant Subsidy Program: Water Availability Charge Program for Pleasant Valley Sunrise Group LLC dba Aurelio's Pizza

Economic Development Manager Sullivan presented the staff report.

Member Cords stated that he likes this idea, especially with the current economic conditions and impacts to the hospitality industry. He stated that the business started this expansion last fall, and it was delayed because of shutdowns. He commented that he would support providing this assistance.

Member Riley commented that residents continue to make the comment that Ramsey needs more restaurants and that is why the subsidy program was created. He stated that this seems to be a good use of this program, to help an existing business expand.

Chairperson Steffen agreed.

Economic Development Manager Sullivan continued to present the staff report details.

Chairperson Steffen referenced the comment made by staff that the program has never been used but noted that he recalls two restaurants that used the program.

Deputy City Administrator Gladhill confirmed that Acapulco was the first project to use a similar program and one other applied, was awarded but never used the program.

Economic Development Manager Sullivan explained that his comment was related to the program since last updated in 2018.

Member Cords asked if the allocation would come from the EDA budget. He asked if the $16,000 would come from the $50,000 amount proposed.

Economic Development Manager Sullivan stated that he would suggest having this $16,000 loan come from the $50,000. He confirmed that staff would recommend that the $50,000 come from the EDA cash balance.

Chairperson Steffen commented that the loan dollars would still fund the City WAC charges.

Economic Development Manager Sullivan confirmed that the loan dollars would still be used to pay the City WAC fee and the only dollars that would go outside of the City would be the SAC charges that are paid to the Metropolitan Council.

Member Heineman asked if this information would be made public to all Ramsey businesses, so that businesses that wish to expand could apply.

Economic Development Manager Sullivan commented that when the City Council approves something it is public information. He stated that it could make sense to publicize this information further. He noted that the intended use of the program is to attract new businesses but there is a provision that allows exception for existing businesses. He agreed that the program could be highlighted further.

Member Heineman commented that if this is going to be used for this business to expand, it would be wise to make other Ramsey businesses aware that if they wish to expand this program would be available.

Chairperson Steffen clarified that this is a restaurant program and would only apply to that type of business.

Member Riley agreed that it should be used for a new or existing business but noted that the change has to be big enough to add enough seats that it would change water use.

Member Cords stated that he was under the impression that the term exception applied because typically this is only applied to one of the charges and in this case, it is applying to both WAC and SAC.

DRAFT

Economic Development Manager Sullivan commented that the exception word was used for the new versus existing. He stated that perhaps that language be clarified moving forward so that it is understood that both SAC and WAC could be considered.

Member Burandt stated that if a business is expanding to the point where additional SAC and WAC is needed, he would not differentiate between new or existing as business growth is business growth.

Member Riley asked if the EDA likes the idea of allocating the $50,000 versus taking applications as they come. He stated that he questions $50,000 as the program has been in place for three years without use. He stated that applications could continue to be reviewed as they come.

Member Burandt agreed that the program has not been used so funds do not necessarily need to be allocated and the group could leave the program open and review applications on a case-by-case basis.

Chairperson Steffen agreed.

Economic Development Manager Sullivan noted that in this case six SAC and WAC units were requested but with a new restaurant that number could increase quickly. He stated that if three new restaurants came forward with requests that could easily be $70,000 which the City would be inclined to support. He noted that his intention was not to provide an open checkbook.

Deputy City Administrator Gladhill stated that the policy does not obligate any amount of support. He stated that there is underwriting that occurs and review that is done to determine what is actually needed for a project.

Chairperson Steffen asked if this would only apply to full-service restaurants.

Economic Development Manager Sullivan confirmed that only full-service restaurants would be eligible.

Motion by Member Burandt, seconded by Chairperson Steffen, to recommend to City Council to amend the Restaurant Subsidy Program to allow for both SAC and WAC charges to be eligible for loans and approve of 70 percent, zero percent interest, forgivable loan for both the SAC and WAC charges in the amount of $16,170 for Pleasant Valley Sunrise Group, LLC dba Aurelio's Pizza, subject to satisfactory underwriting.

Motion carried. Voting Yes: Chairperson Steffen, Members Burandt, Cords, Heineman, Howell, and Riley. Voting No: None. Absent: None.

DRAFT

CC Regular Session **5. 4.**

Meeting Date: 02/08/2021

By: Katie Schmidt, Administrative Services

Information

Title:

Adopt Resolution #21-037 to Hire a Public Works Parks Maintenance Worker

Purpose/Background:

The purpose of this case is for the City Council to authorize hiring a full-time Public Works Parks Maintenance Worker.

As part of the 2021 budgeting process, the City Council approved a new full-time Public Works Parks Maintenance Worker to be added to the Parks Division. With this new position, the City will have five Parks Maintenance Workers. The Park Maintenance Worker position is responsible for providing general maintenance of city-owned parks and trail systems. Responsibilities include all aspects of park maintenance, construction of new facilities and the operation of equipment while working in a variety of weather conditions. The position will also be involved in snow plowing of public streets, trails and walks.

Staff conducted an external recruitment process which included first interviews and second interviews. Mr. Dane Jessen was selected as the top candidate. Mr. Jessen successfully completed the City's background checks and pre-employment testing process. The City extended a contingent job offer pending City Council approval. If hired, Mr. Dane Jessen will be subject to a six-month probationary period, the personnel policy and the AFSCME labor agreement.

Funding Source:

The 2021 funding for this position, including benefits, is approximately $61,056 and has been included in the 2021 budget.

Recommendation:

To hire Mr. Dane Jessen as a full-time Public Works Parks Maintenance Worker, effective on or near March 1, 2021, at $23.679 per hour which is step 1 of the 2021 wage scale.

Action:

Motion to adopt resolution #21-037 to hire Mr. Dane Jessen as a full-time Public Works Parks Maintenance Worker, effective on or near March 1, 2021, at $23.679 per hour, which is step 1 of the 2021 wage scale.

Attachments

Resolution #21-037

Job Description

Form Review

Inbox	Reviewed By	Date
Colleen Lasher	Colleen Lasher	02/04/2021 10:30 AM
Kurt Ulrich	Kurt Ulrich	02/04/2021 01:58 PM
Form Started By: Katie Schmidt		Started On: 01/26/2021 11:37 AM
Final Approval Date: 02/04/2021		

Councilmember introduced the following resolution and moved for its adoption:

RESOLUTION #21-037

RESOLUTION TO HIRE A PUBLIC WORKS PARKS MAINTENANCE WORKER

WHEREAS, the City Council authorized funding for a Public Works Parks Maintenance Worker position; and

WHEREAS, an external recruitment process was conducted; and

WHEREAS, Mr. Dane Jessen has been selected as the top candidate for the position; and

WHEREAS, staff have completed the necessary background checks and are recommending that Mr. Dane Jessen be hired as a full-time Public Works Parks Maintenance Worker, effective on or near March 1, 2021 at $23.679 per hour; and

WHEREAS, Mr. Dane Jessen will be subject to a 6-month probationary period; and

WHEREAS, Mr. Dane Jessen will be subject to the terms of the applicable labor agreement and the City's Personnel Policy.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

1) Motion to adopt resolution #21-037 to hire Mr. Dane Jessen as a full-time Public Works Parks Maintenance Worker, effective on or near March 1, 2021, at $23.679 per hour, which is step 1 of the 2021 wage scale.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember , and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

Whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 8th day of February, 2021.

_____
Mayor

ATTEST:

_____
City Clerk

Parks Maintenance Worker

Class Code: 16008

Bargaining Unit: AFSCME

CITY OF RAMSEY
Established Date: Oct 5, 2017
Revision Date: Dec 10, 2020

SALARY RANGE

$23.68 Hourly

PRIMARY OBJECTIVE OF POSITION:

The primary objectives of this position are to provide general maintenance of city-owned parks and trail systems. Responsibilities include all aspects of parks maintenance, construction of new facilities and the operation of equipment while working in a variety of weather conditions. This position will also be involved in snow plowing of public streets, trails and walks.

The Parks Maintenance Worker is required to be a member of the on-call team and work a rotating on-call schedule 8 weeks per year. **Members of the on-call team must reside within approximately 30 minutes from the Public Works Facility (14100 Jasper Street NW)** and to be available to respond during evenings, weekends and holidays.

****This is an AFSCME Union Position****
**** This position is subject to D.O.T. random drug and alcohol testing ****

MINIMUM QUALIFICATIONS:

The successful applicant must possess the following minimum qualifications:

- Must be 18 years of age or older
- Must possess a high school diploma or equivalent
- Must possess a valid Minnesota commercial driver's license (Class A or B) with both air brake and tanker endorsements, along with having a good driving record
- Must reside within the allowed distance for responding to on-call situations (approximately 30 minutes)
- Must be a member of the on-call team in good standing
- Must have experience in the operation and maintenance of construction equipment

- Must pass a criminal history check
- Must pass a pre-employment physical exam and drug screen

DESIRED QUALIFICATIONS:

- Applicable post-secondary education and/or certifications
- Previous experience installation and maintenance of irrigation systems
- Previous experience working in a municipal environment
- Previous experience with commercial snow plowing
- Previous experience with commercial lawn mowing
- Previous experience with commercial landscaping

ESSENTIAL JOB FUNCTIONS:

Essential duties include, but are not limited to the following:

- Maintain parks, grounds and related facilities or equipment
- Perform landscape/grounds care/forestry/naturalist activities
- Installation and maintenance of irrigation systems
- Provide assistance with preparation of community events
- Perform motorized vehicle maintenance and repair
- Perform general maintenance activities
- Perform general labor
- Perform snow related activities
- Perform a wide range of tasks at the verbal or written direction of the Public Works Superintendent and the Parks Supervisor or his/her designee

KNOWLEDGE, SKILLS AND ABILITIES:

- Ability to understand and follow verbal instructions and communicate in English
- Ability to work independently with limited supervision
- Ability to work in a variety of weather conditions including cold or hot temperatures, high humidity, wind or rain
- Must wear safety equipment as required and follow established safety practices and procedures
- Ability to maintain effective working relationships with supervisors and co-workers
- Ability to transport oneself to and around the work site
- General knowledge of general maintenance and landscape principles
- Ability to work alterntive scheduleds including evenings, weekends and possibly holiday as required for the City's maintenance operations

JOB ACTIVITY REQUIREMENTS:

The following are the physical activities that are associated with this position:

- Standing
- Walking
- Lifting
- Pushing/Pulling
- Carrying
- Climbing
- Kneeling
- Crawling
- Crouching
- Bending at waist
- Reaching
- Handling Objects
- Use of Arm Muscles over Extended Periods
- Use of Leg Muscles over Extended Periods

This job requires employees to be able to lift and carry up to 74 pounds without assistance.

The following are the working conditions of the position:

- Working Outdoors
- Working Indoors
- Operating forklifts or heavy-duty equipment
- Operating motor vehicles
- Working with chemicals
- Working near fumes and vapors
- Driving a City vehicle or personal vehicle
- Driving is an essential function of this job
- Subject to random D.O.T. drug and alcohol testing

CC Regular Session **7. 1.**

Meeting Date: 02/08/2021

By: Jeff Katers, Police

Information

Title:

Introduce Ordinance #21-08 to amend city code Chapter 10, Article III, Sec- 57 & 58 Dog Licensing

Purpose/Background:

The current City Code 10-57 requires that dogs be licensed and registered with the city of Ramsey. The Ramsey Police Department has been issuing licenses and collecting fees for dog registration. In previous City Council work sessions it was recommended that staff consider eliminating these requirements based on readily available micro chip technologies for animal identification, plus the addition of social media as a means to connect lost dogs to owners. Staff researched the current use of dog license registration data and determined it is rarely used to identify lost or recovered dogs. Consequently, staff recommends changes to the city code (see attachment).

Observations/Alternatives:

The city need for collecting dog licensing information has changed along with technologies in animal identification. The city and residents would benefit from the proposed changes to city code.

Recommendation:

Staff recommends removing Sec 10-57 - Individual Dog Licensing and the rewording of Sec 10-58 - Tags

Action:

Motion to introduce Ordinance #21-08 amending Chapter 10, Article III, eliminating Sec 10-57 - Individual Dog Licensing and rewording of Sec 10-58 - Tags.

Attachments

Ordinance #21-08

Form Review

Inbox	Reviewed By	Date
Kurt Ulrich	Kurt Ulrich	02/04/2021 02:34 PM
Form Started By: Jeff Katers		Started On: 02/02/2021 12:35 PM
Final Approval Date: 02/04/2021		

ORDINANCE #21-08

CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

AN AMENDMENT TO CHAPTER 10 OF THE CITY CODE: "ANIMALS," VACATING THE REQUIREMENT OF DOG LICENSING AND REQUIRING IDENTIFICATION TAGS.

The City of Ramsey ordains:

SECTION 1. PURPOSE

The purpose of this Ordinance is to eliminate the requirement that all dogs in the city be registered and licensed with the city. This ordinance will also modify language pertaining to identification tags. Identification tags will be required for all dogs in public spaces. Either physical tags or microchips are acceptable.

SECTION 2. AUTHORITY

Pursuant to authority granted by Minnesota Statutes, Section 471.633, the City of Ramsey hereby regulates animals within City limits.

SECTION 3. AMENDMENT TO CITY CODE SECTION 10-57

(Underline is added language, strikeout is deleted language.)

~~Sec. 10-57. - Individual dog licensing.~~

~~All dogs kept, harbored, or maintained in the city shall be licensed and registered. Applications for license shall be made to the city administrator, or his designee, upon forms provided by the city administrator. Said application shall require the owner, among other information required by the city administrator, to supply the name, age, predominant breed, sex, color and markings of each dog sought to be licensed. In addition, when the applicant or owner has been convicted of violation of section 10-65 relative to the dog sought to be licensed, the application shall require proof of public liability insurance in the minimum amount of $300,000.00. Upon submission of the application and a certificate evidencing compliance with the terms and provisions of section 10-59, relating to vaccination for rabies, and upon payment of a fee as established by ordinance, the city administrator or his designee shall issue a license. Said license will be concurrent with a valid rabies vaccination for up to three years.~~

Sec. 10-58. - Tags.

All dogs in public spaces shall have an identification tag with owner or veterinarian contact information affixed to the dog collar. In lieu of a physical tag, a microchip embedded in the dog with the same information is sufficient for identification.

~~The license shall be in the form of an identification tag and shall be affixed by the owner to a collar to be worn by the dog. In case a tag is lost or destroyed, a duplicate will be issued by the city administrator upon presentation of a receipt showing payment of the license fee for the current period and a payment as established by ordinance. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of death of the dog or the owners leaving the city prior to expiration of the license period.~~

SECTION 4. EFFECTIVE DATE

This Ordinance becomes effective 30 days after its passage and publication, subject to City Charter section 5.04.

ADOPTED this 23th day of February, 2021, by the City Council of the City of Ramsey.

CITY OF RAMSEY

By: _____
Mark Kuzma, Mayor

ATTEST:

_____
Collen Lasher, City Clerk

Introduction date: February 9th, 2021
Posting dates:
Adoption date:
Publication:
Effective date:

CC Regular Session **7. 2.**

Meeting Date: 02/08/2021

By: Chloe McGuire Brigl, Community Development

Information

Title:

Adopt Resolution #21-007 Approving Preliminary Plat for Northfork Meadows, Case of Lennar (Project #20-135)

Purpose/Background:

The purpose of this case is to review a request from Lennar (the "Applicant") for a Preliminary Plat application for Northfork Meadows. The Subject Property is located east of Puma/Okapi Street and south of Alpine Dr and is approximately 33 acres. The Subject Property has a split zoning with R-1 Residential (MUSA - Detached Single Family Homes) (80 foot wide lots) along the eastern and southern boundary, with the remainder of the property zoned R-1 Residential (MUSA - Detached Villas) (65 foot wide lots).

Notification:

The City attempted to notify Property Owners, as reflected in the Anoka County Property Records, within 700 feet of the Subject Property of the request. The Public Hearing Notice for the January Planning Commission meeting was also properly posted in the Anoka County UnionHerald, the City's Official Newsletter. No additional notification was provided for this meeting.

Observations/Alternatives:

Summary

This project is a culmination of a few years of work with the property owner and Applicant. Staff worked with the Planning Commission, City Council, and Property Owner to amend the zoning and comprehensive plans to meet the Property Owner's vision for this area. City Staff has worked with the neighborhood directly to the west throughout that time, and this project represents a compromise scenario that both property owner, applicant, City Council, and residents were comfortable with at time of rezoning and preliminary plat.

Below is a summary of the project:

- Site Acreage: Approximately 33 acres
- Proposed Number of Lots: 88 lots (41 80-foot wide lots, 47 65-foot wide lots)
- Current Zoning: R-1 Residential (MUSA - Detached Single Family Homes) 80-foot wide lots (eastern and southern boundary), and R-2 Residential (MUSA - Detached Villa) 65-foot wide lots (remainder)
- Proposed Density: 3.35 units per acre

The Preliminary Plat appears to meet all of the bulk standards of the current zoning districts and does not propose a change to the Comprehensive Plan or approved zoning districts. The proposed plat also falls within the approved density range for low density residential subdivisions, from 1 - 4 units per acre.

Roads and Access

The proposed preliminary plat includes public roads with access points off of Puma Street (likely renamed Okapi Street in the future) to the west and an access off Alpine Drive to the north.

Density Transitioning

The attached plans show a berm separating the 80 foot wide lots on the eastern edge of this property from the existing residential neighborhood just east of this property. All adjacent residential units will be buffered with landscaping and a berm, meeting the intent of the density transitioning requirements and previous direction from City Council. The proposed berm is 4 feet tall and will have additional plantings on top of the berm for additional

screening.

Next Steps
The attached resolution includes standard contingencies for approval. Approval of the preliminary plat is the largest step in the approvals process, as it grants the project rights to the layout and number of lots attached, so long as the contingencies are met. Please note that the project is currently being called "Northfork Meadows" but is likely to change as the Applicant chooses a name for the development project.

Funding Source:
The Applicant is responsible for all costs associated with project review.

Recommendation:
The Planning Commission recommended adoption of Resolution #21-007.

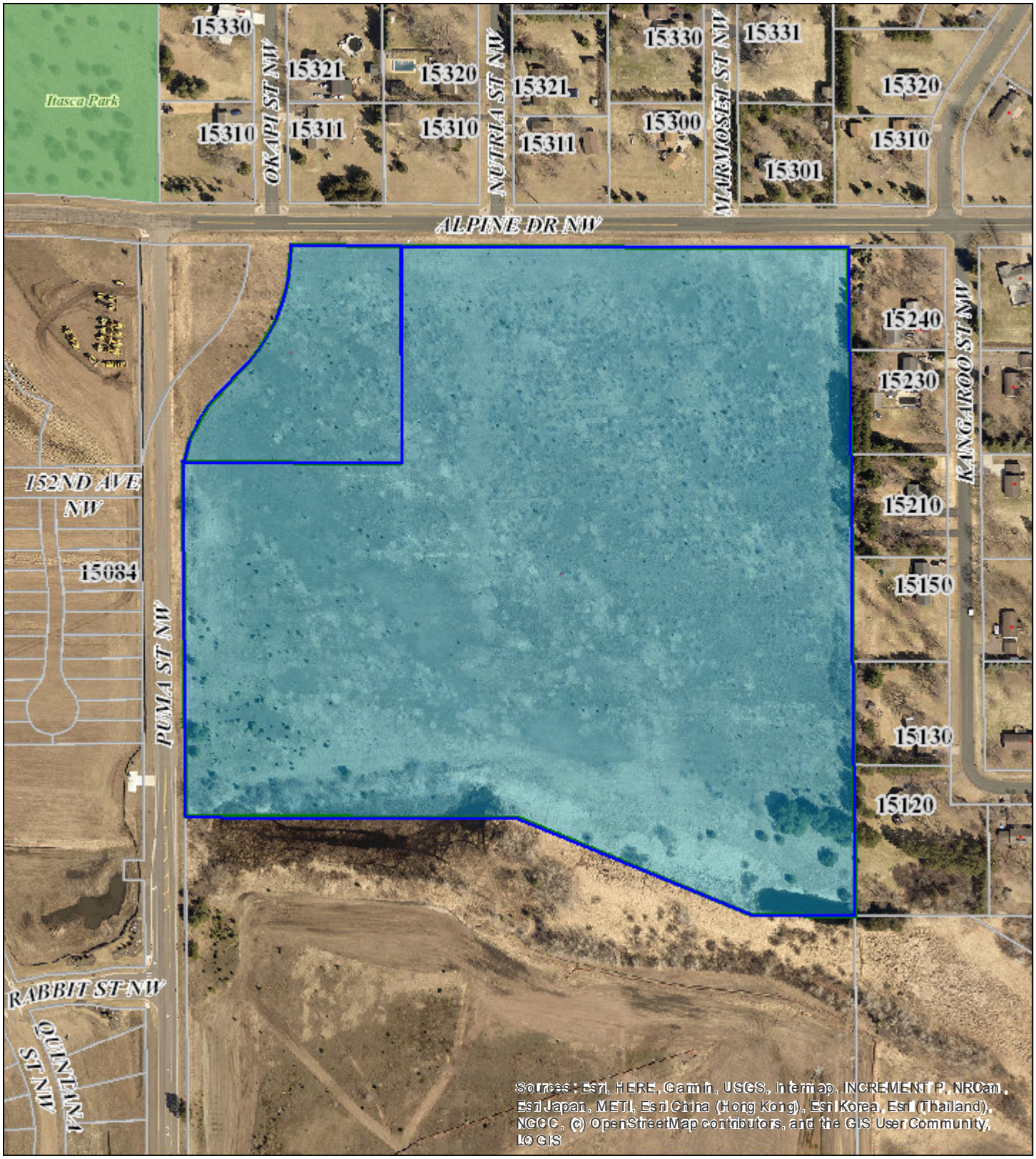
Action:
Motion to adopt Resolution #21-007 approving the preliminary plat for Northfork Meadows.

Attachments

Site Location Map
Preliminary Plat Sheet
Plan Set
Proposed Architecture
Preliminary Staff Comments (ProjectDox)
Staff Review
Draft January 7, 2021 Planning Commission Minutes
Resolution 21-007

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	02/03/2021 12:05 PM
Kurt Ulrich	Kurt Ulrich	02/04/2021 02:27 PM
Form Started By: Chloe McGuire Brigl		Started On: 02/02/2021 09:00 AM
Final Approval Date: 02/04/2021		



Site Location Map

Northfork Meadows

Legend

Site

Parcels

N

October 20th, 2020

0 0.075 0.15 mi

NORTH FORK MEADOWS

EXISTING LEGAL DESCRIPTION:
(per client)

Outlot A, ALPHA DEVELOPMENT, Anoka County, Minnesota

AND

Outlot B, ALPHA DEVELOPMENT 2ND ADDITION, Anoka County, Minnesota

OWNERS / DEVELOPERS:
Lennar Corporation
16305 36th Avenue North
Plymouth, MN 55446
952-373-0485

SURVEYOR:
ISG
7900 International Drive Suite 550
Minneapolis, MN 55425
952-426-0699

AREA TABLE:
Outlot A, ALPHA DEVELOPMENT = 1,328,912 sq. ft. - 30.51 acres
Outlot B, ALPHA DEVELOPMENT 2ND ADDITION = 126,690 sq. ft. - 2.91 acres
Total = 1,455,602 sq. ft. - 33.42 acres

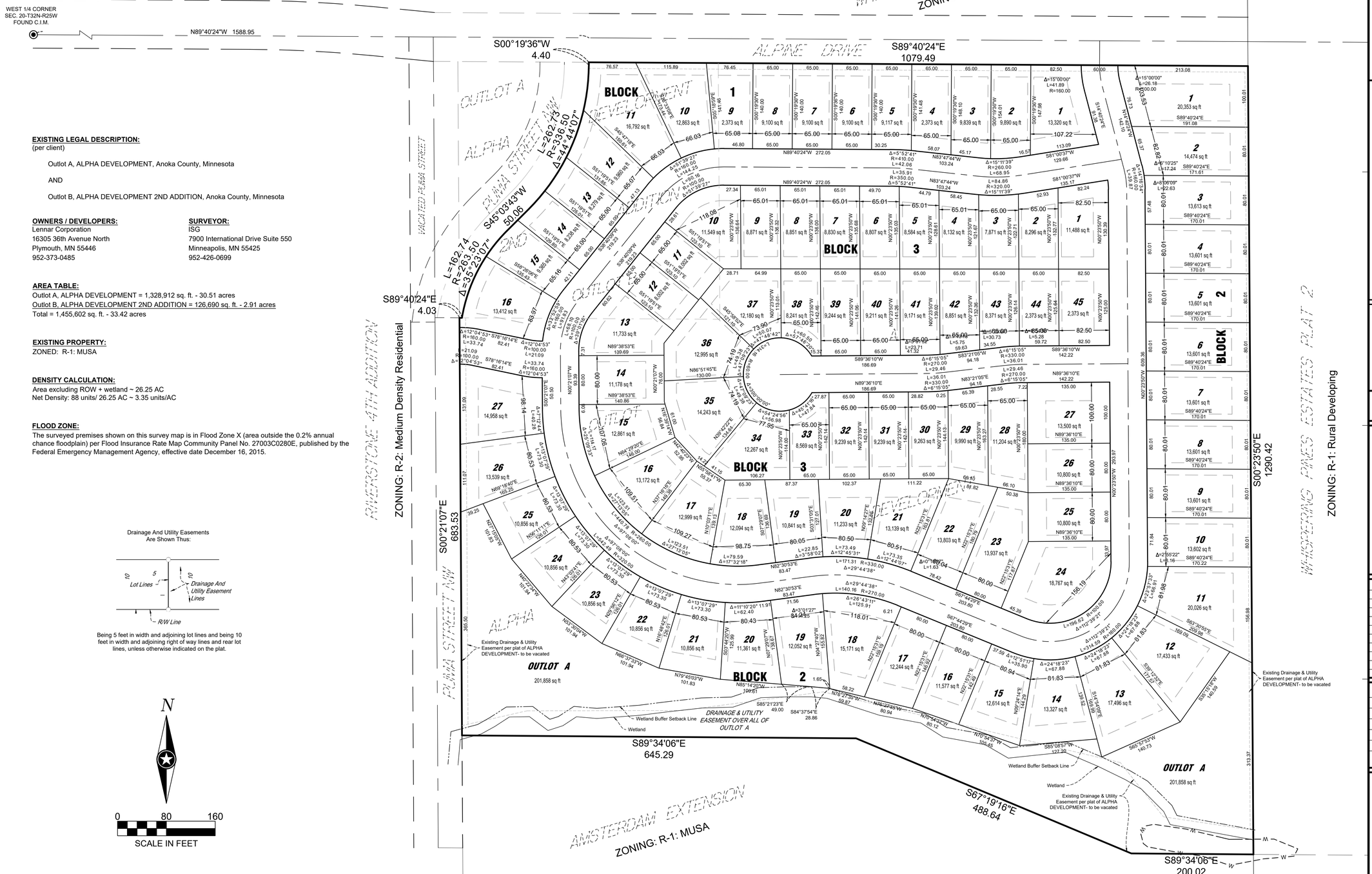
EXISTING PROPERTY:
ZONED: R-1: MUSA

DENSITY CALCULATION:
Area excluding ROW + wetland ~ 26.25 AC
Net Density: 88 units/ 26.25 AC ~ 3.35 units/AC

FLOOD ZONE:
The surveyed premises shown on this survey map is in Flood Zone X (area outside the 0.2% annual chance floodplain) per Flood Insurance Rate Map Community Panel No. 27003C0280E, published by the Federal Emergency Management Agency, effective date December 16, 2015.

Drainage And Utility Easements
Are Shown Thus:

Being 5 feet in width and adjoining lot lines and being 10 feet in width and adjoining right of way lines and rear lot lines, unless otherwise indicated on the plat.



I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

MARK A. SCHWANZ

DATE _____ LIC. NO. 45817

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PROJECT

LENNAR HOMES

NORTH FORK MEADOWS DEVELOPMENT

RAMSEY MINNESOTA

REVISION SCHEDULE

DATE	DESCRIPTION	BY

PROJECT NO.	20-24580
FILE NAME	24580 PRELIM
DRAWN BY	MAS
DESIGNED BY	
REVIEWED BY	MAS
ORIGINAL ISSUE DATE	--/--/--
CLIENT PROJECT NO.	-

TITLE

PRELIMINARY PLAT

SHEET

3

OF 32

LENNAR HOMES
NORTH FORK MEADOWS DEVELOPMENT

RAMSEY, MINNESOTA

PRELIMINARY PLAT

ISG PROJECT # 20-24580

LEGEND

EXISTING

- CITY LIMITS
- SECTION LINE
- QUARTER SECTION LINE
- RIGHT OF WAY LINE
- PROPERTY / LOTLINE
- EASEMENT LINE
- ACCESS CONTROL
- WATER EDGE
- WETLAND BOUNDARY
- WETLAND / MARSH
- FENCE LINE
- CULVERT
- STORM SEWER
- SANITARY SEWER
- SANITARY SEWER FORCEMAIN
- WATER
- GAS
- OVERHEAD ELECTRIC
- UNDERGROUND ELECTRIC
- UNDERGROUND TELEPHONE
- UNDERGROUND TV
- OVERHEAD UTILITY
- UNDERGROUND UTILITY
- UNDERGROUND FIBER OPTIC
- CONTOUR (MAJOR)
- CONTOUR (MINOR)
- DECIDUOUS TREE
- CONIFEROUS TREE
- TREE LINE
- MANHOLE/STRUCTURE
- CATCH BASIN
- HYDRANT
- VALVE
- CURB STOP
- POWER POLE
- UTILITY PEDESTAL / CABINET

PROPOSED

- LOT LINE
- RIGHT OF WAY
- EASEMENT
- CULVERT
- STORM SEWER
- STORM SEWER (PIPE WIDTH)
- SANITARY SEWER
- SANITARY SEWER (PIPE WIDTH)
- WATER
- GAS
- OVERHEAD ELECTRIC
- UNDERGROUND ELECTRIC
- UNDERGROUND TV
- CONTOUR
- MANHOLE (STORM, SANITARY)
- CATCH BASIN
- HYDRANT
- VALVE



LOCATION MAP

SCALE IN FEET

0 500 1000

ABBREVIATIONS:

AC	ACRE	CMP	CORRUGATED METAL PIPE	FDN	FOUNDATION	HR	HOUR	MB	MAIL BOX	PVC	POLYVINYL CHLORIDE	TEL	TELEPHONE
ADA	AMERICANS WITH DISABILITIES ACT	CO	CLEANOUT	FFE	FINISHED FLOOR ELEVATION	HWL	HIGH WATER LEVEL	MECH	MECHANICAL	PVMT	PAVEMENT	TEMP	TEMPORARY
ADD	ADDENDUM	CONC	CONCRETE	FPM	FEET PER MINUTE	HWY	HIGHWAY	MH	MANHOLE	QTY	QUANTITY	THRU	THROUGH
AFF	ABOVE FINISHED FLOOR	CONST	CONSTRUCTION	FPS	FEET PER SECOND	HYD	HYDRANT	MIN	MINIMUM	RAD	RADIUS	TNFH	TOP NUT OF FIRE HYDRANT
AGG	AGGREGATE	CONT	CONTINUOUS	FT	FOOT, FEET	I	INVERT	MISC	MISCELLANEOUS	RCP	REINFORCED CONCRETE PIPE	TRANS	TRANSFORMER
APPROX	APPROXIMATE	CY	CUBIC YARD	FTG	FOOTING	ID	INSIDE DIAMETER	NO	NUMBER	RD	ROOF DRAIN	TV	TELEVISION
ARCH	ARCHITECT, ARCHITECTURAL	C&G	CURB AND GUTTER	GA	GAUGE	IN	INCH	NTS	NOT TO SCALE	REBAR	REINFORCING BAR	T/W	TOP OF WALL
BFE	BASEMENT FLOOR ELEVATION	DEMO	DEMOLITION	GAL	GALLON	INV	INVERT	NWL	NORMAL WATER LEVEL	REM	REMOVE	TYP	TYPICAL
BIT	BITUMINOUS	DIA	DIAMETER	GALV	GALVANIZED	IP	IRON PIPE	OC	ON CENTER	ROW	RIGHT OF WAY	UT	UTILITY, UNDERGROUND
CAD	COMPUTER-AIDED DESIGN	DIM	DIMENSION	GC	GENERAL CONTRACTOR	IPS	IRON PIPE SIZE	OCEW	ON CENTER EACH WAY	R/W	RIGHT OF WAY		TELEPHONE
CB	CATCH BASIN	DS	DOWNSPOUT	GFE	GARAGE FLOOR ELEVATION	J-BOX	JUNCTION BOX	OH	OVERHEAD	SAN	SANITARY	VCP	VITRIFIED CLAY PIPE
CFS	CUBIC FEET PER SECOND	EA	EACH	GL	GUTTER LINE	JT	JOINT	OHD	OVERHEAD DOOR	SCH	SCHEDULE	W/O	WITHOUT
CF	CUBIC FOOT	ELEC	ELECTRICAL	GPM	GALLONS PER MINUTE	LF	LINEAR FEET	OZ	OUNCE	SF	SQUARE FOOT	W/	WITH
CI	CAST IRON	ELEV	ELEVATION	GV	GATE VALVE	LIN	LINEAR	PED	PEDESTAL, PEDESTRIAN	SPEC	SPECIFICATION	YD	YARD
CIP	CAST IRON PIPE	EOF	EMERGENCY OVERFLOW	HDPE	HIGH DENSITY POLYETHYLENE	LPS	LOW PRESSURE STEAM	PERF	PERFORATED	SQ	SQUARE	YR	YEAR
CIPC	CAST IN PLACE CONCRETE	EQ	EQUAL	HD	HEAVY DUTY	LS	LUMP SUM	PL	PROPERTY LINE	STA	STATION		
CJ	CONTROL JOINT	EX	EXISTING	HH	HANDHOLE	LSO	LOWEST STRUCTURAL OPENING	PP	POLYPROPYLENE	SY	SQUARE YARD		
CL	CENTERLINE	FDC	FIRE DEPARTMENT CONNECTION	HORIZ	HORIZONTAL	MAX	MAXIMUM	PSI	POUNDS PER SQUARE INCH	T/C	TOP OF CURB		

SHEET INDEX

1	TITLE SHEET
2	EXISTING & REMOVALS PLAN
3	PRELIMINARY PLAT
4	OVERALL PUD MASTER SITE PLAN
5	OVERALL GRADING PLAN
6	GRADING DETAILS
7	STORMWATER POLLUTION PREVENTION PLAN
8	SWPPP DETAILS
9-12	OVERALL UTILITY PLANS
13-22	ROADWAY PLAN & PROFILES
23	TYPICAL STREET SECTION
24-27	SITE DETAILS
28-29	MnDOT DETAILS
30-32	SITE RESTORATION PLANS
	THIS PLAN SET INCLUDES 32 SHEETS

PROJECT GENERAL NOTES

1. ALL WORK SHALL CONFORM TO THE CONTRACT DOCUMENTS, WHICH INCLUDE, BUT ARE NOT LIMITED TO, THE OWNER - CONTRACTOR AGREEMENT, THE PROJECT MANUAL (WHICH INCLUDES GENERAL SUPPLEMENTARY CONDITIONS AND SPECIFICATIONS), DRAWINGS OF ALL DISCIPLINES AND ALL ADDENDA, MODIFICATIONS AND CLARIFICATIONS ISSUED BY THE ARCHITECT/ENGINEER.
2. CONTRACT DOCUMENTS SHALL BE ISSUED TO ALL SUBCONTRACTORS BY THE GENERAL CONTRACTOR IN COMPLETE SETS IN ORDER TO ACHIEVE THE FULL EXTENT AND COMPLETE COORDINATION OF ALL WORK.
3. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS. NOTIFY ARCHITECT/ENGINEER OF ANY DISCREPANCIES OR CONDITIONS REQUIRING INFORMATION OR CLARIFICATION BEFORE PROCEEDING WITH THE WORK.
4. FIELD VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS. NOTIFY ARCHITECT/ENGINEER OF ANY DISCREPANCIES OR CONDITIONS REQUIRING INFORMATION OR CLARIFICATION BEFORE PROCEEDING WITH THE WORK.
5. DETAILS SHOWN ARE INTENDED TO BE INDICATIVE OF THE PROFILES AND TYPE OF DETAILING REQUIRED THROUGHOUT THE WORK. DETAILS NOT SHOWN ARE SIMILAR IN CHARACTER TO DETAILS SHOWN. WHERE SPECIFIC DIMENSIONS, DETAILS OR DESIGN INTENT CANNOT BE DETERMINED, NOTIFY ARCHITECT/ENGINEER BEFORE PROCEEDING WITH THE WORK.
6. ALL MANUFACTURED ARTICLES, MATERIALS AND EQUIPMENT SHALL BE APPLIED, INSTALLED, CONNECTED, ERECTED, CLEANED AND CONDITIONED ACCORDING TO MANUFACTURERS' INSTRUCTIONS. IN CASE OF DISCREPANCIES BETWEEN MANUFACTURERS' INSTRUCTIONS AND THE CONTRACT DOCUMENTS, NOTIFY ARCHITECT/ENGINEER BEFORE PROCEEDING WITH THE WORK.
7. ALL DISSIMILAR METALS SHALL BE EFFECTIVELY ISOLATED FROM EACH OTHER TO AVOID GALVANIC CORROSION.
8. THE LOCATION AND TYPE OF ALL INPLACE UTILITIES SHOWN ON THE PLANS ARE FOR GENERAL INFORMATION ONLY AND ARE ACCURATE AND COMPLETE TO THE BEST OF THE KNOWLEDGE OF I & S GROUP, INC. (ISG). NO WARRANTY OR GUARANTEE IS IMPLIED. THE CONTRACTOR SHALL VERIFY THE SIZES, LOCATIONS AND ELEVATIONS OF ALL INPLACE UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR SHALL IMMEDIATELY NOTIFY ENGINEER OF ANY DISCREPANCIES OR VARIATIONS FROM PLAN.
9. THE CONTRACTOR IS TO CONTACT "GOPHER STATE ONE CALL" FOR UTILITY LOCATIONS, MINIMUM 2 BUSINESS DAYS PRIOR TO ANY EXCAVATION / CONSTRUCTION (1-800-252-1166).

PROJECT INDEX:

OWNER:

LENNAR HOMES
16305 36TH AVENUE NORTH
PLYMOUTH, MN 55446

PROJECT ADDRESS / LOCATION:

SEC. 22/ TOWNSHIP 32N/ RANGE 25W

ANOKA COUNTY
RAMSEY MINNESOTA

MANAGING OFFICE:

MANKATO OFFICE
115 EAST HICKORY STREET
SUITE 300
MANKATO, MN 56001
PHONE: 507.387.6651
FAX: 507.387.3583

PROJECT MANAGER: NATHAN HERMER
EMAIL: NATHAN.HERMER@ISGINC.COM

SPECIFICATIONS REFERENCE

ALL CONSTRUCTION SHALL COMPLY WITH THE CITY OF RAMSEY REQUIREMENTS AND MnDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION, 2018 EDITION, AND THE STANDARD SPECIFICATIONS FOR SANITARY SEWER, STORM DRAIN AND WATERMAIN AS PROPOSED BY THE CITY ENGINEERS ASSOCIATION OF MINNESOTA 2013, UNLESS DIRECTED OTHERWISE.

PROJECT DATUM

HORIZONTAL COORDINATES HAVE BEEN REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83), 1996 ADJUSTMENT (NAD83(1996)) ON THE ANOKA COUNTY COORDINATE SYSTEM, IN U.S. SURVEY FEET.
ELEVATIONS HAVE BEEN REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
RTK GPS METHODS WERE USED TO ESTABLISH HORIZONTAL AND VERTICAL COORDINATES FOR THIS PROJECT.

B.M. ELEVATION=888.56

TNFH SE QUADRANT AT THE INTERSECTION OF PUMA ST NW AND ALPINE DR

TOPOGRAPHIC SURVEY

THIS PROJECT'S TOPOGRAPHIC SURVEY CONSISTS OF DATA COLLECTED IN OCTOBER/2020 BY ISG.

NOTE:
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NATHAN HERMER

DATE XX/XX/XXXX LIC. NO. XXXXX

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PROJECT

LENNAR HOMES

NORTH FORK MEADOWS DEVELOPMENT

RAMSEY MINNESOTA

REVISION SCHEDULE

DATE	DESCRIPTION	BY

PROJECT NO.	20-24580
FILE NAME	24580 1 TITLE
DRAWN BY	EH
DESIGNED BY	ART/WMSB
REVIEWED BY	NH
ORIGINAL ISSUE DATE	--/--/--
CLIENT PROJECT NO.	-

TITLE

TITLE SHEET

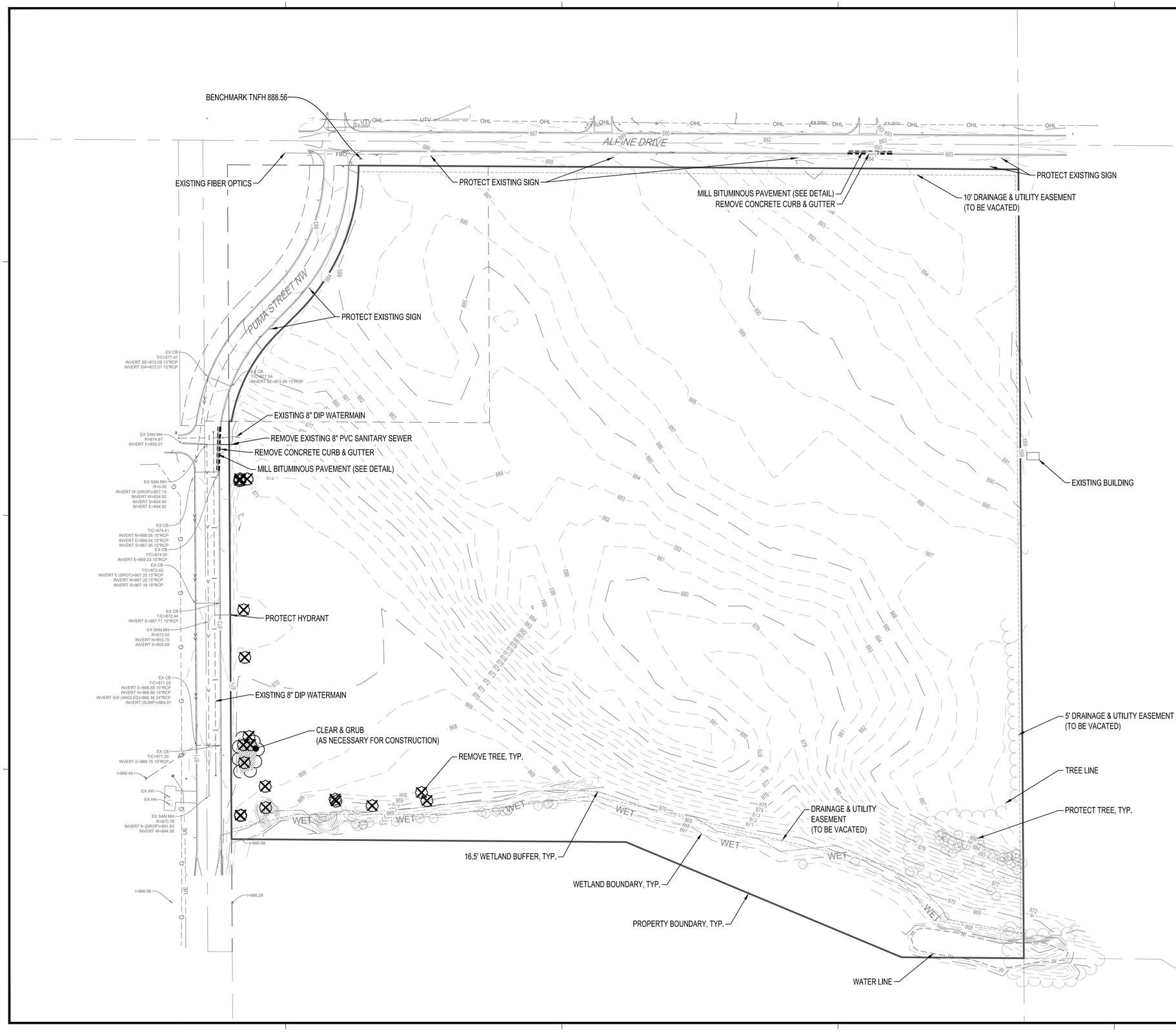
SHEET

1

OF 32

PRELIMINARY NOT FOR CONSTRUCTION

PRELIMINARY NOT FOR CONSTRUCTION



REMOVAL LEGEND

SYMBOL	DESCRIPTION
	REMOVE BITUMINOUS PAVEMENT
	CLEAR & GRUB TREES & UNDERBRUSH
	REMOVE DECIDUOUS TREE (CLEAR & GRUB)
	REMOVE CONIFEROUS TREE (CLEAR & GRUB)

CONTRACTOR SHALL VERIFY EXISTING PAVEMENT SECTION AND NOTIFY ENGINEER OF ANY DISCREPANCIES.

PAVEMENT REMOVALS SHALL INCLUDE FULL DEPTH SAWCUT & SECTION REMOVAL.

TREE PRESERVATION NOTES

1. ALL TREES TO REMAIN IN PLACE SHALL BE FENCED OFF WITH SAFETY NETTING AND STEEL STAKES BEYOND THE DRIPLINE OF THE TREE.
2. ALL TREES TO REMAIN SHALL RECEIVE SILT FENCING AROUND THE OUTSIDE OF THE SAFETY NETTING TO ENSURE NO CHEMICAL OR RUNOFF FROM CONSTRUCTION DAMAGES THE TREE OR THE SOIL SURROUNDING THE TREE.
3. PROTECT TREES TO REMAIN FROM ANY DAMAGE, INCLUDING BUT NOT LIMITED TO SOIL COMPACTION, VEHICLE DAMAGE, AND CHEMICAL EXPOSURE TO THE TREE OR THE SOIL SURROUNDING THE TREE.
4. ANY TREES TO REMAIN DAMAGED DURING THE CONSTRUCTION PROCESS SHALL BE REPLACED IN KIND BY THE CONTRACTOR.

TOTAL EXISTING TREES = 82
TOTAL TREES TO BE REMOVED = 19 (23%)
TOTAL TREES TO REMAIN = 63 (77%)

ISG

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PROJECT

LENNAR HOMES

NORTH FORK MEADOWS DEVELOPMENT

RAMSEY MINNESOTA

REVISION SCHEDULE

DATE	DESCRIPTION	BY

PROJECT NO.	20-24580
FILE NAME	24580 4 EXISTING
DRAWN BY	EH
DESIGNED BY	ART,WMSB
REVIEWED BY	NH
ORIGINAL ISSUE DATE	--/--/--
CLIENT PROJECT NO.	-

TITLE

EXISTING SITE & REMOVALS PLAN

SHEET

2

OF 32

PRELIMINARY NOT FOR CONSTRUCTION

NORTH FORK MEADOWS

EXISTING LEGAL DESCRIPTION:
(per client)

Outlot A, ALPHA DEVELOPMENT, Anoka County, Minnesota

AND

Outlot B, ALPHA DEVELOPMENT 2ND ADDITION, Anoka County, Minnesota

OWNERS / DEVELOPERS:
Lennar Corporation
16305 36th Avenue North
Plymouth, MN 55446
952-373-0485

SURVEYOR:
ISG
7900 International Drive Suite 550
Minneapolis, MN 55425
952-426-0699

AREA TABLE:
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Outlot B, ALPHA DEVELOPMENT 2ND ADDITION = 126,690 sq. ft. - 2.91 acres
Total = 1,455,602 sq. ft. - 33.42 acres

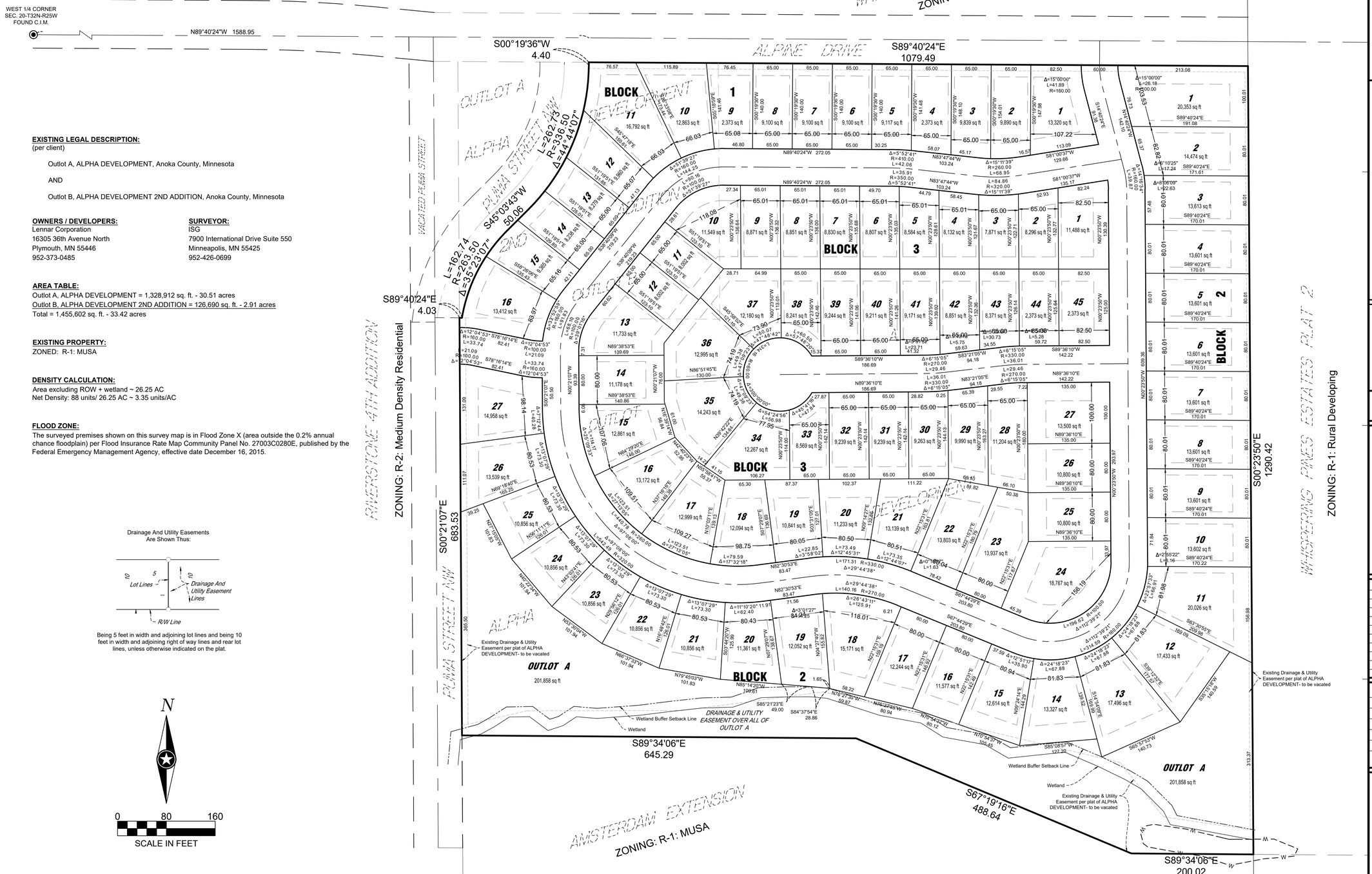
EXISTING PROPERTY:
ZONED: R-1: MUSA

DENSITY CALCULATION:
Area excluding ROW + wetland ~ 26.25 AC
Net Density: 88 units/ 26.25 AC ~ 3.35 units/AC

FLOOD ZONE:
The surveyed premises shown on this survey map is in Flood Zone X (area outside the 0.2% annual chance floodplain) per Flood Insurance Rate Map Community Panel No. 27003C0280E, published by the Federal Emergency Management Agency, effective date December 16, 2015.

Drainage And Utility Easements
Are Shown Thus:

Being 5 feet in width and adjoining lot lines and being 10 feet in width and adjoining right of way lines and rear lot lines, unless otherwise indicated on the plat.



ISG

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PROJECT

LENNAR HOMES

NORTH FORK MEADOWS DEVELOPMENT

RAMSEY MINNESOTA

REVISION SCHEDULE

DATE	DESCRIPTION	BY

PROJECT NO.	20-24580
FILE NAME	24580 PRELIM
DRAWN BY	MAS
DESIGNED BY	
REVIEWED BY	MAS
ORIGINAL ISSUE DATE	--/--/--
CLIENT PROJECT NO.	-

TITLE

PRELIMINARY PLAT

SHEET

3

OF 32

SITE SUMMARY				
LOT TYPES	UNIT COUNT	FULL BASEMENT	LOOKOUT	WALKOUT
60' SINGLE FAMILY LOTS	88	55	25	8

DEVELOPMENT REGULATIONS (PUD)	
SINGLE FAMILY LOTS	
FRONT SETBACK	VARIES 25'-30'
SIDE SETBACK	VARIES 5'-10'
REAR SETBACK	VARIES 20'-30'
CORNER SETBACK	VARIES 25'-30'

PAVEMENT LEGEND	
SYMBOL	DESCRIPTION
	BITUMINOUS PAVEMENT
	CONCRETE WALK
	CONCRETE PAVEMENT

BENCHMARK TNFH 888.56

ALPINE DRIVE

PUMA STREET NW

ROAD A

ROAD B

ROAD C

ROAD B

BLOCK 1

BLOCK 3

BLOCK 3

BLOCK 2

BLOCK 2

OUTLOT A

ST-1 ST-2 ST-3 ST-4 ST-5 ST-6 ST-7 ST-8 ST-9 ST-10

BASIN A
BOTTOM = 862.60'
MWL= 866.60'
100-YR HWL = 871.79'

WET

UE

DRIVEWAY, TYP.
(BY OTHERS)

SWALE, TYP.

BUILDING SETBACK, TYP.

PROPOSED LOT LINE, TYP.

TREE LINE, TYP.

PROTECTED TREE, TYP.

CONCRETE MAINTENANCE ACCESS
(SEE DETAIL)

16.5' WETLAND SETBACK, TYP.

WETLAND BOUNDARY, TYP.

WETLAND SIGN, TYP.
INSTALLED AT PROPERTY LINE

PROPERTY BOUNDARY, TYP.

WATER LINE, TYP.

N

0 80 160
SCALE IN FEET

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NATHAN HERMER

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PROJECT

LENNAR HOMES

NORTH FORK MEADOWS DEVELOPMENT

RAMSEY MINNESOTA

REVISION SCHEDULE

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FILE NAME	24580 6 PROPOSED
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TITLE

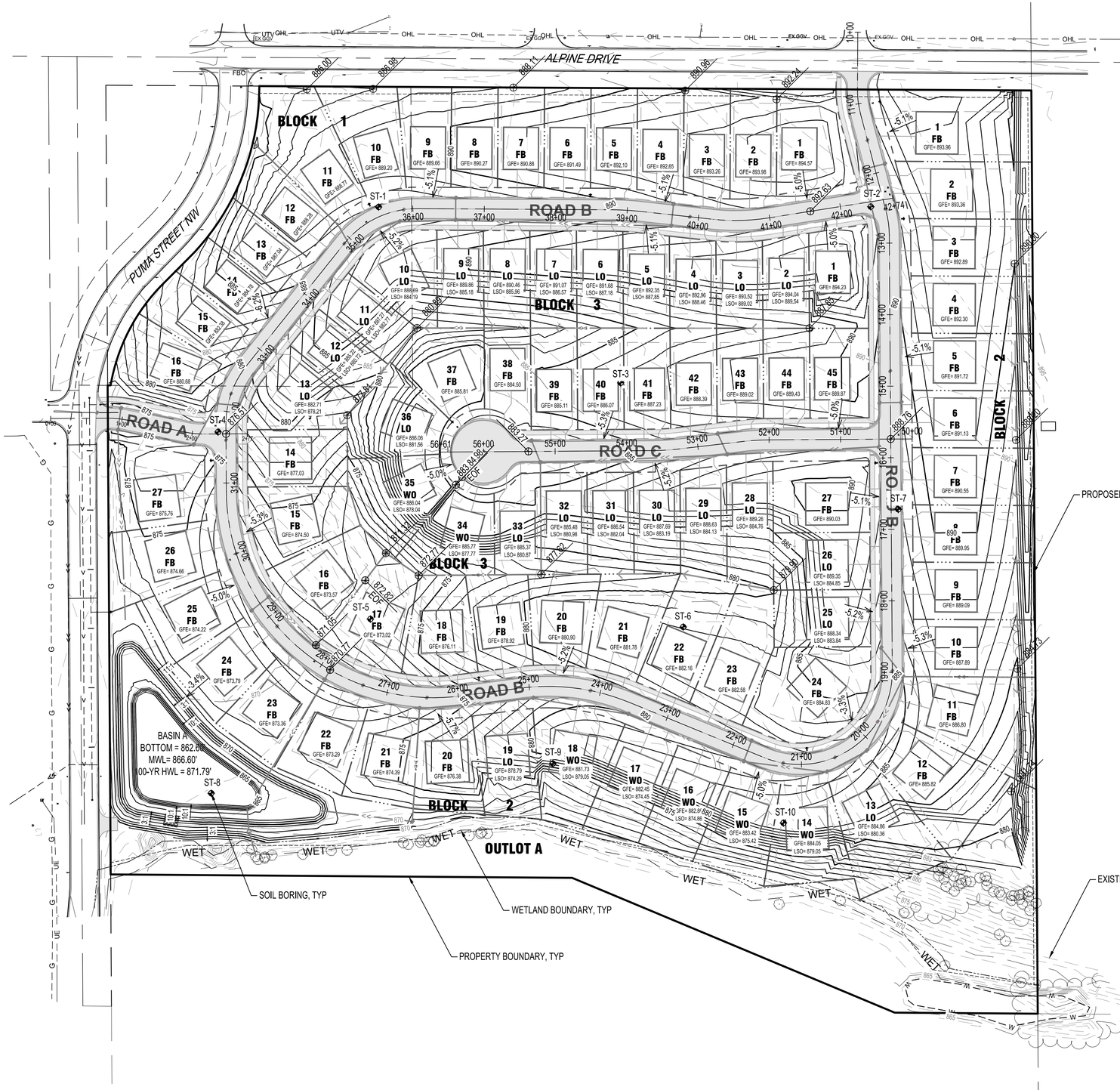
OVERALL PUD MASTER SITE PLAN

SHEET

4

OF 32

PRELIMINARY NOT FOR CONSTRUCTION

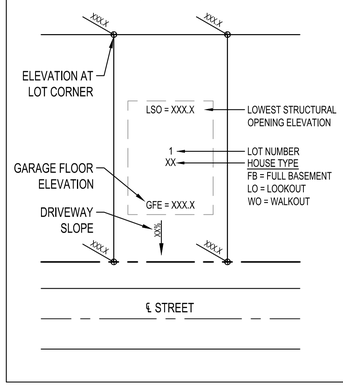


GRADING LEGEND

·101·	EXISTING CONTOUR (MINOR INTERVAL)
100	EXISTING CONTOUR (MAJOR INTERVAL)
101	PROPOSED CONTOUR (MINOR INTERVAL)
100	PROPOSED CONTOUR (MAJOR INTERVAL)
-X.X%	SURFACE GRADE / DIRECTION

LOT INFORMATION

(NOT TO SCALE)



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NATHAN HERMER

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PROJECT

LENNAR HOMES

NORTH FORK MEADOWS DEVELOPMENT

RAMSEY MINNESOTA

REVISION SCHEDULE

DATE	DESCRIPTION	BY

PROJECT NO.	20-24580
FILE NAME	24580 C4-GRADE
DRAWN BY	EH
DESIGNED BY	ART/WMSB
REVIEWED BY	NH
ORIGINAL ISSUE DATE	--/--/--
CLIENT PROJECT NO.	-

TITLE

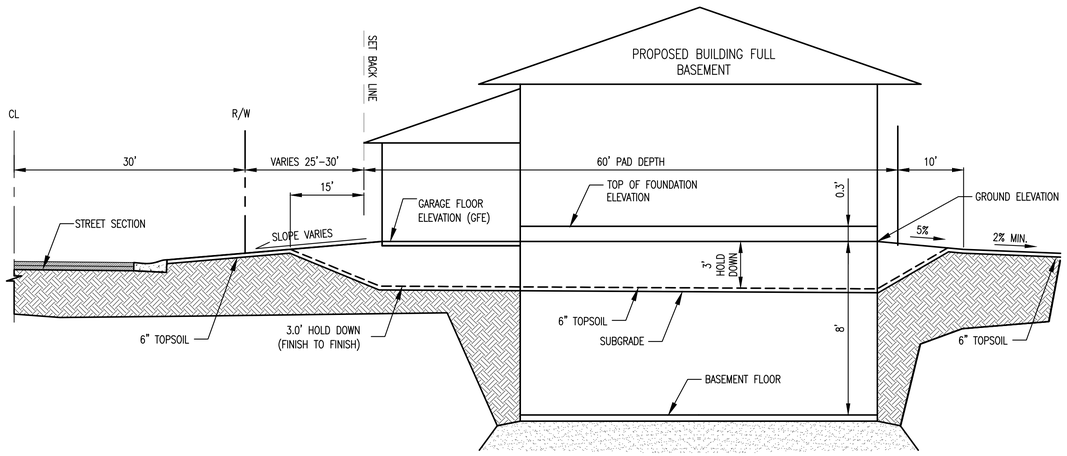
OVERALL GRADING PLAN

SHEET

5

OF 32

PRELIMINARY NOT FOR CONSTRUCTION



SINGLE FAMILY FULL BASEMENT (FB)
3.0' HOLD DOWN

N.T.S.

NOTE:

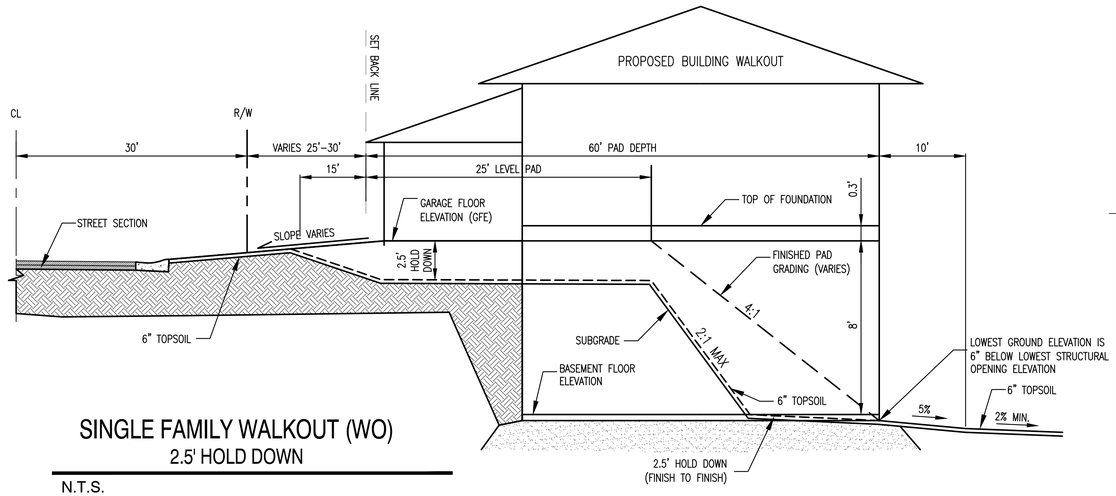
FB = FULL BASEMENT

LO = LOOK OUT BASEMENT

WO = WALKOUT BASEMENT

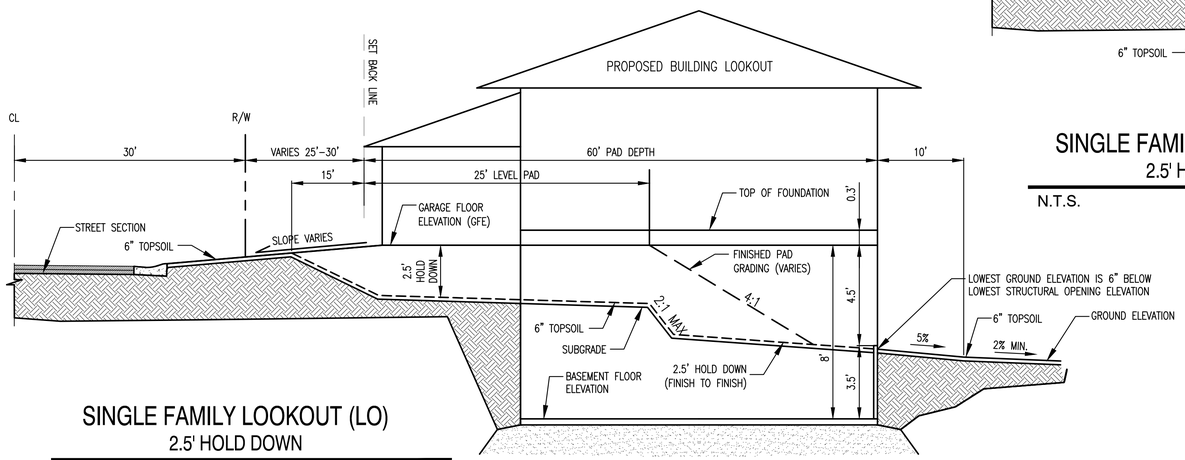
THE FIRST ELEVATION LISTED REFERS TO THE GARAGE FLOOR ELEVATION (GFE). THE SECOND ELEVATION LISTED REFERS TO THE LOWEST STRUCTURAL OPENING (LSO). IF NO SECOND ELEVATION IS LISTED THEN THE PRIMARY ELEVATION IS THE LOWEST STRUCTURAL OPENING.

SEE DETAILS OF EACH TYPE.



SINGLE FAMILY WALKOUT (WO)
2.5' HOLD DOWN

N.T.S.



SINGLE FAMILY LOOKOUT (LO)
2.5' HOLD DOWN

N.T.S.

NOTE:

THESE DETAILS ARE FOR 60-FT WIDE SINGLE FAMILY HOME PRODUCTS.

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NATHAN HERMER

DATE XX/XX/XXXX LIC. NO. XXXXX

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PROJECT

LENNAR HOMES

NORTH FORK MEADOWS DEVELOPMENT

RAMSEY MINNESOTA

REVISION SCHEDULE

DATE	DESCRIPTION	BY

PROJECT NO.	20-24580
FILE NAME	24580 2 DETAILS
DRAWN BY	EH
DESIGNED BY	ART/WMSB
REVIEWED BY	NH
ORIGINAL ISSUE DATE	--/--/--
CLIENT PROJECT NO.	-

TITLE

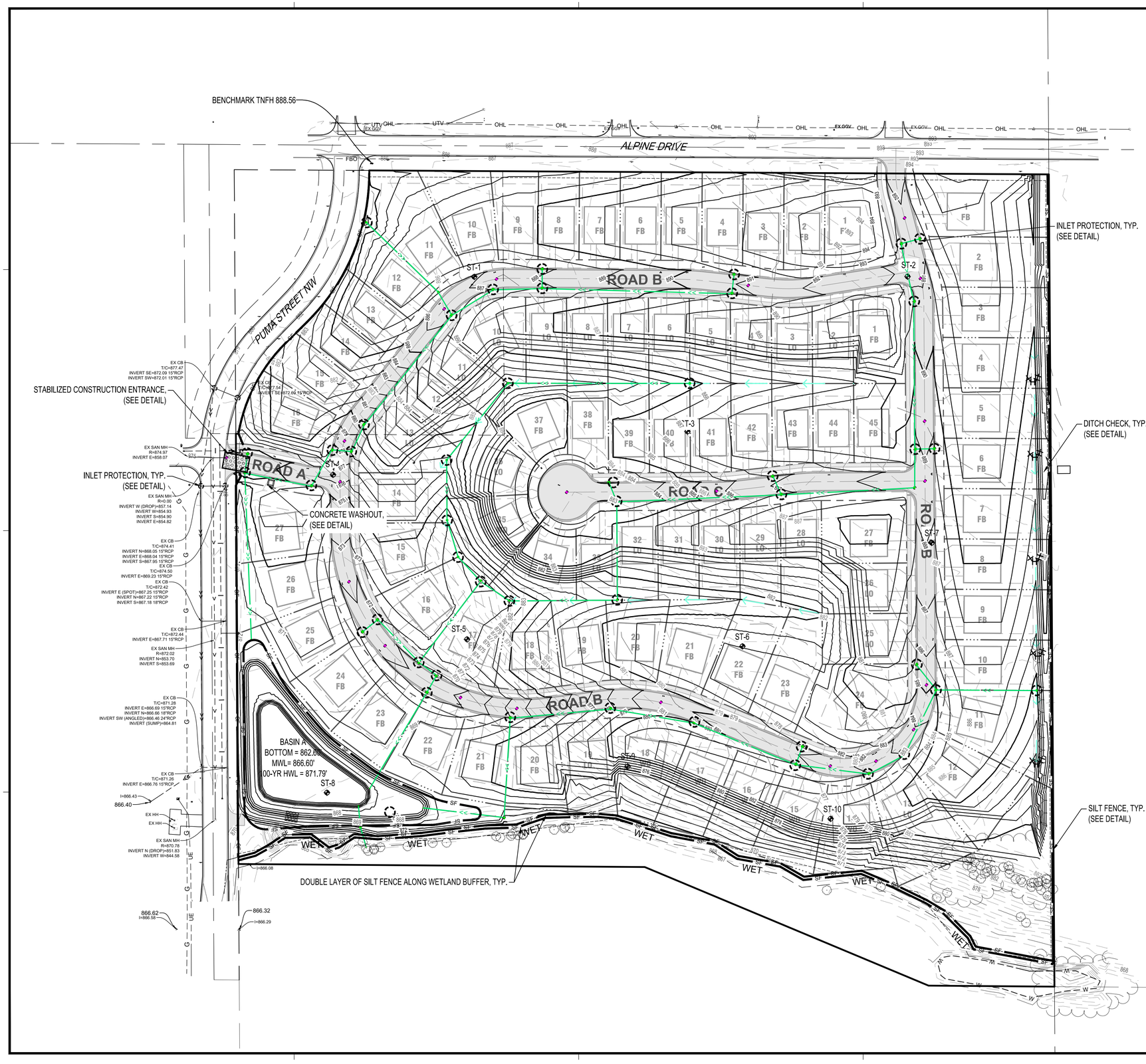
GRADING DETAILS

SHEET

6

OF 32

PRELIMINARY NOT FOR CONSTRUCTION



EROSION CONTROL LEGEND

SYMBOL	DESCRIPTION
	RANDOM RIPRAP, CLASS 3
SF	SILT FENCE, PREASSEMBLED
	STORM DRAIN INLET PROTECTION
	SEDIMENT CONTROL LOG
	STABILIZED CONSTRUCTION EXIT
	CONCRETE WASHOUT AREA
	EXISTING DRAINAGE ARROW
	PROPOSED DRAINAGE ARROW
101	EXISTING CONTOUR (MINOR INTERVAL)
100	EXISTING CONTOUR (MAJOR INTERVAL)
101	PROPOSED CONTOUR (MINOR INTERVAL)
100	PROPOSED CONTOUR (MAJOR INTERVAL)

PERIMETER CONTROL SHALL BE SILT FENCE.

SEE SITE RESTORATION PLAN FOR FINAL TURF ESTABLISHMENT.

NOTE: SWPPP COVERAGE INCLUDES ELECTRIC, GAS, TELEPHONE, AND CABLE INSTALLATION. EACH COMPANY OR THEIR SUBCONTRACTOR IS RESPONSIBLE TO FOLLOW THE REQUIREMENTS OF THIS SWPPP INCLUDING PROVIDING THEIR OWN RESTORATION IF INSTALLATION OCCURS AFTER PRIMARY INSTALLATION OF SEEDING/SODDING/MULCHING DURING CONSTRUCTION OF EACH UTILITY.

CITY OF RAMSEY TOPSOIL NOTES:

1. INSTALLATION OF 4" OF TOPSOIL IS REQUIRED ACROSS ALL DISTURBED AREAS.
2. TOPSOIL IS DEFINED AS BLACK DIRT COMPOSED OF UNCONSOLIDATED MATERIAL, LARGELY UN-DECOMPOSED ORGANIC MATTER WHICH IS SUITABLE FOUNDATION FOR VEGETATIVE GROWTH.
3. THE COMPOSITION OF TOPSOIL SHOULD CONTAIN NO MORE THAN THIRTY-FIVE (35) PERCENT SAND CONTENT.

N

0 80 160

SCALE IN FEET

ISG

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PROJECT

LENNAR HOMES

NORTH FORK MEADOWS DEVELOPMENT

RAMSEY MINNESOTA

REVISION SCHEDULE

DATE	DESCRIPTION	BY

PROJECT NO.	20-24580
FILE NAME	24580 3 SWPPP
DRAWN BY	EH
DESIGNED BY	ART/WMSB
REVIEWED BY	NH
ORIGINAL ISSUE DATE	--/--/--
CLIENT PROJECT NO.	-

TITLE

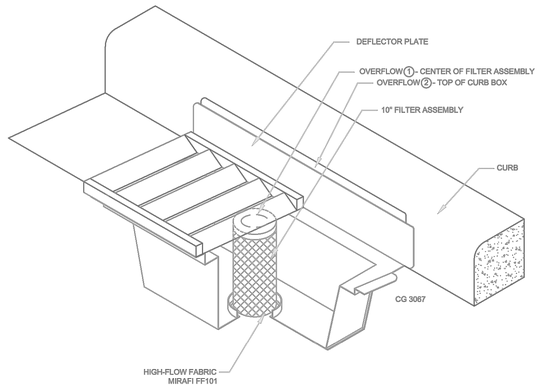
STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

SHEET

7

OF 32

PRELIMINARY NOT FOR CONSTRUCTION

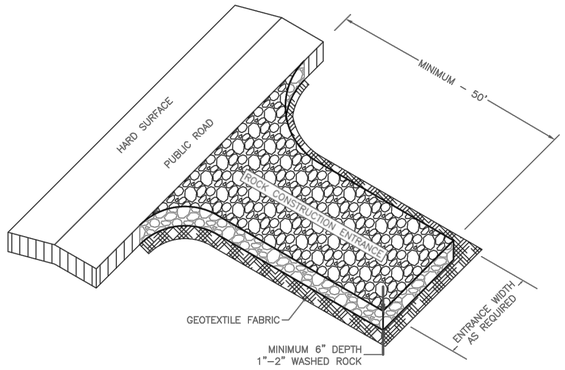


INLET PROTECTION – WIMCO OR EQUAL

N.T.S.

NOTE:
THIS INLET PROTECTION SHALL BE USED IMMEDIATELY FOLLOWING CURB & GUTTER CONSTRUCTION. INLET PROTECTION SHALL REMAIN INSTALLED AND MAINTAINTED UNTIL ALL HOME CONSTRUCTION IS COMPLETE.

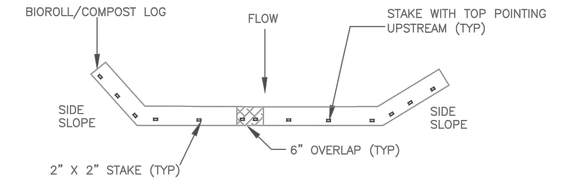
APPROVED: 1 – 2016	City of RAMSEY	STANDARD DETAILS: INLET PROTECTION
		CITY PLATE No. ERO–2



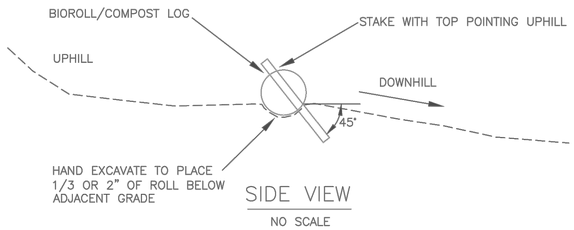
NOTE:
1. MINIMUM CONSTRUCTION ENTRANCE WIDTH EQUAL TO PROPOSED ROADWAY WIDTH.
2. WIDTH OF RADIUS AS REQUIRED TO ENSURE VEHICLES DO NOT TRACK ONTO PUBLIC ROAD.
3. MAINTAINENCE AS REQUIRED TO PREVENT TRACKING ONTO PUBLIC ROADS. THIS MAY REQUIRE TOP DRESSING WITH ADDITIONAL ROCK OR REMOVAL AND REINSTALLATION OF THE ENTRANCE AS NEEDED.

NOT TO SCALE

APPROVED: 1 – 2016	City of RAMSEY	STANDARD DETAILS: ROCK CONSTRUCTION ENTRANCE
		CITY PLATE No. ERO–5



PLAN VIEW

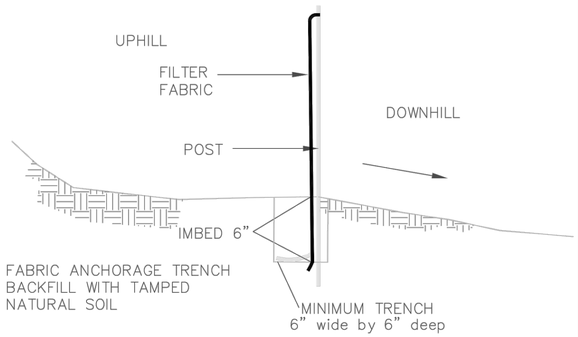


SIDE VIEW

NO SCALE

NOTE:
STAKE INTO GROUND WITH WOOD STAKES DRIVING STAKE 6" INTO GROUND AND PROTRUDING 2" ABOVE LOG
WOOD STAKES ARE A MINIMUM 0.5" X 2" X 16" AND PLACED EVERY 1' UNLESS PRECLUDED BY A ROCK
WHEN MORE THAN 1 BIOROLL/COMPOST LOG IS NEEDED, OVERLAP ENDS A MINIMUM OF 6" AND STAKE
WOOD STAKES ARE DRIVEN THROUGH BACK HALF OF BIOROLL OR COMPOST LOG AT 45° ANGLE WITH TOP OF STAKE POINTING UPHILL

APPROVED: 3 – 2016	City of RAMSEY	STANDARD DETAILS: BIO ROLL (COMPOST LOG)
		CITY PLATE No. ERO–4

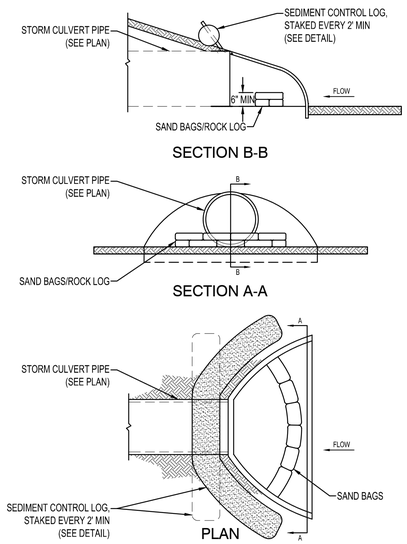


INSTALL AS PER FILTER FABRIC MANUFACTURER'S RECOMMENDATIONS

SILT FENCE DETAIL

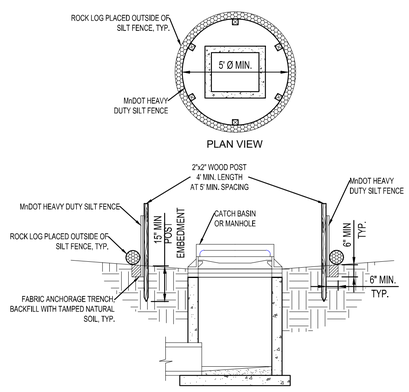
NO SCALE

APPROVED: 1 – 2016	City of RAMSEY	STANDARD DETAILS: SILT FENCE
		CITY PLATE No. ERO–1



CULVERT PIPE DITCH CHECK

NTS EC350



SILT FENCE INLET PROTECTION

NTS EC220

PRELIMINARY NOT FOR CONSTRUCTION

ISG

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PROJECT

LENNAR HOMES

NORTH FORK MEADOWS DEVELOPMENT

RAMSEY MINNESOTA

REVISION SCHEDULE

DATE	DESCRIPTION	BY

PROJECT NO.	20-24580
FILE NAME	24580 3-1 SWPPP NOTES AND DETAILS
DRAWN BY	EH
DESIGNED BY	ART/WMSB
REVIEWED BY	NH
ORIGINAL ISSUE DATE	--/--/--
CLIENT PROJECT NO.	-

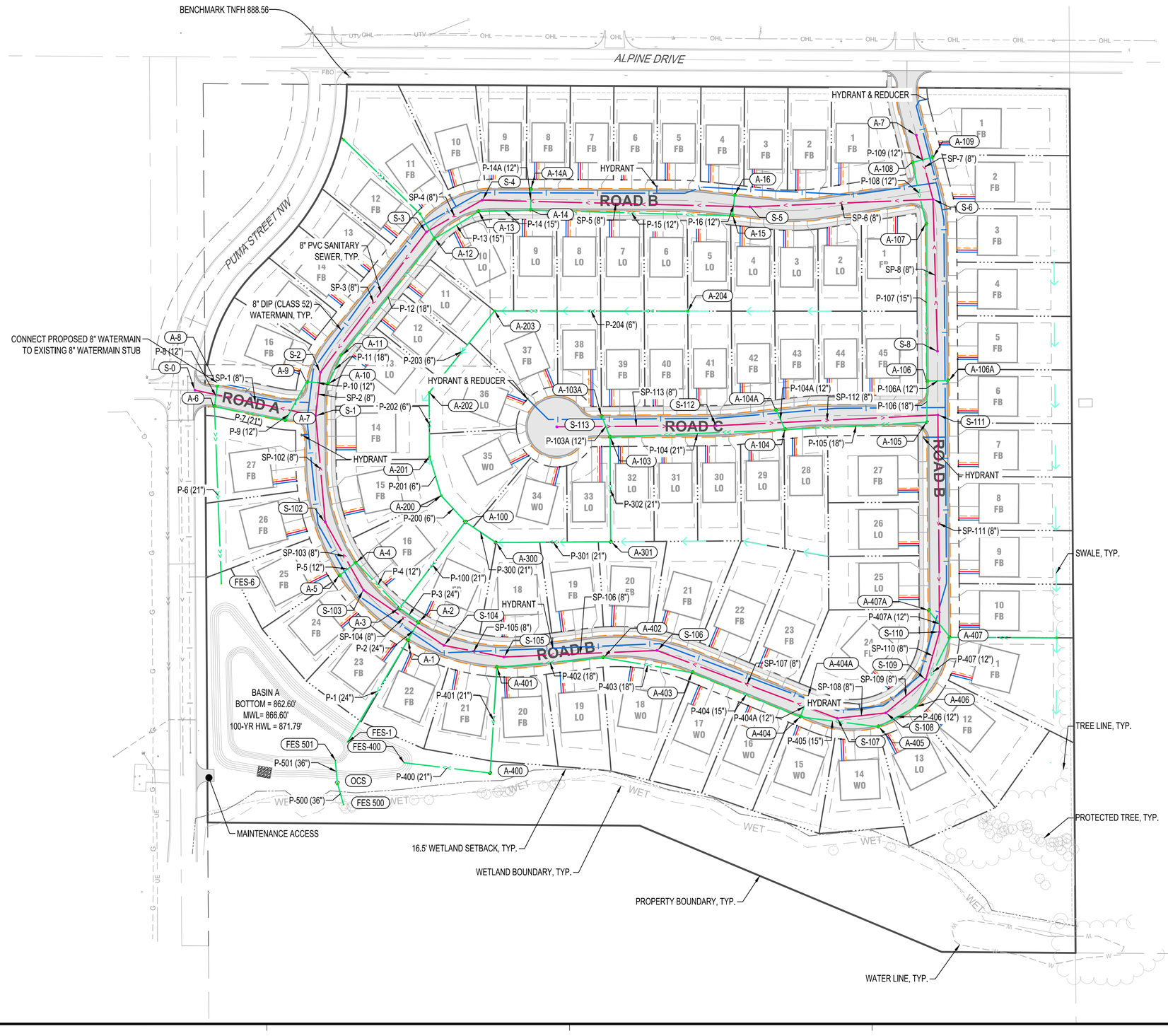
TITLE

SWPPP DETAILS

SHEET

8

OF 32



UTILITY LEGEND

EXISTING		PROPOSED
— — — >> — — —	STORM DRAIN	>>
— — — > — — —	SANITARY SEWER	>
— — — II> — — —	SANITARY SEWER FORCEMAIN	<II
— — — I — — —	WATERMAIN	I
— — — G — — —	GAS	G
— — — OE — — —	OVERHEAD ELECTRIC	OE
— — — UE — — —	UNDERGROUND ELECTRIC	UE
— — — UT — — —	UNDERGROUND TELEPHONE	UT
— — — UTV — — —	UNDERGROUND TV	
— — — OHL — — —	OVERHEAD UTILITY	
— — — UTL — — —	UNDERGROUND UTILITY	
— — — FBO — — —	FIBER OPTIC	

NOTE:

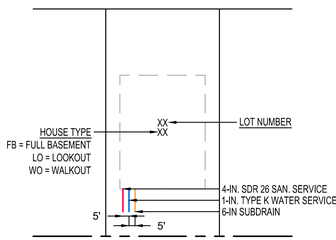
ALL SANITARY SEWER 0-13 FT IN BURY DEPTH SHALL BE PVC CLASS SDR 35. ALL SANITARY SEWER 13-25 FT IN BURY DEPTH SHALL BE SDR 26.

ALL WATERMAIN SHALL BE PLACED AT A MINIMUM BURY DEPTH OF 7.5 FT FROM PROPOSED GROUND ELEVATION TO TOP OF PIPE. WATERMAIN SHALL MAINTAIN A MINIMUM 10 FT HORIZONTAL SEPARATION AND 18 IN VERTICAL SEPARATION FROM ALL SEWER PIPE.

CONTRACTOR SHALL FIELD VERIFY THE LOCATIONS OF ALL EXISTING UTILITIES.

LOT INFORMATION

(NOT TO SCALE)





ISG

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PROJECT

LENNAR HOMES

NORTH FORK MEADOWS DEVELOPMENT

RAMSEY MINNESOTA

REVISION SCHEDULE

DATE	DESCRIPTION	BY

PROJECT NO.	20-24580
FILE NAME	24580 5 UTILITY
DRAWN BY	EH
DESIGNED BY	ART/WMSB
REVIEWED BY	NH
ORIGINAL ISSUE DATE	--/--/--
CLIENT PROJECT NO.	-

TITLE

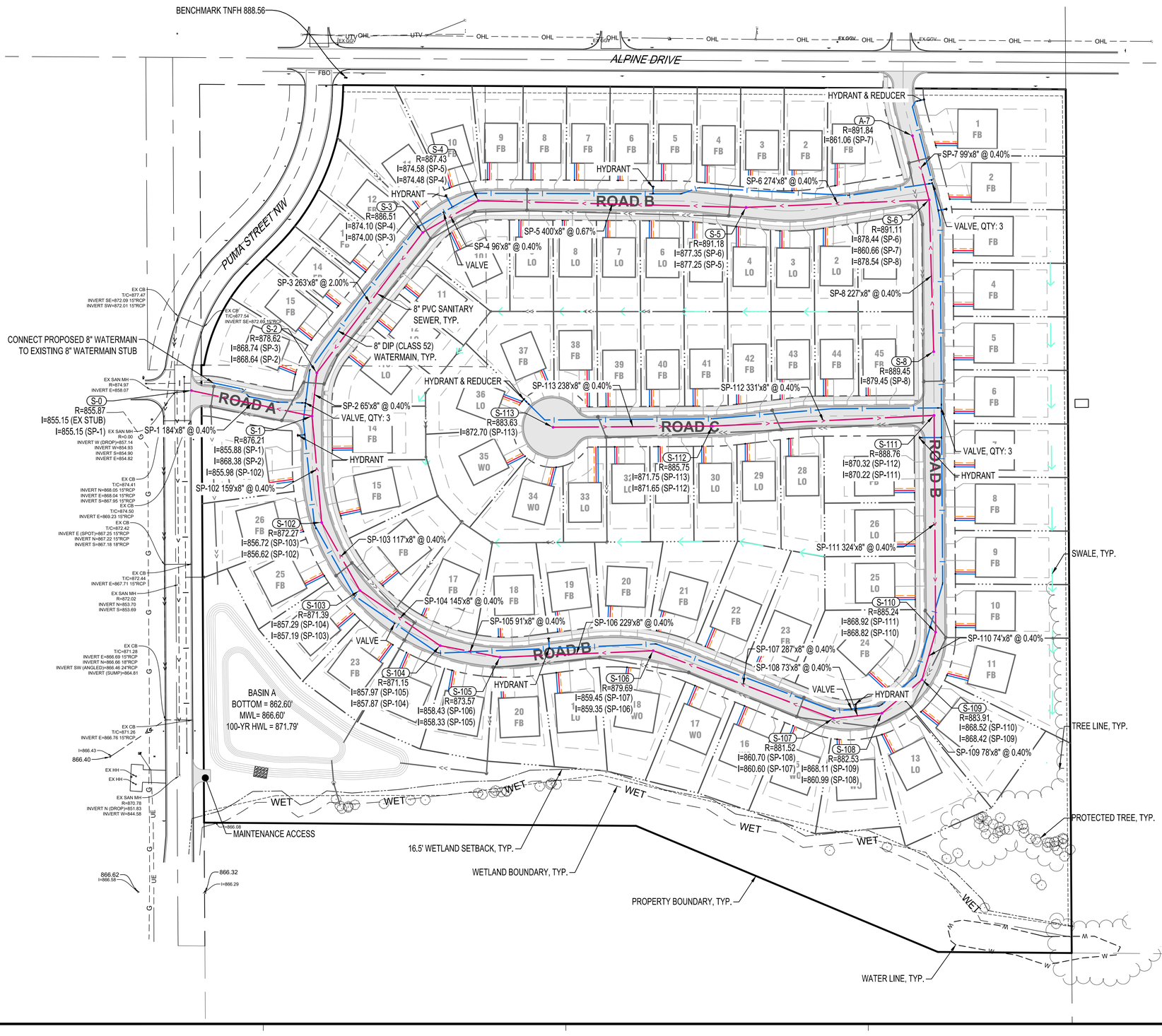
OVERALL UTILITY PLAN

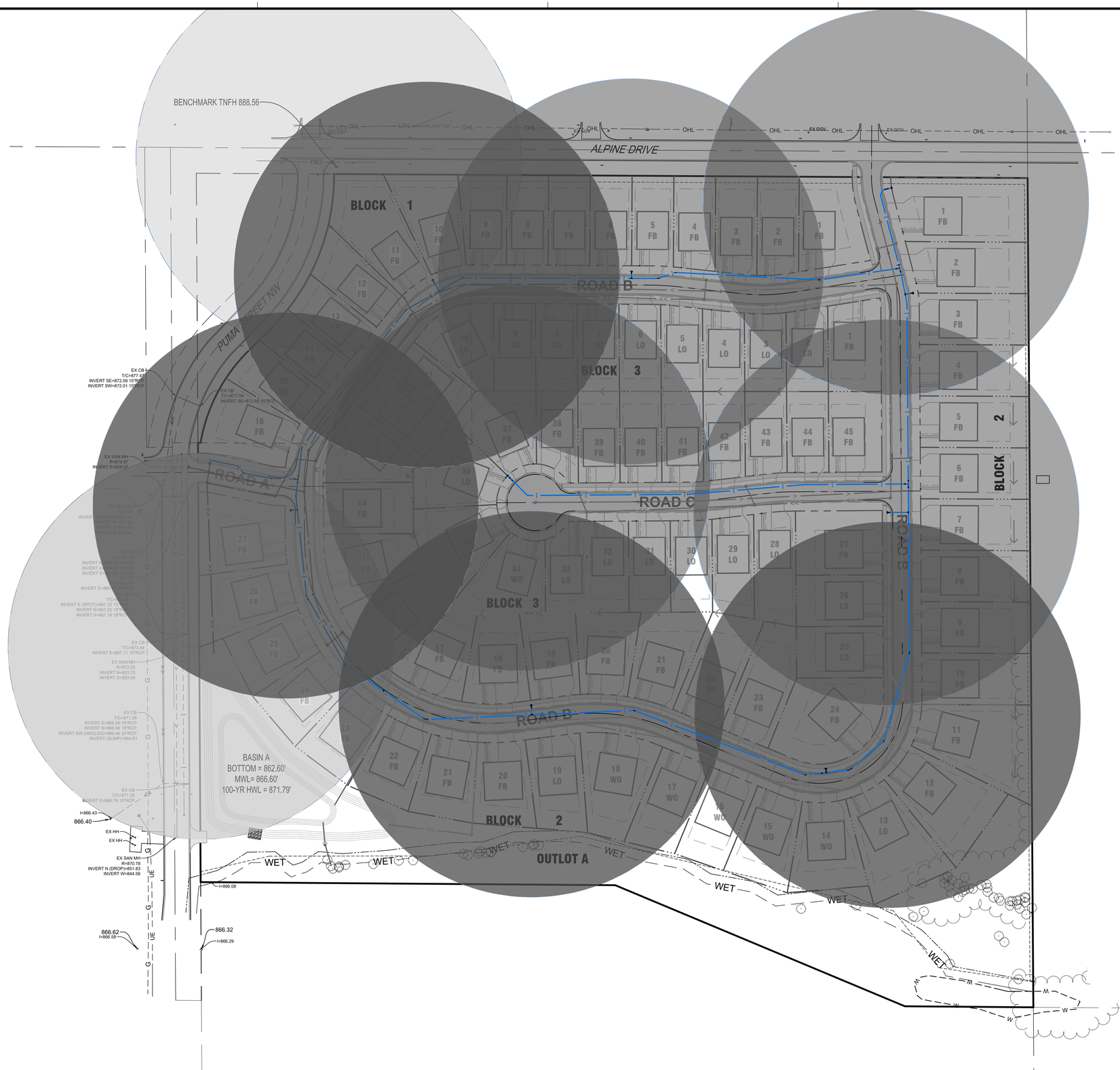
SHEET

9

OF 32

PRELIMINARY NOT FOR CONSTRUCTION


BENCHMARK TNFH 888.56
ALPINE DRIVE
PUMA STREET NW
ROAD A
ROAD B
ROAD C
ROAD B
ROAD B
CONNECT PROPOSED 8" WATERMAIN TO EXISTING 8" WATERMAIN STUB
8" PVC SANITARY SEWER, TYP.
8" DIP (CLASS 52) WATERMAIN, TYP.
HYDRANT & REDUCER
HYDRANT
VALVE
VALVE, QTY: 3
SP-1 184'x8" @ 0.40%
SP-2 65'x8" @ 0.40%
SP-3 263'x8" @ 2.00%
SP-4 96'x8" @ 0.40%
SP-5 400'x8" @ 0.67%
SP-6 274'x8" @ 0.40%
SP-7 99'x8" @ 0.40%
SP-8 227'x8" @ 0.40%
SP-102 159'x8" @ 0.40%
SP-103 117'x8" @ 0.40%
SP-104 145'x8" @ 0.40%
SP-105 91'x8" @ 0.40%
SP-106 229'x8" @ 0.40%
SP-107 287'x8" @ 0.40%
SP-108 73'x8" @ 0.40%
SP-109 78'x8" @ 0.40%
SP-110 74'x8" @ 0.40%
SP-111 324'x8" @ 0.40%
SP-112 331'x8" @ 0.40%
SP-113 238'x8" @ 0.40%
S-0 R=855.87 I=855.15 (EX STUB) I=855.15 (SP-1)
S-1 R=876.21 I=855.88 (SP-1) I=868.38 (SP-2) I=855.98 (SP-102)
S-2 R=878.62 I=868.74 (SP-3) I=868.64 (SP-2)
S-3 R=886.51 I=874.10 (SP-4) I=874.00 (SP-3)
S-4 R=887.43 I=874.58 (SP-5) I=874.48 (SP-4)
S-5 R=891.18 I=877.35 (SP-6) I=877.25 (SP-5)
S-6 R=891.11 I=878.44 (SP-6) I=860.66 (SP-7) I=878.54 (SP-8)
A-7 R=891.84 I=861.06 (SP-7)
S-8 R=889.45 I=879.45 (SP-8)
S-102 R=872.27 I=856.72 (SP-103) I=856.62 (SP-102)
S-103 R=871.39 I=857.29 (SP-104) I=857.19 (SP-103)
S-104 R=871.15 I=857.97 (SP-105) I=857.87 (SP-104)
S-105 R=873.57 I=858.43 (SP-106) I=858.33 (SP-105)
S-106 R=879.69 I=859.45 (SP-107) I=859.35 (SP-106)
S-107 R=881.52 I=860.70 (SP-108) I=860.60 (SP-107)
S-108 R=882.53 I=868.11 (SP-109) I=860.99 (SP-108)
S-109 R=883.91 I=868.52 (SP-110) I=868.42 (SP-109)
S-110 R=885.24 I=868.92 (SP-111) I=868.82 (SP-110)
S-111 R=888.76 I=870.32 (SP-112) I=870.22 (SP-111)
S-112 R=885.75 I=871.75 (SP-113) I=871.65 (SP-112)
S-113 R=883.63 I=872.70 (SP-113)
EX CB T/C=877.47 INVERT SE=872.09 15"RCP INVERT SW=872.01 15"RCP
EX CB T/C=877.54 INVERT SE=872.65 15"RCP
EX SAN MH R=874.97 INVERT E=858.07
EX SAN MH R=0.00 INVERT W (DROP)=857.14 INVERT W=854.93 INVERT S=854.90 INVERT E=854.82
EX CB T/C=874.41 INVERT N=868.05 15"RCP INVERT E=868.04 15"RCP INVERT S=867.95 15"RCP
EX CB T/C=874.50 INVERT E=869.23 15"RCP
EX CB T/C=872.42 INVERT E (SPOT)=867.25 15"RCP INVERT N=867.22 15"RCP INVERT S=867.18 18"RCP
EX CB T/C=872.44 INVERT E=867.71 15"RCP
EX SAN MH R=872.02 INVERT N=853.70 INVERT S=853.69
EX CB T/C=871.28 INVERT E=866.69 15"RCP INVERT N=866.66 18"RCP INVERT SW (ANGLED)=866.46 24"RCP INVERT (SUMP)=864.81
EX CB T/C=871.26 INVERT E=866.76 15"RCP
I=866.43
866.40
EX HH
EX HH
EX SAN MH R=870.78 INVERT N (DROP)=851.83 INVERT W=844.58
I=866.08
MAINTENANCE ACCESS
866.62 I=866.58
866.32 I=866.29
BASIN A BOTTOM = 862.60' MWL= 866.60' 100-YR HWL = 871.79'
WET
16.5' WETLAND SETBACK, TYP.
WETLAND BOUNDARY, TYP.
PROPERTY BOUNDARY, TYP.
WATER LINE, TYP.
SWALE, TYP.
TREE LINE, TYP.
PROTECTED TREE, TYP.
UTV OHL EX.GGV FBO
1 FB
2 FB
3 FB
4 FB
5 FB
6 FB
7 FB
8 FB
9 FB
10 FB
11 FB
12 FB
13 LO
14 FB
15 FB
16 LO
17 FB
18 FB
19 FB
20 FB
21 FB
22 FB
23 FB
24 FB
25 LO
26 LO
27 LO
28 LO
29 LO
30 LO
31 LO
32 LO
33 LO
34 WO
35 WO
36 LO
37 FB
38 FB
39 FB
40 FB
41 FB
42 FB
43 FB
44 FB
45 FB
1 LO
2 LO
3 LO
4 LO
6 LO
7 LO
8 LO
11 LO
12 LO
13 WO
14 WO
15 WO
16 WO
17 WO
18 WO
19 LO
20 LO
21 LO
22 LO
23 LO
24 LO



HYDRANT COVERAGE LEGEND

R300'

EXISTING HYDRANT

R300'

PROPOSED HYDRANT

ISG

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NATHAN HERMER

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PROJECT

LENNAR HOMES

NORTH FORK MEADOWS DEVELOPMENT

RAMSEY MINNESOTA

REVISION SCHEDULE

DATE	DESCRIPTION	BY

PROJECT NO.	20-24580
FILE NAME	24580 5 UTILITY
DRAWN BY	EH
DESIGNED BY	ART/WMSB
REVIEWED BY	NH
ORIGINAL ISSUE DATE	--/--/--
CLIENT PROJECT NO.	-

TITLE

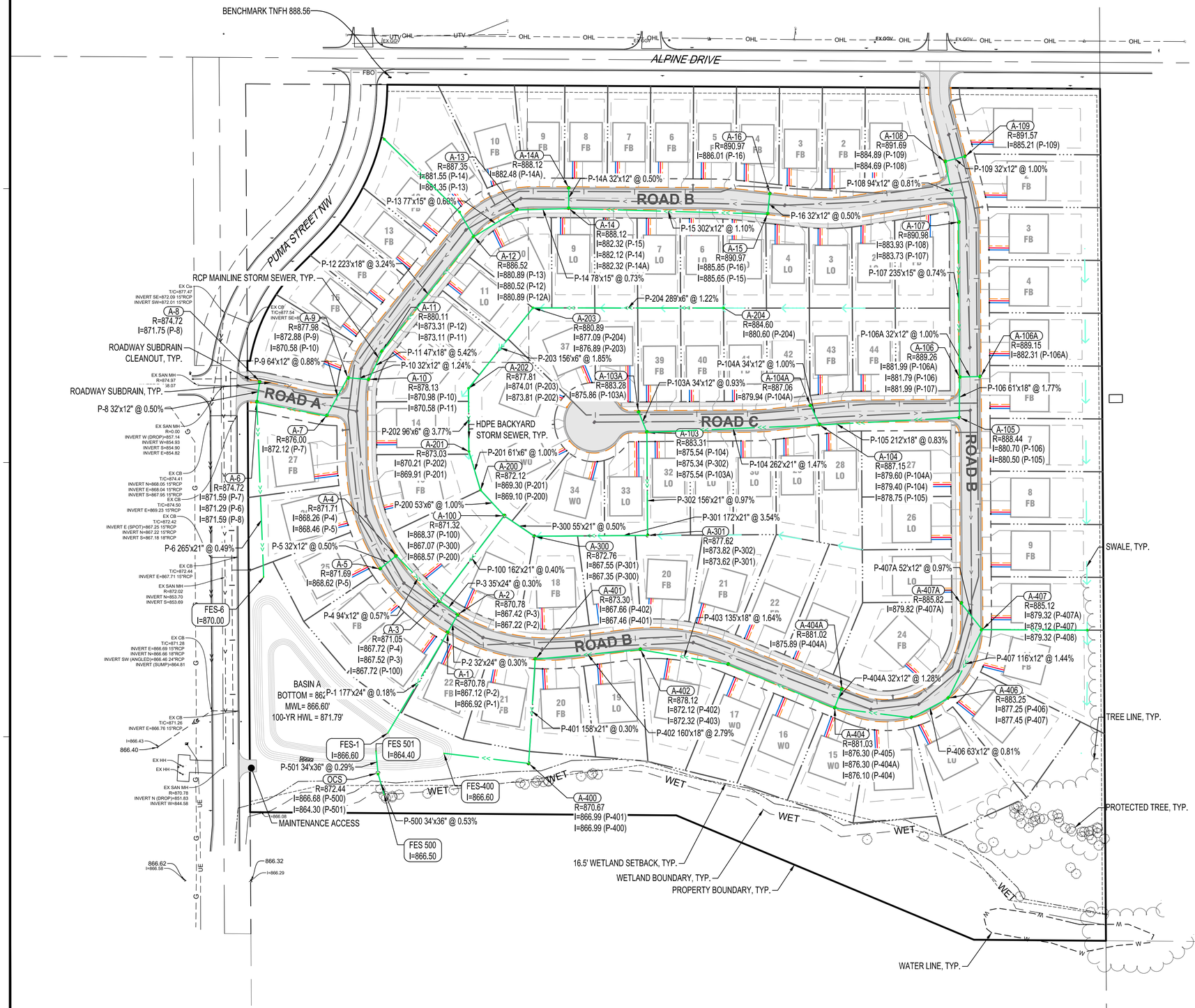
HYDRANT COVERAGE PLAN

SHEET

11

OF 32

PRELIMINARY NOT FOR CONSTRUCTION



UTILITY LEGEND

EXISTING		PROPOSED
— — — >> — — —	STORM DRAIN	——— >> ———
— — — > — — —	SANITARY SEWER	——— > ———
— — — II> — — —	SANITARY SEWER FORCEMAIN	——— <II ———
— — — I — — —	WATERMAIN	——— I ———
— — — G — — —	GAS	——— G ———
— — — OE — — —	OVERHEAD ELECTRIC	——— OE ———
— — — UE — — —	UNDERGROUND ELECTRIC	——— UE ———
— — — UT — — —	UNDERGROUND TELEPHONE	——— UT ———
— — — UTV — — —	UNDERGROUND TV	
— — — OHL — — —	OVERHEAD UTILITY	
— — — UTL — — —	UNDERGROUND UTILITY	
— — — FBO — — —	FIBER OPTIC	

NOTE:

ALL SANITARY SEWER 0-13 FT IN BURY DEPTH SHALL BE PVC CLASS SDR 35. ALL SANITARY SEWER 13-25 FT IN BURY DEPTH SHALL BE SDR 26.

ALL WATERMAIN SHALL BE PLACED AT A MINIMUM BURY DEPTH OF 7.5 FT FROM PROPOSED GROUND ELEVATION TO TOP OF PIPE. WATERMAIN SHALL MAINTAIN A MINIMUM 10 FT HORIZONTAL SEPARATION AND 18 IN VERTICAL SEPARATION FROM ALL SEWER PIPE.

CONTRACTOR SHALL FIELD VERIFY THE LOCATIONS OF ALL EXISTING UTILITIES.

LOT INFORMATION

(NOT TO SCALE)

HOUSE TYPE
FB = FULL BASEMENT
LO = LOOKOUT
WO = WALKOUT

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NATHAN HERMER

DATE XX/XX/XXXX LIC. NO. XXXXX

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PROJECT

LENNAR HOMES

NORTH FORK MEADOWS DEVELOPMENT

RAMSEY MINNESOTA

REVISION SCHEDULE

DATE	DESCRIPTION	BY

PROJECT NO.	20-24580
FILE NAME	24580 5 UTILITY
DRAWN BY	EH
DESIGNED BY	ART/WMSB
REVIEWED BY	NH
ORIGINAL ISSUE DATE	--/--/--
CLIENT PROJECT NO.	-

TITLE

OVERALL STORM SEWER PLAN

SHEET

12

OF 32

PRELIMINARY NOT FOR CONSTRUCTION



PLANT SCHEDULE		
TURF RESTORATION	QTY	COMMON / BOTANICAL NAME
	702,396 sf	MNDOT Seed Mix 25-131 Low Maintenance Turf
	12,730 sf	MNDOT Seed Mix 33-261 Stormwater South and West
	3,490 sf	MNDOT Seed Mix 34-181 Emergent Wetland
	28,927 sf	MNDOT Seed Mix 35-521 Dry Prairie Southwest

N

0 80 160

SCALE IN FEET

ISG

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DANYELLE PIERQUET

DATE XXXX/XX/XX LIC. NO. 49121

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PROJECT

LENNAR HOMES

NORTH FORK MEADOWS DEVELOPMENT

RAMSEY MINNESOTA

REVISION SCHEDULE

DATE	DESCRIPTION	BY

PROJECT NO.	20-24580
FILE NAME	24580 8 LAND
DRAWN BY	EH
DESIGNED BY	ART,WMSB
REVIEWED BY	NH
ORIGINAL ISSUE DATE	--/--/--
CLIENT PROJECT NO.	-

TITLE

SITE RESTORATION PLAN

SHEET

30

OF 32

PRELIMINARY NOT FOR CONSTRUCTION



PLANT SCHEDULE

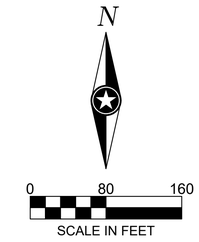
DECIDUOUS TREE	QTY	COMMON / BOTANICAL NAME	SIZE	ROOT
	14	New Harmony Elm Ulmus americana `New Harmony`	2.5" CAL	B & B
	64	Ohio Buckeye Aesculus glabra	2.5" CAL	B & B
	48	Maidenhair Tree Ginkgo biloba `Autumn Gold`	2.5" CAL	B & B
	23	Adams Crabapple Malus x `Adams`	1.5" CAL	B & B
	20	Swamp White Oak Quercus bicolor	2.5" CAL	B & B
	21	Japanese Tree Lilac Syringa reticulata	2.5" Cal.	B & B
EVERGREEN TREE	**QTY**	**COMMON / BOTANICAL NAME**	**SIZE**	**ROOT**
	80	Balsam Fir Abies balsamea	6` HT MIN	B & B
	42	Black Hills Spruce Picea glauca `Densata`	6` HT MIN	B & B
	19	White Spruce Picea glauca	6` HT MIN	B & B
	4	Techny Arborvitae Thuja occidentalis `Techny`	6` HT MIN	B & B
SHRUBS	**QTY**	**COMMON / BOTANICAL NAME**	**SIZE**	**ROOT**
⊙	18	Gro-Low Fragrant Sumac Rhus aromatica `Gro-Low`	5 GAL	CONT

TREE PLANTING REQUIREMENTS

TREES PER DWELLING UNIT
- MINIMUM 2 OVERSTORY DECIDUOUS/CONIFEROUS TREES PER DWELLING UNIT
- TOTAL DWELLING UNITS = 88
- MINIMUM REQUIRED TREES = 176
- PROVIDED DWELLING UNIT AND SUPPLEMENTAL SCREENING TREES = 209

BUFFER TREES
- BUFFER B ALONG EAST PROPERTY LINE, 1,289 LINEAR FEET (LF)
- 4 OVERSTORY, 4 ORNAMENTAL, 4 EVERGREEN TREES REQUIRED PER 100 LF
- 1,289 / 100 = 12.89, 13x4 = 52 OVERSTORY, ORNAMENTAL, AND EVERGREEN TREES REQUIRED
- PROVIDED 47 TREES TO SUPPLEMENT EXISTING TREE BUFFER, PRIORITY TO FILL GAPS IN EXISTING BUFFER.

- BUFFER C ALONG NORTH PROPERTY LINE, 1,018 LINEAR FEET (LF)
- 8 OVERSTORY, 8 ORNAMENTAL, 8 EVERGREEN TREES REQUIRED PER 100 LF
- 1,018 / 100 = 10.18, 10x8 = 80 OVERSTORY, ORNAMENTAL, AND EVERGREEN TREES REQUIRED
- PROVIDED 80 TREES



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PROJECT

LENNAR HOMES

NORTH FORK MEADOWS DEVELOPMENT

RAMSEY MINNESOTA

REVISION SCHEDULE

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ORIGINAL ISSUE DATE	--/--/--
CLIENT PROJECT NO.	-

TITLE

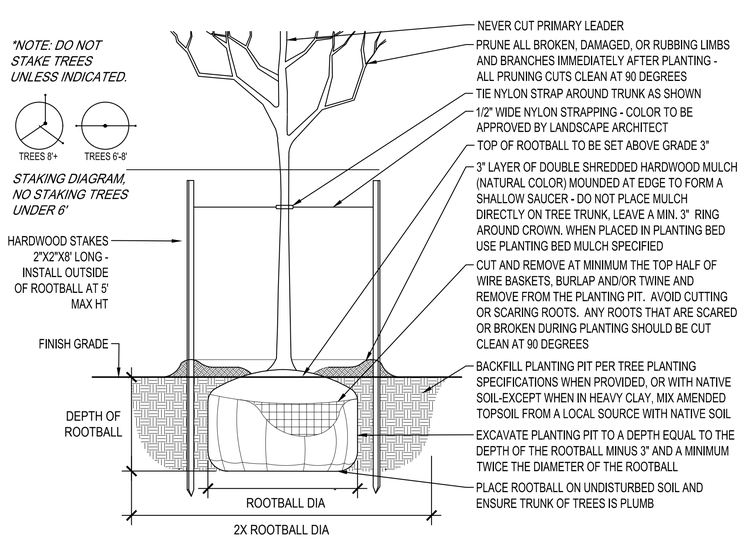
OVERALL LANDSCAPING PLAN

SHEET

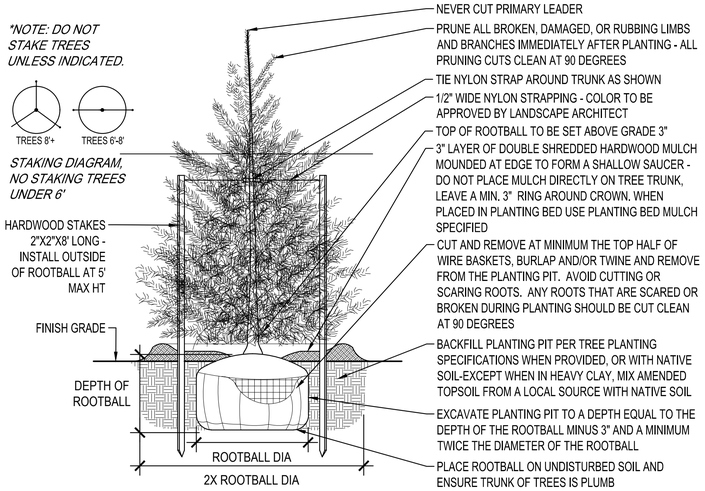
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OF 32

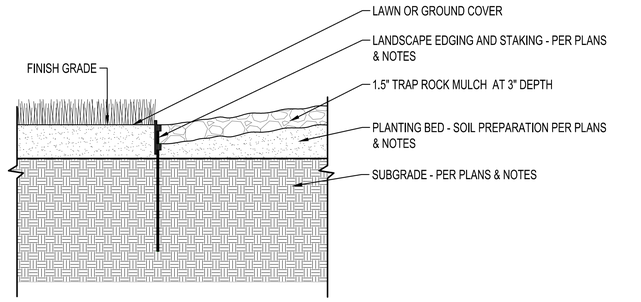
PRELIMINARY NOT FOR CONSTRUCTION



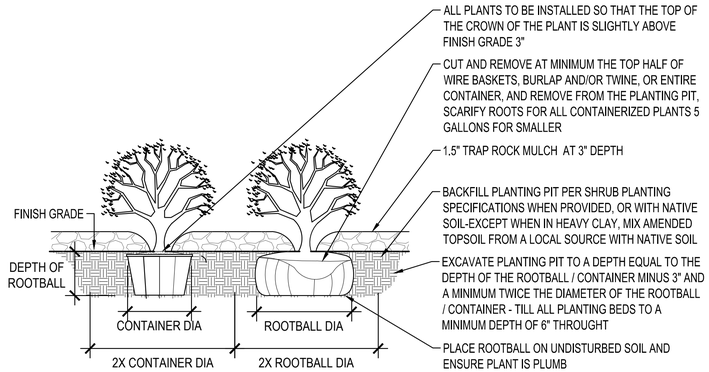
1 DECIDUOUS TREE PLANTING DETAIL
SCALE: 1" = 1'-0"



2 CONIFER / EVERGREEN TREE PLANTING DETAIL
SCALE: 1" = 1'-0"



3 LANDSCAPE EDGING DETAIL
SCALE: 1" = 1'-0"



4 SHRUB PLANTING DETAIL
SCALE: 1" = 1'-0"

GENERAL PLANTING NOTES

1. COORDINATE LOCATION OF ALL UTILITIES (LINES, DUCTS, CONDUITS, SLEEVES, FOOTINGS, ETC.) WITH LOCATIONS OF PROPOSED LANDSCAPE ELEMENTS . CONTRACTOR SHALL REPORT ANY DISCREPANCIES TO OWNER'S REPRESENTATIVE PRIOR TO WORK.
2. SAVE AND PROTECT ALL EXISTING TREES NOT NOTED TO BE REMOVED.
3. REMOVE ALL CONSTRUCTION DEBRIS AND MATERIALS INJURIOUS TO PLANT GROWTH FROM PLANTING PITS AND BEDS PRIOR TO BACKFILLING WITH PLANTING MIX.
4. ANY AREAS OUTSIDE THE LIMIT OF WORK THAT ARE DISTURBED SHALL BE RESTORED TO ITS ORIGINAL CONDITION AT NO ADDITIONAL COST TO OWNER.
5. REFER TO PLANTING DETAILS PLAN FOR AMENDED SOIL DEPTH IN PLANTING BEDS AND SURROUNDING TREES. REFER TO SPECIFICATIONS FOR MIX TYPE.
6. FIELD STAKE PLANTINGS ACCORDING TO PLAN. OWNER'S REPRESENTATIVE SHALL APPROVE ALL PLANT LOCATIONS PRIOR TO INSTALLATION. OWNER RESERVES THE RIGHT TO REVISE PLANTING LAYOUT AT TIME OF INSTALLATION.
7. ALL PLANT MATERIALS SHALL BE TRUE TO THEIR SCIENTIFIC NAME AND SIZE AS INDICATED IN THE PLANT SCHEDULE.
8. IF DISCREPANCIES EXIST BETWEEN THE NUMBER OF PLANTS DRAWN ON THE PLANTING PLAN AND THE NUMBER OF PLANTS IN THE SCHEDULE, THE PLANTING PLAN SHALL GOVERN.
9. OWNER RESERVES THE RIGHT TO REVISE QUANTITIES TO SUIT BUDGET LIMITATIONS. CONTRACTOR'S UNIT BID PRICES SHALL PREVAIL FOR ANY CHANGES IN QUANTITIES.
10. ANY PROPOSED SUBSTITUTIONS OF PLANT SPECIES SHALL BE MADE WITH PLANTS OF EQUIVALENT OVERALL FORM, HEIGHT, BRANCHING HABIT, FLOWER, LEAF, COLOR, FRUIT AND CULTURE, AND ONLY AFTER WRITTEN APPROVAL OF THE OWNER'S REPRESENTATIVE AND OWNER.
11. ALL PLANT MATERIALS MUST CONFORM TO AMERICAN STANDARDS FOR NURSERY STOCK (A.N.S.I.), LATEST EDITION PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, WASHINGTON D.C. LARGER SIZED PLANT MATERIALS OF THE SPECIES LISTED MAY BE USED IF THE STOCK CONFORMS TO A.N.S.I.
12. ALL PLANT MATERIAL SHALL BE GUARANTEED TO BE IN A LIVE AND HEALTHY GROWING CONDITION FOR ONE FULL GROWING SEASON (ONE YEAR) AFTER FINAL PROJECT ACCEPTANCE OR SHALL BE REPLACED FREE OF CHARGE WITH THE SAME GRADE AND SPECIES. ALL TREES SHALL HAVE A STRONG CENTRAL LEADER.

ISG

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DANYELLE PIERQUET

DATE XXXX/XX/XX LIC. NO. 49121

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PROJECT

LENNAR HOMES

NORTH FORK MEADOWS DEVELOPMENT

RAMSEY MINNESOTA

REVISION SCHEDULE

DATE	DESCRIPTION	BY

PROJECT NO.	20-24580
FILE NAME	24580 8 LAND
DRAWN BY	EH
DESIGNED BY	ART,WMSB
REVIEWED BY	NH
ORIGINAL ISSUE DATE	--/--/--
CLIENT PROJECT NO.	-

TITLE

LANDSCAPING DETAILS & SEEDING NOTES

SHEET

32

OF 32

PRELIMINARY NOT FOR CONSTRUCTION

LENNAR®

13 YEARS TWIN CITIES #1 HOMEBUILDER†

The Lewis EI • 3-Car









EVERYTHING'S INCLUDED®

16305 36th Ave. N. Suite 600, Plymouth, MN 55446

LENNAR.COM **952-373-0485**

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13 YEARS TWIN CITIES #1 HOMEBUILDER†

The Lewis EI • 3-Car

2,692 Sq. Ft.

- 2 Stories
- 4 Bedrooms
- 3 Bathrooms
- 3 Car Garage



Main Level



Upper Level

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13 YEARS TWIN CITIES #1 HOMEBUILDER†

The Clearwater EI









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13 YEARS TWIN CITIES #1 HOMEBUILDER

The Clearwater EI

1,920 Sq. Ft.

- 1 Story
- 3 Bedrooms
- 2 Bathrooms
- 3 Car Garage



Main Level

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16305 36th Ave. N. Suite 600, Plymouth, MN 55446

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13 YEARS TWIN CITIES #1 HOMEBUILDER†

The Vanderbilt EI • 3-Car









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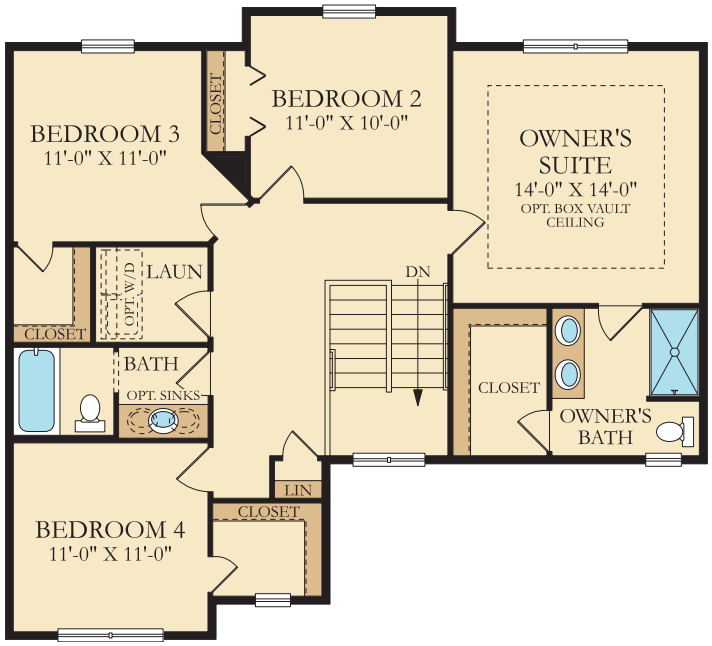
The Vanderbilt EI • 3-Car

2,271 Sq. Ft.

- 2 Stories
- 4 Bedrooms
- 3 Bathrooms
- 3 Car Garage



Main Level



Upper Level

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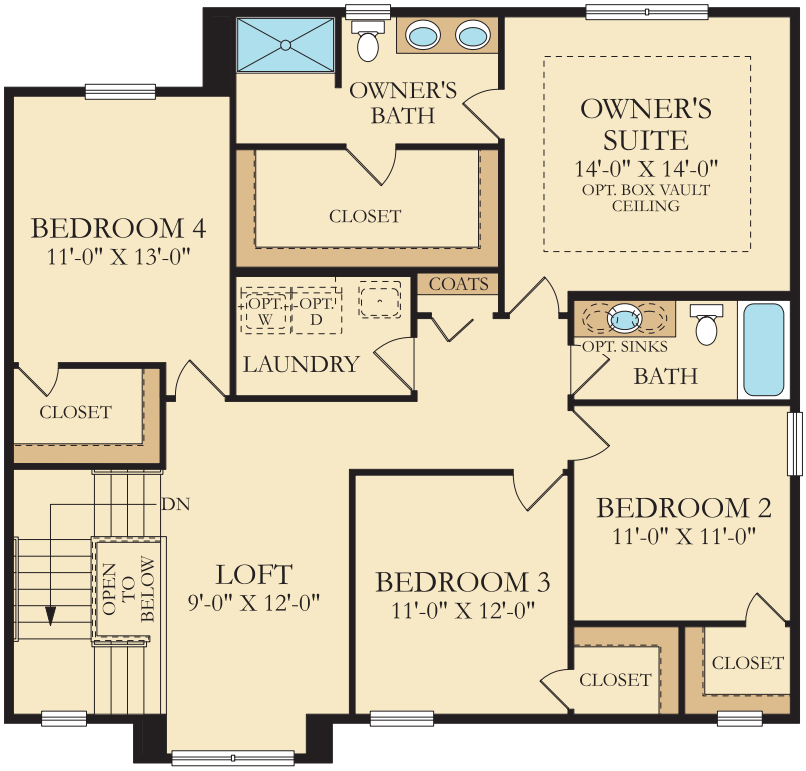
The Alexander EI • 3-Car

2,443 Sq. Ft.

- 2 Stories
- 4 Bedrooms
- 3 Bathrooms
- 3 Car Garage



Main Level



Upper Level

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16305 36th Ave. N. Suite 600, Plymouth, MN 55446

The Columbus EI • 3-Car









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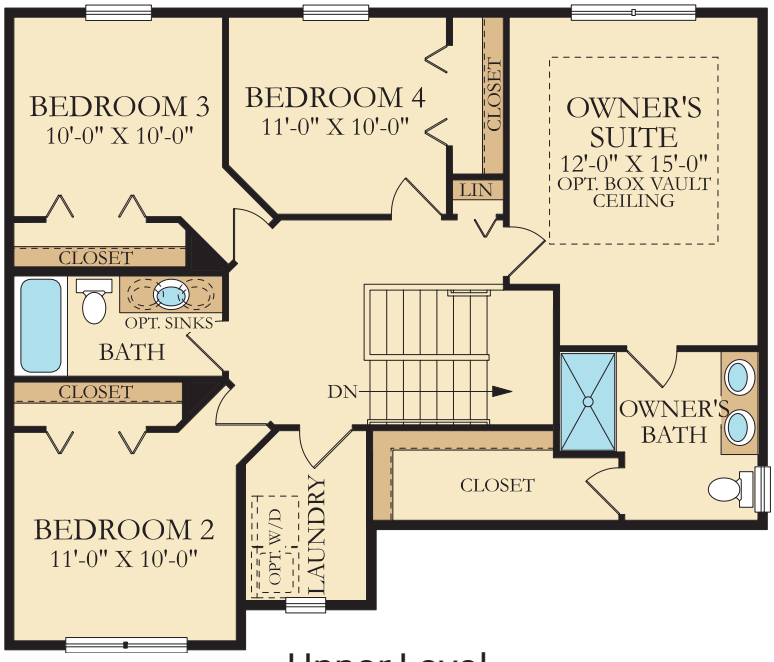
The Columbus EI • 3-Car

2,148 Sq. Ft.

- 2 Stories
- 4 Bedrooms
- 3 Bathrooms
- 3 Car Garage



Main Level



Upper Level

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13 YEARS TWIN CITIES #1 HOMEBUILDER†

The Bristol EI









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EQUAL HOUSING OPPORTUNITY

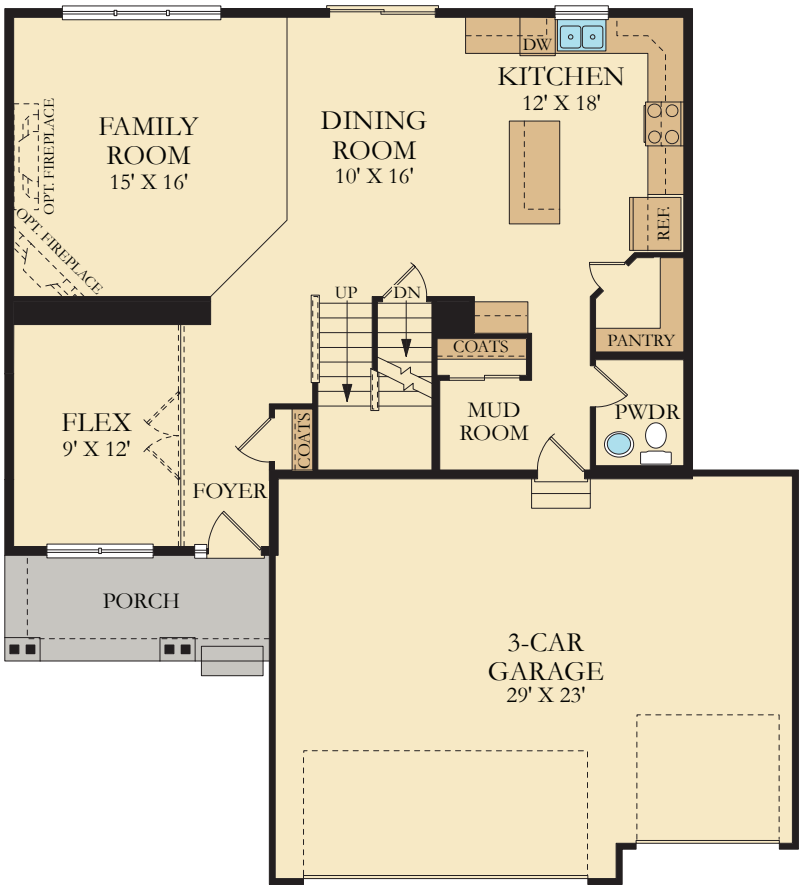
LENNAR®

13 YEARS TWIN CITIES #1 HOMEBUILDER

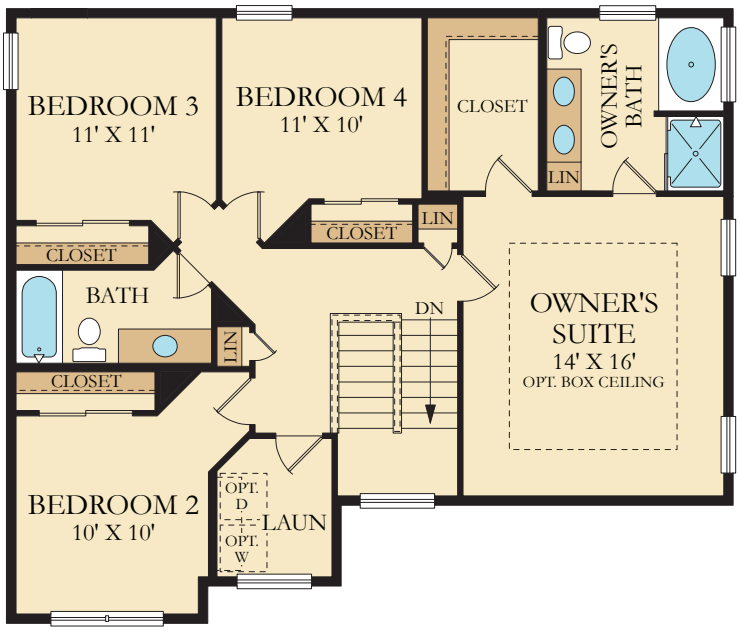
The Bristol EI

2,185 Sq. Ft.

- 2 Stories
- 4 Bedrooms
- 3 Bathrooms
- 3 Car Garage



Main Level



Upper Level

EVERYTHING'S INCLUDED®

16305 36th Ave. N. Suite 600, Plymouth, MN 55446

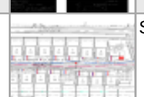
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Changemarks Report

Project Name: Project 20-135 Northfork Meadows Subdivision, Lennar

Workflow Started: 12/03/2020 1:23 PM

Report Generated: 12/29/2020 09:16 AM

Grouping	Cycle	Ref #	Complete?	Status	Department	Snapshot	File	Markup Name	Changemark Subject	Changemark Details	Markup Date	Updated By	Applicant Response
Main Workflow	1	69	False	Unresolved	Civil Engineer II		Sheet 29.pdf	JF	Ped Ramp Details	Individual site specific pedestrian ramp details are required for all proposed pedestrian ramps. Details must follow MnDOT Standard Plan requirements.	12/28/2020 11:42 AM	Joe Feriancek	
		68	False	Unresolved	Civil Engineer II		Sheet 27.pdf	JF	Subsurface Edge Drain Behind Curb	City does not typically use drain tile behind the curb. Site soils are generally drainable, remove drain tile from the plans.	12/28/2020 11:40 AM	Joe Feriancek	
		67	False	Unresolved	Civil Engineer II		Sheet 26.pdf	JF	Concrete Pavement	Where is concrete pavement proposed?	12/28/2020 11:39 AM	Joe Feriancek	
		66	False	Unresolved	Civil Engineer II		Sheet 23.pdf	JF	Typical	Site specific typical is required.	12/28/2020 11:37 AM	Joe Feriancek	
		63	False	Unresolved	Civil Engineer II		Sheet 10.pdf	JF	Watmermain alignment	Watermain along Road B (north) must be adjusted to get it out of boulevard area.	12/28/2020 11:34 AM	Joe Feriancek	
		64	False	Unresolved	Civil Engineer II		Sheet 10.pdf	JF	services	Services must be shown from the main lines to the right of way. Need to call out stationing of wyes, and give invert information. Need to call out size, type, length, slope of service lines.	12/28/2020 11:34 AM	Joe Feriancek	

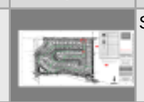
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Changemarks Report

Grouping	Cycle	Ref #	Complete?	Status	Department	Snapshot	File	Markup Name	Changemark Subject	Changemark Details	Markup Date	Updated By	Applicant Response
Main Workflow	1	65	False	Unresolved	Civil Engineer II		Sheet 10.pdf	JF	utility profiles	All utilities must be shown in profile view.	12/28/2020 11:34 AM	Joe Feriancek	
		70	False	Unresolved	Civil Engineer II		Sheet 12.pdf	JF	Backyard Storm Sewer	6" Pipe is below minimum acceptable pipe size. Minimum storm pipe size is 12". Plastic pipe in green space is acceptable, last run of pipe going to street must be concrete. If plastice storm pipe is used, manholes must have a boot, this will need to be added as a note and to the detail.	12/28/2020 11:44 AM	Joe Feriancek	
		62	False	Unresolved	Civil Engineer II		Sheet 11.pdf	JF	Coverage Plan	Good information to know, This sheet is not required to be included in the construction plan set.	12/28/2020 10:22 AM	Joe Feriancek	
		57	False	Unresolved	Civil Engineer II		Sheet 8.pdf	JF	Silt Fence Inlet Protection	This Detail only be acceptable for green space inlets.	12/28/2020 10:04 AM	Joe Feriancek	
		58	False	Unresolved	Civil Engineer II		Sheet 7.pdf	JF	Construction Exit - Alpine Drive	If Alpine Drive is going to be used during construction, this needs to have a construction exit.	12/28/2020 10:07 AM	Joe Feriancek	
		59	False	Unresolved	Civil Engineer II		Sheet 7.pdf	JF	Drainage Arrows	Do not see the drainage arrows in the plan, please update.	12/28/2020 10:07 AM	Joe Feriancek	
		60	False	Unresolved	Civil Engineer II		Sheet 7.pdf	JF	Plan Readability	Plans are difficult to read, erosion control measures need to be highlighted.	12/28/2020 10:07 AM	Joe Feriancek	

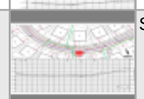
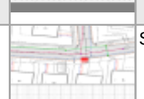
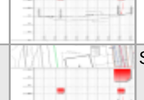
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Main Workflow	1	61	False	Unresolved	Civil Engineer II		Sheet 7.pdf	JF	SWPPP Narrative	A Narrative is required, please call out where it can be found.	12/28/2020 10:07 AM	Joe Feriancek	
		55	False	Unresolved	Civil Engineer II		Sheet 6.pdf	JF	Max Allowable Slope	finish grading max allowable slope is 3:1.	12/28/2020 9:48 AM	Joe Feriancek	
		56	False	Unresolved	Civil Engineer II		Sheet 6.pdf	JF	topsoil requirements	See city detail ERO-6 Topsoil Requirements, city requires 4" topsoil, no more than 35% sand content.	12/28/2020 9:48 AM	Joe Feriancek	
		52	False	Unresolved	Civil Engineer II		Sheet 5.pdf	JF	Contours	Add existing and proposed contour labels. All lot corners must have spot elevations High points and low points must be called out.	12/28/2020 9:45 AM	Joe Feriancek	
		53	False	Unresolved	Civil Engineer II		Sheet 5.pdf	JF	Proposed Grading Level of Detail	As shown the grading plan does not use the shared lot line to create a swale to prevent lot runoff from draining across adjacent lots outside of easements. Please confirm if shared lot swales are intended.	12/28/2020 9:45 AM	Joe Feriancek	
		54	False	Unresolved	Civil Engineer II		Sheet 5.pdf	JF	Additional Detail Needed	Need to add high point and low point spot elevations, and additional contour labels. Not enough information given to clearly see how grading works.	12/28/2020 9:45 AM	Joe Feriancek	
		51	False	Unresolved	Civil Engineer II		Sheet 4.pdf	JF	Street Names	Have final street names been decided? 3 Road B streets, makes the plans confusing.	12/28/2020 9:18 AM	Joe Feriancek	

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Changemarks Report

Grouping	Cycle	Ref #	Complete?	Status	Department	Snapshot	File	Markup Name	Changemark Subject	Changemark Details	Markup Date	Updated By	Applicant Response
Main Workflow	1	50	False	Unresolved	Civil Engineer II		Sheet 3.pdf	JF	Street Names	Add Street Names to Plat.	12/28/2020 9:17 AM	Joe Feriancek	
		1	False	Unresolved	Environmental Review		Title Sheet.pdf	CA	Missing Plan Sheets	A Tree Inventory and Preservation Plan and a Landscape Plan are both rqeuired submittals. Please have these plans prepared and submitted for review.	12/23/2020 1:15 PM	Chris Anderson	
		49	False	Unresolved	Civil Engineer IV		Sheet 22.pdf	LL	Snow Storage	Is there room for snow storage in this CDS?	12/16/2020 12:54 PM	Len Linton	
		48	False	Unresolved	Civil Engineer IV		Sheet 17.pdf	LL	Catch basin capacity	Verify gutter spread and catch basin capacity at this location. It is at the low point of a long slope from both directions.	12/16/2020 12:47 PM	Len Linton	
		43	False	Unresolved	Civil Engineer IV		Sheet 14.pdf	LL	Watermain Labels	All watermain fittings must be labeled on the final plat.	12/16/2020 12:37 PM	Len Linton	
		44	False	Unresolved	Civil Engineer IV		Sheet 14.pdf	LL	Profile revision	A high point is required at the right-of-way line to keep Alpine Drive runoff from enteriing project.	12/16/2020 12:37 PM	Len Linton	
		45	False	Unresolved	Civil Engineer IV		Sheet 13.pdf	LL	Vertical Curves	Vertical curves are required at all grade changes. See City Standards.	12/16/2020 12:45 PM	Len Linton	
		46	False	Unresolved	Civil Engineer IV		Sheet 13.pdf	LL	Tangent Labels	All tangents must be labeled.	12/16/2020 12:45 PM	Len Linton	

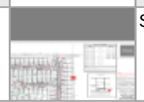
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Main Workflow	1	47	False	Unresolved	Civil Engineer IV		Sheet 13.pdf	LL	Continuation Note - ALL PAGES	Add Page number for next page where street does not end on sheet.	12/16/2020 12:45 PM	Len Linton	
		41	False	Unresolved	Civil Engineer IV		Sheet 12.pdf	LL	Readbility	There is an overall lack of readability of this plan sheet and the plan set in general. The storm sewer lines must be the most prominent feature in this sheet. The sewer and water must be in a lighter shade of grey on this sheet. The storm sewer msut be in a lighter shade of grey on the Water and Sewer Plan. See note on Title page about City standards.	12/16/2020 12:19 PM	Len Linton	
		42	False	Unresolved	Civil Engineer IV		Sheet 12.pdf	LL	Street level utility plans	Street level utility plans shall be at a maximum scale of 1" = 100', with 1" = 50' preferred. This applies to all utility sheets.	12/16/2020 12:19 PM	Len Linton	
		40	False	Unresolved	Civil Engineer IV		Sheet 11.pdf	LL	Readbility	This plan is not useable. There is too much conflict where the circles overlap. Turn off the shading in the circles and make the outlines of the circles bolder.	12/16/2020 12:08 PM	Len Linton	
		33	False	Unresolved	Civil Engineer IV		Sheet 9.pdf	LL	Legend	Label type i.e. A-109, SP-7 (8"), P-109 (12") must be identified in the legend.	12/16/2020 11:59 AM	Len Linton	

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Grouping	Cycle	Ref #	Complete?	Status	Department	Snapshot	File	Markup Name	Changemark Subject	Changemark Details	Markup Date	Updated By	Applicant Response
Main Workflow	1	34	False	Unresolved	Civil Engineer IV		Sheet 9.pdf	LL	Connection type	Connection type must be specified on the plans. Sleeves are not an approved connection method for watermain. The trench must be wide enough to allow deflection of the pipe to make the connection.	12/16/2020 11:59 AM	Len Linton	
		35	False	Unresolved	Civil Engineer IV		Sheet 9.pdf	LL	Swale Line type	Swale line type must be added to the legend on all sheets where it is used.	12/16/2020 11:59 AM	Len Linton	
		36	False	Unresolved	Civil Engineer IV		Sheet 9.pdf	LL	Hydrant Connection	Waterline shall be stubbed to Alpine Drive with a Valve and blow off line to surface. Hydrant connection shall be a standard Tee installation. The City plans to extend watermain down Alpine Drive in the future and this will aid with the future connection.	12/16/2020 11:59 AM	Len Linton	
		37	False	Unresolved	Civil Engineer IV		Sheet 9.pdf	LL	Subdrain	Subdrains are not required in Ramsey. Remove from plans.	12/16/2020 11:59 AM	Len Linton	

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Changemarks Report

Grouping	Cycle	Ref #	Complete?	Status	Department	Snapshot	File	Markup Name	Changemark Subject	Changemark Details	Markup Date	Updated By	Applicant Response
Main Workflow	1	8	False	Unresolved	Civil Engineer IV		Stormwater Management Memo.pdf	LL	Revise table	See comments on HydroCAD drainage map. Drainage areas 3 and 4 cannot physically drain to Basin A. The runoff from these two areas is not attenuated by a pond. The system must be revised to retain more flow in Basin A to compensate for the uncaptured flows. The site does not meet the infiltration (volume control) requirements for the LRRWMO. Infiltration must be provided on the site. The site as designed does not meet all of the LRRWMO and City requirements	12/16/2020 11:02 AM	Len Linton	
		9	False	Unresolved	Civil Engineer IV		Stormwater Management Memo.pdf	LL	Comments on Routing Diagram	DA-3 and DA-4 cannot physically drain to Basin A. The link from DA-3 and DA-4 cannot be directed to Basin A. This runoff must be tabulated separately. DA-1 must drain through DA-2. The pipes through DA-2 must be sized to accomodate the 100 year flows from DA-1 and DA-2.	12/16/2020 11:02 AM	Len Linton	

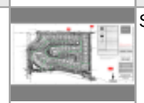
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Main Workflow	1	10	False	Unresolved	Civil Engineer IV		Stormwater Management Memo.pdf	LL	Outlet Configuration	1. Device #1 must be submerged type inlet to provide skimming of floatables. 2. Device #2 provide detail of wiers and orifices to provide rate control for all storms as outlined on at the start of this report. 3. Device #4 should have slope between inlet and outlet. The total length seems rather short for carrying the flow away from the edge of the pond and protecting against upstream erosion around the FES.	12/16/2020 11:02 AM	Len Linton	
		11	False	Unresolved	Civil Engineer IV		Stormwater Management Memo.pdf	LL	Volume Removal	Volume removal goal not met. Site must infiltrate first 1" from all impervious surfaces. This is 42,500 cubic feet. Revise plan to achieve this goal.	12/16/2020 11:02 AM	Len Linton	
		12	False	Unresolved	Civil Engineer IV		Stormwater Management Memo.pdf	LL	MiDS Calculator	Include screen shot of infiltration basin parameters page showing inputs for infiltration basin - surface area, base of basin area, depth, infiltration rate and drawdown time - 48 hours for Ramsey.	12/16/2020 11:02 AM	Len Linton	
		30	False	Unresolved	Civil Engineer IV		Sheet 7.pdf	LL	Legend	All linetypes used on sheet must be listed in legend.	12/16/2020 11:22 AM	Len Linton	

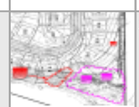
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Main Workflow	1	31	False	Unresolved	Civil Engineer IV		Sheet 7.pdf	LL	Line Contrast	This is the SWPP Plan. The erosion control measures must be the most prominent lines. The proposed contours must be draiwn with a lighter pen so that the erosion control stands out.	12/16/2020 11:22 AM	Len Linton	
		32	False	Unresolved	Civil Engineer IV		Sheet 7.pdf	LL	SWPPP	This sheet and sheet 8 combined do not meet the requirements of the SWPPP as defined in the Construction Stormwater Permit. A separate sheet with notes or a bound volume must be added to the plan set which contains all of the required notes.	12/16/2020 11:22 AM	Len Linton	
		7	False	Unresolved	Civil Engineer IV		Sheet 6.pdf	LL	Lowest Floor	The lowest floor must be listed for all structures, not just walkout style houses. See LRRWMO discussion on grading sheet.	12/15/2020 4:04 PM	Len Linton	
		16	False	Unresolved	Civil Engineer IV		Sheet 5.pdf	LL	Legend Entry	All lines and symbols used on a sheet must be listed in the legend on that sheet.	12/16/2020 11:18 AM	Len Linton	
		17	False	Unresolved	Civil Engineer IV		Sheet 5.pdf	LL	Minimum Grade	Minimum grade across lots and along lot lines is 2.0%. Grading revisions are required.	12/16/2020 11:18 AM	Len Linton	

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Grouping	Cycle	Ref #	Complete?	Status	Department	Snapshot	File	Markup Name	Changemark Subject	Changemark Details	Markup Date	Updated By	Applicant Response
Main Workflow	1	18	False	Unresolved	Civil Engineer IV		Sheet 5.pdf	LL	Grading Transitions	Grading transitions must be smoother. Minimum grade is 2.0% across lots. Maximum slope is 4:1 (H:V)	12/16/2020 11:18 AM	Len Linton	
		19	False	Unresolved	Civil Engineer IV		Sheet 5.pdf	LL	Drainage and Utility Easement on lot 11	Drainage and utility easment must be wider. The City requires that runoff from multiple lots must be contained in drainage and utiity easement. The toe of the swale on this lot appears to be outside of the easement.	12/16/2020 11:18 AM	Len Linton	
		20	False	Unresolved	Civil Engineer IV		Sheet 5.pdf	LL	Preserve Trees	See note on Existing and removals plan. The tree save limits must be shown on the grading plans.	12/16/2020 11:18 AM	Len Linton	
		21	False	Unresolved	Civil Engineer IV		Sheet 5.pdf	LL	Grading transition to existing	Grading transitions must respect trees to be protected. The proposed contours do not match existing contours in this area.	12/16/2020 11:18 AM	Len Linton	
		22	False	Unresolved	Civil Engineer IV		Sheet 5.pdf	LL	EOF	This elevation does not make sense.	12/16/2020 11:18 AM	Len Linton	
		23	False	Unresolved	Civil Engineer IV		Sheet 5.pdf	LL	Lot corner spot elevations	Spot elevations are required at all lot corners.	12/16/2020 11:18 AM	Len Linton	

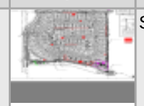
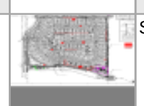
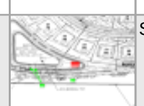
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Main Workflow	1	24	False	Unresolved	Civil Engineer IV		Sheet 5.pdf	LL	Stormwater Regulations	This project will require a permit from the Lower Rum River Watershed Management Organization (LRRWMO). The permit application materils are available on their website lrrwmo.org. The permit cannot be suibmitted until the project has recieved Preliminary Plat approval from the City. The permit application with supporting reports and calculations and fees must be submitted to the City by the 2nd Thursday of the month for City review. The City will review the materials and if acceptable will forward to the LRRWMO by the 3rd Thursday of the month. The permit will be reviewed at the next months board meeting. The LRRWMO requires rate control and volume control (infiltration). Infiltration basins must conform to the details found in the Minnesota Stormwater Manual. Please work with Engineering to ensure the stormwater treatment system will meet the City and LRRWMO requirements before submittal of the permit application.	12/16/2020 11:18 AM	Len Linton	

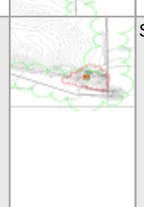
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Main Workflow	1	25	False	Unresolved	Civil Engineer IV		Sheet 5.pdf	LL	Lowest Floor Elevations	Lowest floor and lowest opening elevations are governed by the LRRWMO rules. The LRRWMO rules do have a procedure for documenting complinance with these requirements for lots tributary to backyard ponding and emergency overflows.	12/16/2020 11:18 AM	Len Linton	
		26	False	Unresolved	Civil Engineer IV		Sheet 5.pdf	LL	Infiltration	This site does not appear to meet the infiltration requirements for the CIty or LRRWMO. This was confirmed by reviewing the stormwater report.	12/16/2020 11:18 AM	Len Linton	
		27	False	Unresolved	Civil Engineer IV		Sheet 5.pdf	LL	Outlet from Basin A	The plan does not clearly demonstrate positive drainage away from Basin A. See the note on the Existing Conditions plan. Existing contour labels must be added along the southern boundary.	12/16/2020 11:18 AM	Len Linton	
		28	False	Unresolved	Civil Engineer IV		Sheet 5.pdf	LL	Duplicate Labels	These appear to be duplicate conflicting labels.	12/16/2020 11:18 AM	Len Linton	
		29	False	Unresolved	Civil Engineer IV		Sheet 5.pdf	LL	Plan Readability	Consider thining labels at this scale, the plan has an overall crowded apparance. The street stationing confilcts with street names and curb lines.	12/16/2020 11:18 AM	Len Linton	

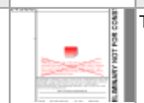
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Main Workflow	1	4	False	Unresolved	Civil Engineer IV		Sheet 4.pdf	LL	Legend	Legend must reflect all symbols on the sheet. The colored dots must be identified in the legend.	12/15/2020 3:16 PM	Len Linton	
		5	False	Unresolved	Civil Engineer IV		Sheet 4.pdf	LL	Symbols	The symbol for Bituminous Pavement is the same as Concrete Pavement. One symbol must be changed.	12/15/2020 3:16 PM	Len Linton	
		6	False	Unresolved	Civil Engineer IV		Sheet 4.pdf	LL	Site Summary Table	This table must be updated to reflect the actual unit counts for each lot width. The lot widths do not match the preliminary plat widths.	12/15/2020 3:16 PM	Len Linton	
		3	False	Unresolved	Civil Engineer IV		Sheet 3.pdf	LL	Lot Width	Roof overhangs cannot encroach into the drainage and utility easements between lots. Housing product sizes must be adjusted to fit between the side drainage and utility easements.	12/15/2020 3:08 PM	Len Linton	
		13	False	Unresolved	Civil Engineer IV		Sheet 2.pdf	LL	Details referenced on plan	Details must list page number and number on detail sheet.	12/16/2020 11:07 AM	Len Linton	
		14	False	Unresolved	Civil Engineer IV		Sheet 2.pdf	LL	Tree protection	Tree protection fence must be shown on the plan delineating areas where trees are to be protected. Tree protection fence must be installed in the field at the same time silt fence is installed to delineate trees to remain.	12/16/2020 11:07 AM	Len Linton	

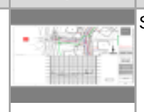
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Main Workflow	1	15	False	Unresolved	Civil Engineer IV		Sheet 2.pdf	LL	City Platting Requirements	City platting requirements state topographic data must be shown to 100 feet beyond the property line. This data must be added to the next submittal.	12/16/2020 11:07 AM	Len Linton	
		38	False	Unresolved	Civil Engineer IV		Title Sheet.pdf	LL	Legends	Each sheet must have an custom legend showing only the lines and symbols used on that sheet. An omnibus legend on the first sheet does not satify this requirement.	12/16/2020 12:04 PM	Len Linton	
		39	False	Unresolved	Civil Engineer IV		Title Sheet.pdf	LL	Ramsey Standards	if you have not done so, download the Ramsey Standards and Details from the Engineering page of cityoframsey.com. The City does not depend on color for plan preparation. Future submittals must be in black or grey scale with line type and width used to differentate different features. The pavement shading must be removed on all future submittals.	12/16/2020 12:04 PM	Len Linton	
		2	False	Unresolved	Civil Engineer IV		Sheet 10.pdf	LL	Watermain Materials	8" watermain shall be DIP, Class 52 6" and smaller watermain shall be DIP, Class 53	12/15/2020 2:09 PM	Len Linton	

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Changemarks Report

Grouping	Cycle	Ref #	Complete?	Status	Department	Snapshot	File	Markup Name	Changemark Subject	Changemark Details	Markup Date	Updated By	Applicant Response
Main Workflow	1	76	False	Unresolved	Engineering Tech		Sheet 13.pdf	Logan Czech	Profile views	Profile views will be required that show sanitary sewer, water main and storm sewer in detail.	12/09/2020 10:48 AM	Logan Czech	
		75	False	Unresolved	Engineering Tech		Sheet 23.pdf	Logan Czech	Bituminous type	Wear course and Base course specs have changed and should be SPWEA340C and SPNWB330C, respectively.	12/09/2020 10:20 AM	Logan Czech	
		71	False	Unresolved	Engineering Tech		Sheet 12.pdf	Logan Czech	Storm Sewer Pages	Outline sections of storm sewer and call out which page each section is covered in detail.	12/09/2020 10:04 AM	Logan Czech	
		72	False	Unresolved	Engineering Tech		Sheet 10.pdf	Logan Czech	Service locations	Water services should always be upstream of sanitary service.	12/09/2020 10:12 AM	Logan Czech	
		73	False	Unresolved	Engineering Tech		Sheet 10.pdf	Logan Czech	Road B	Final street names for Road B will have to be different for N/S and E/W runs.	12/09/2020 10:12 AM	Logan Czech	
		74	False	Unresolved	Engineering Tech		Sheet 10.pdf	Logan Czech	Sewer and Water Pages	Outline different sections of sewer and water and reference which pages each section is covered in detail.	12/09/2020 10:12 AM	Logan Czech	

CITY OF RAMSEY LAND USE APPLICATION

TECHNICAL REVIEW FILE

Date	12/29/2020	**Project Site**	PID: 20-32-25-31-0002 Sec.22/Township32N/Range 25W
Project Title	20-135 Northfork Meadows Subdivision		
Escrow #			
Department	Community Development: Planning Division		
Technical Reviewer	Name: Kristin Moen Phone: 612-322-2121 Email: KMoen@wsbeng.com		

Preliminary Plat Plan Review

We offer the following comments regarding the Preliminary Plat submittal for Northfork Meadows Subdivision as it relates to the City's Zoning Code.

Notes:

- Please see ProjectDox (electronic plan review) comments from Staff.
- Seems to generally meet R-1 Residential (MUSA – Detached Single Family Homes) and R-1 Residential (MUSA - Detached Villas) requirements.

Summary of revisions needed on Preliminary Plat:

1. Ensure for cul-de-sac width meets City requirements for urban street section
2. Modifications to lot sizes for Block 2, Lots 21 – 25 (slightly undersized)

The project requires the following:

1. Preliminary Plat Approval
2. Final Plat Approval

Revisions/Comments Per Sheet:

Sheet 3 (Preliminary Plat)

1. Provide separate exhibit showing different zoning districts
    a. Detached Villa: Lots 1 – 16, Block 1; Lots 1 – 13, Block 3; Lots 26 – 45, Block 3
    b. Detached Single Family Homes: Lots 1 – 27, Block 2, and Lots 25 – 14, Block 3
2. Several of the lot sizes are incorrectly labeled.
3. Update building setbacks along Development Boundary to reflect 25-foot requirement.

Sheet 4 (Overall PUD Master Site Plan)

1. Rename this sheet to exclude “PUD” in title.

Planning Staff provides the following comments for general review of applications:

General: The property is currently unplatted and unaddressed. The site is approximately 33.41 acres and is located south of Alpine Drive and east of Puma Street and Riverstone. The PIDs is 20-32-25-31-0002 and 20-32-25-31-0004.

Zoning: The northwest portion of the site is zoned R-1 Residential – MUSA Detached Villa and the Southern and Eastern boundaries are zoned R-1 Residential – Detached Single Family Homes.

Number of Lots: The Applicant has proposed 88 total residential lots, 47 ‘Detached Villa’ lots (R-1 zoning, 65-foot-wide), and 41 ‘Single-Family Detached lots (R-1 MUSA zoning, 80 foot wide).

NORTHWEST PORTION REVIEW – R-1 RESIDENTIAL – MUSA, DETACHED VILLAS

LOW DENSITY RESIDENTIAL

Intent: The intent of the R-1 Residential District is to accommodate single-family dwelling units on suitable land in the 2040 Metropolitan Urban Service Area (MUSA) and rural developing areas of the city. All newly created lots, except the remnant of a lot of record not less than five acres in size and located within the 2040 MUSA, shall be serviced by sanitary sewer and municipal water.

R-1 Residential (MUSA) Detached Villa Standards Lots 1 – 16, Block 1 Lots 1 – 13, Block 3 Lots 26 – 45, Block 3		
Standard	*Required*	*Proposed*
Minimum Lot Size	.15 acres	>.15 acres
Density Range	< 4 units per acre	~2.3 units per acre across site 35 lots on 15 acres
Minimum Lot Width	65 feet	>65 feet
Building Setbacks		
Front, Side Corner	25 feet	Meets requirement.
Rear	20 feet	Meets requirement.
Side	5 feet	Meets requirement.
Density Transitioning	Required when abutting less dense developments	N/A
Maximum Lot Coverage (All Buildings, Excludes Paving)	35%	N/A. Appears it will meet requirement.
Minimum Building Size for Townhouse with Garage	1 Bedroom: 700 sq. ft. 2 Bedroom: 800 sq. ft. 3 Bedroom: 960 sq. ft. Each additional bedroom: 125 sq. ft.	Not noted but should meet requirement.
Required Parking Stalls	2 enclosed (townhome)	Not noted but should meet requirement.

Maximum Driveway Width at Street	20 feet	Not noted but should meet requirement.
Driveway Surface	Bituminous or Concrete	Bituminous or Concrete
Minimum Driveway Length	25 feet	Not noted but should meet requirement.
Wetland Setback	16.5 feet	N/A
Minimum Private Street Width (With No Parking)	24 feet	Not noted but should meet requirement.

REMNANT AREA REVIEW – R-1 RESIDENTIAL (MUSA)

LOW DENSITY RESIDENTIAL

Intent: The intent of the R-1 Residential District is to accommodate single-family dwelling units on suitable land in the 2040 Metropolitan Urban Service Area (MUSA) and rural developing areas of the city. All newly created lots, except the remnant of a lot of record not less than five acres in size and located within the 2040 MUSA, shall be serviced by sanitary sewer and municipal water.

R-1 Residential (MUSA) Single Family Detached Standards Lots 1 – 27, Block 2 Lots 25 – 14, Block 3		
Standard	*Required*	*Proposed*
Minimum Lot Size	.25 acres (10,890 sq. ft.)	>.25 acres Lots 21-25: 10, 856 sq. ft.
Density Range	2.5 units per acre – 3 units per acre	~2.7 units/acre 34 lots on 12.5 acres
Minimum Lot Width	80 feet 90 feet – corner lot	80 feet Corner lots: 90 feet
Building Setbacks		
Front, Side Corner	30 Feet	Meets requirement.
Rear	30 Feet	Meets requirement.
Side	6 Feet	Meets requirement.
Density Transitioning	Required when abutting less dense developments.	Appears to meet requirement. See landscape review in ProjectDox.
Maximum Lot Coverage (All Buildings, Excludes Paving)	35%	N/A. Appears it will meet requirement.
Minimum Building Size	Two Story with Garage – 720 square feet	Not noted but should meet requirement.
Maximum Driveway Width at Street	30 feet 24 on cul-de-sac	Not noted but should meet requirement.
Driveway Surface	Bituminous or Concrete	Bituminous or Concrete
Minimum Driveway Length	25 feet	Not noted but should meet requirement.
Wetland Setback	16.5 feet	Meets requirement.

Maximum Height	35 Feet	Not noted but should meet requirement.

Required Changes: As proposed, the preliminary plat requires the following changes:

1. Cul-de-sac length.
2. Cul-de-sac width.
3. Ensure Block 2, Lots 21 – 25 are greater than .25 acres (measuring slightly under)

Floodplains: The property is not within the Ramsey Floodplain.

Landscaping: *See landscape and environmental resources for specific comments about landscaping and tree removal.*

Density Transitioning: As proposed, the development is subject to the density transitioning standards based on the zoning of the adjacent properties (R-1 Rural Developing) to the east. The R-1 area satisfies this requirement.

Streets and Access: The preliminary plat includes 3 streets (Street A, B, and C). Street C is proposed to cul-de-sac. The cul-de-sac appears does not appear to meet the minimum size requirements; the width of the Street C is approximately 29 feet wide where the requirement is 32 feet wide for the entire length. Additionally, the total cul-de-sac length is longer than what is allowed by code.

The Applicant has proposed a 29-foot-wide street running through the site. The roads appear to have the required 60 feet of right-of-way. Ramsey Public Works and Public Safety generally prefer 32-foot-wide streets. However, 29-foot-wide streets with restricted parking on one side of the street is acceptable to Ramsey City Code and was allowed in the Riverstone Neighborhood. Staff has directed the Developer that given the number of lots, these shall be public streets.

Sidewalks: The Applicant has proposed a sidewalk on one side of the street throughout that appears to meet the 6-foot-wide minimum.

Utilities and Municipal Services: All new lots will be serviced with municipal utilities.

Grading and Drainage Plans: See ProjectDox comments from Engineering Staff.

Parks and Trails: The Applicant has not proposed any parks or trails.

Development Fees: Development Fees will be due with the Plat including, but not limited to, Park Dedication, Trail Development, Storm Water Management, Trunk Water and Trunk Sanitary Sewer, and Lateral Benefit Charges for Sewer and Water. These fees are collected at the time the Final Plat is recorded and at the rate in effect when the final plat is recorded.

Development Agreement: An executed Development Agreement will be required prior to releasing the plat for recording.

PLANNING COMMISSION
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

The Ramsey Planning Commission conducted a regular meeting on Thursday, January 7, 2021, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present:	Chairperson Randy Bauer Commissioner Bruce Anderson Commissioner Cheri Gengler Commissioner Eric Peters Commissioner Gary VanScoy
Members Absent:	None
Also Present:	Senior Planner Chloe McGuire Brigl Deputy City Administrator Tim Gladhill City Council Liaison Debra Musgrove City Planner Chris Anderson Park and Assistant Public Works Superintendent Mark Riverblood City Engineer Bruce Westby

1. CALL TO ORDER

Chairperson Bauer called the regular meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

Chairperson Bauer led the group in the Pledge of Allegiance.

3. CITIZEN INPUT

None.

4. APPROVAL OF AGENDA

Motion by Commissioner VanScoy, seconded by Commissioner Peters, to approve the agenda as presented.

A roll call vote was performed:

Commissioner Gengler	aye
Commissioner Anderson	aye

Commissioner Peters aye
Commissioner VanScoy aye
Chairperson Bauer aye

Motion carried.

5. CONSENT AGENDA

5.01: Approve the December 3, 2020 Planning Commission Meeting Minutes
5.02: Review Revised Sketch Plan for Hunt Addition, Case of Platinum Land (Project 20-105)
5.03: Consider Resolution #21-014 Approving an Interim Use Permit for Storage Containers and Gravel Outdoor Storage Area at 8049 146th Ave NW (Project No. 20-137); Case of JBR Ramsey, LLC on Behalf of Richard Lee
5.04: Provide Feedback for Site Plan and Final Plat for Gigi's Salon (Project #20-140)

Motion by Commissioner Anderson, seconded by Commissioner Peters, to approve the consent agenda as presented.

A roll call vote was performed:

Commissioner Anderson aye
Commissioner Peters aye
Commissioner Gengler aye
Commissioner VanScoy aye
Chairperson Bauer aye

Motion carried.

6. PUBLIC HEARINGS/COMMISSION BUSINESS

6.01: Public Hearing: Review Resolution #21-007 Approving Preliminary Plat for Northfork Meadows, Case of Lennar (Project #20-135)

Public Hearing

Chairperson Bauer called the public hearing to order at 7:04 p.m.

Presentation

Senior Planner McGuire Brigl presented the staff report stating that staff recommends adoption of Resolution #21-007.

Chairperson Bauer stated that it was indicated that the number of trees were less than required and asked for more information.

Senior Planner McGuire Brigl replied that per the applicant's calculations they would be approximately 14 trees short on the shared property line, which would equate to being about one tree short per lot in the backyards along that line. She stated that staff has not had an extensive amount of time to review the information as it was submitted earlier today.

Commissioner VanScoy asked the number of trees listed.

Councilmember Musgrove asked for information on the tree growth and coverage as the trees grow and whether that is a factor in the proposal before the Commission.

Senior Planner McGuire Brigl replied that 133 trees would be required on the shared property line and the applicant is proposing 119 trees on the shared property line. She stated that part of the request is to allow slightly less trees in order to prevent trees from dying off as they grow. She stated that typically the City requires more smaller trees in order to provide screening with the understanding that some will die off in the process because of how closely packed together they are.

Commissioner VanScoy asked if there has been input from City Planner Anderson as to the trees.

Senior Planner McGuire Brigl commented that she did have a chance to speak with City Planner Anderson who recommended that input be obtained from the Planning Commission and that he be allowed additional time to review the request. She stated that he was open to a compromise, noting that had been done in Harvest Estates 2nd Addition, if adequate screening was provided and the neighbors were amenable.

Citizen Input

Josh Metzer, Lennar, stated that if approved they would like to begin grading activities in the early spring of this year with street and utility construction during the summer and hoped that a model could be ready for the fall parade of 2021. He stated that they would look for a mixture of three and four car garages with prices would begin in the mid-$300,000's and go up from there. He estimated that overall construction would run about three years for all of the homes. He stated that they like to provide landscape buffers for the benefit of both their own residents and adjacent property owners. He stated that they would be exceeding the two trees per yard requirement by two trees. He stated that their initial landscaping plan showed less trees than the 119 proposed, simply from the recommendation on spacing trees from their landscape architect. He stated that in discussions with staff they made the decision to add quite a few more trees to the eastern boundary to get closer to the required number. He recognized that a buffer is needed but commented that they would like to create a buffer that will live and succeed to maturity. He stated that while more dense planting would provide a nice buffer when planted, once those trees get to maturity, trees will die off and need to be removed and the trees that remain will not be of the best quality because they were crowded as they grew and therefore not able to live to their full potential. He commented that by their calculation they are only 14 trees short of the requirement and hoped the Commission could support that. He stated that if the Commission feels strongly, they will find

space to plant those additional trees but would prefer to provide adequate spacing to allow the trees to grow.

Chairperson Bauer referenced the comment made during the beginning of the applicant's presentation that the homes would have three or four car garages and asked if that was meant to address the number of bedrooms.

Mr. Metzer stated that the homes would be a mix of three and four bedroom homes, noting that the basements would be unfinished and therefore an additional bedroom could be added. He confirmed that his previous statement was correct, the smaller lots would have three car garages while the larger lots would have four car garages.

Commissioner VanScoy asked the species of tree that would be planted along the buffer area.

Mr. Metzer review the mix of overstory, ornamental and evergreen trees that would be planted. He confirmed that a combination of the different types of trees would be planted to create the buffer. He stated that four of the six adjacent lots to the east have a significant number of trees in their yard, which also adds to the buffer. He stated that they would plan to plant more evergreen trees to buffer the two lots that do not have a lot of trees in their yards.

Councilmember Musgrove stated that as the trees are planted and grow, if there are trees that fail, would those be required to be replaced by the developer.

Senior Planner McGuire Brigl stated that the standard Development Agreement includes a two year guarantee on all trees. She stated that agreement calculates a one third die off rate.

Councilmember Musgrove stated that planting, failing and requiring the applicant to replant and fail again could setup a cycle that does not provide a successful barrier.

Leslie Clark, 15150 Kangaroo Street, stated that her property is one of those referred to as one without trees. She stated that she would like to see as many trees planted as possible. She recognized that Lennar has just taken on this project but throughout the history of the site itself the residents have done a lot of compromising as to what could be developed on that parcel. She stated that she wants a buffer that provides a clear delineation between the properties.

City Planner Anderson commented that when landscaping is used as the tool for density transitioning there is a fine line in regard to survivability of trees. He stated that in the beginning the trees planted are small and even a fairly dense planting at the onset will not provide a tremendous visual barrier between the two neighborhoods. He agreed that 15 to 20 years down the road as the trees start to reach maturity there may be some overcrowding and some that dominate more than others. He commented that you do have to plant trees tighter in the beginning in order to provide that buffer. He stated that there is a 35 foot wide corridor and the trees can be staggered. He believed that there are ways to accomplish the goal with the recognition that some trees may be lost in the long-term due to overcrowding. He provided an example of the 4th Addition of Brookfield where trees were planted as density transitioning and 15 years later there

is still quite a bit of space between the trees. He commented that typically the Development Agreement requires a two year guarantee to replace trees that die. He stated that when speaking of density transitioning, that is intended to be there in perpetuity and are viewed differently than typical boulevard trees.

__ Brock, 15240 Kangaroo Street NW, stated that when she looked at the map, she did not notice the berm, but recognized that it was mentioned in the presentation. She asked if the berm would remain in perpetuity and when the homes adjacent to Kangaroo would be planned for construction.

Mr. Metzer commented that the entire site would be graded during the 2021 construction season and estimated less than one month for grading. He estimated that street and utility construction would take a few months, therefore there would be continual construction through the summer and fall with continual construction of homes for another two years. He stated that once the grading and street and utility construction is completed, the homes would be constructed individually with two or three homes constructed at a time. He stated that if they receive the approvals from the City, they would like to begin grading in late March or in April, depending upon weather conditions.

Ms. Clark asked when the berm would be constructed and whether trees would be removed to construct the berm.

Mr. Metzer replied that the grading would occur this year. He commented that they are not allowed to remove trees that are not on their property. He commented that the only existing trees that would be preserved are to the south end of the site. He stated that after grading is completed they would plant the trees, estimated that those buffer trees could be planted in late summer.

Ms. Clark asked if a tree partially over the property line would be removed.

Mr. Metzer replied that anything on the property in that area would be removed in order to complete grading. He stated that the homes would have full basements and therefore only two floors would be visible. He provided additional details on the grading and berm, noting that the berm would be four feet in height.

Ms. Brock asked if these homes would be connected to City sewer and water. She asked if the homes along Kangaroo would be able to connect to City services.

Mr. Metzer confirmed that these homes would be connected to City sewer and water.

Senior Planner McGuire Brigl commented that homes with private sewer and water would not be forced to connect to City services. She noted that she could follow up with Ms. Brock.

Motion by Commissioner Peters, seconded by Commissioner VanScoy, to close the public hearing.

A roll call vote was performed:

Commissioner Gengler	aye
Commissioner Peters	aye
Commissioner Anderson	aye
Commissioner VanScoy	aye
Chairperson Bauer	aye

Motion carried.

Chairperson Bauer closed the public hearing closed at 7:42 p.m.

Commission Business

Commissioner Gengler asked if the resolution as proposed would require the applicant to meet the full tree requirement.

Senior Planner McGuire Brigl confirmed that to be correct.

Commissioner Anderson stated that he is disappointed to see that the berm is only four feet high as that seems like a small berm for that number of trees. He stated that he expected to see a minimum of ten feet for the berm. He stated that he is not happy with the berm because of all the compromise that has been done on this project.

City Planner Anderson commented that the plantings would occur on the berm and both sides of the crown of the berm. He stated that the higher the berm gets, the wider it must be in order to provide a safe slope and that would take up a larger piece of land and would press the required corridor. He believed that four feet is acceptable by City Code.

Commissioner Anderson stated that he would like that issue further explored. He asked how wide the berm would be.

Nate Hermer, ISG and engineer for the project, stated that with a four foot berm there would be a four to one side slope. He stated that a four foot berm would be 32 feet wide. He stated that you could not go much higher and remain within the buffer easement.

Commissioner Anderson asked if some of the trees would be going into the 80 foot lot yards in order to accomplish the number of trees being planted. He stated that a focus of this project has been on the density transition and the residents have made it clear that is something they want.

Senior Planner McGuire Brigl commented that the four foot berm does meet the City Code requirements for the density transition zone with the plantings on top. She noted that the additional 14 trees can be required and the applicant has stated that they can make that work, but the berm would meet the City requirements.

Commissioner VanScoy commented that the City has done a lot of work to ensure that the transitioning will be adequate and believed that the Commission should follow the requirements and recommendations of staff.

Motion by Commissioner VanScoy, seconded by Commissioner Gengler, to recommend that City Council adopt Resolution #21-007 with the recommended number of trees.

A roll call vote was performed:

Commissioner Gengler	aye
Commissioner Peters	aye
Commissioner Anderson	aye
Commissioner VanScoy	aye
Chairperson Bauer	aye

Motion carried.

6.02: Public Hearing: Consider Ordinance #20-01 Amending City Code Sections 117-111 (R-1 Residential District) and 117-112 (R-2 Residential District) Clarifying Subdistricts based on Lot Size

Public Hearing

Chairperson Bauer called the public hearing to order at 7:51 p.m.

Presentation

Deputy City Administrator Gladhill presented the staff report stating that staff recommends adoption of Ordinance #20-01.

Citizen Input

No comments.

Motion by Commissioner Peters, seconded by Commissioner Anderson, to close the public hearing.

A roll call vote was performed:

Commissioner Peters	aye
Commissioner Anderson	aye
Commissioner Gengler	aye
Commissioner VanScoy	aye
Chairperson Bauer	aye

Motion carried.

Chairperson Bauer closed the public hearing closed at 7:56 p.m.

Commission Business

Commissioner Anderson asked how these changes would affect projects like Trott Brook.

Deputy City Administrator Gladhill commented that this would not change the outcome. He stated that this is a tool that would allow for smaller lots sizes. He confirmed that a zoning change would still be necessary to achieve this zoning and therefore the Council would have final control over any requests.

Commissioner VanScoy asked if in the past the smaller lots have been allowed that has been done through PUD. He asked if there would be an issue in terms of negotiations.

Deputy City Administrator Gladhill confirmed that has been the process, which has been challenging in order to equate the tradeoff benefits. He commented that the zoning amendment, and often times Comprehensive Plan amendment, would be needed therefore the ability to negotiate would be available. He commented that this would be a better tool to use rather than attempting to go through a PUD process, which would also be less burdensome on applicants.

Commissioner VanScoy commented that he believes that this would be a helpful tool as the Commission has recommended approvals in the past that have in turn been denied by the Council because it did not believe that a PUD was achieved. He commented that he does see the benefit of having this tool available.

Commissioner Anderson stated that this would then open up R-1 to 55 foot wide lots, which he could see becoming an advantage for a developer. He stated that it is important to control where 55 foot wide lots are placed, especially in the northern part of Ramsey.

Chairperson Bauer commented that the City would still have control as this would be a subzone, therefore R-1 would still require 80 foot lots and smaller lots could only be achieved with a zoning change.

Deputy City Administrator Gladhill confirmed that this would be a separate zoning district and would require a zoning amendment. He stated that this would only apply where the City allows and does not provide rights to a developer. He commented that nothing would actively be zoned for 55 foot lots, this would simply be a tool that could be used.

Motion by Commissioner Peters, seconded by Commissioner Gengler, to recommend that City Council adopt Ordinance #20-01.

A roll call vote was performed:

Commissioner Anderson	nay
Commissioner Peters	aye
Commissioner Gengler	aye
Commissioner VanScoy	aye
Chairperson Bauer	aye

Motion carried.

6.03: Public Hearing: Consider Ordinance #21-02 Amending City Code Section 117-148 Entitled Mississippi River Corridor Critical Area

Public Hearing

Chairperson Bauer called the public hearing to order at 8:06 p.m.

Presentation

Deputy City Administrator Gladhill presented the staff report stating that staff recommends adoption of the ordinance.

Councilmember Musgrove asked if staff has worked with other cities in this area and how those cities are adjusting to the changes.

Deputy City Administrator Gladhill noted that there were two attempts at rule making, noting that the first did not go well and the DNR took a step back and reevaluated. He stated that the second attempt was much more successful with community input. He stated that staff worked extensively with communities on the upper pool of the Coon Rapids Dam (Anoka, Dayton, Brooklyn Park and Coon Rapids). He stated that while there was frustration in the beginning, throughout the process there was improvement. He commented that Ramsey may be one of the first to bring forward the ordinance amendment, but all cities should have submitted their Comprehensive Plan and will be updating their ordinance as well.

Citizen Input

No comments.

Motion by Commissioner VanScoy, seconded by Commissioner Peters, to close the public hearing.

A roll call vote was performed:

Commissioner Peters	aye
Commissioner Gengler	aye
Commissioner Anderson	aye
Commissioner VanScoy	aye
Chairperson Bauer	aye

Motion carried.

Chairperson Bauer closed the public hearing closed at 8:16 p.m.

Commission Business

Motion by Commissioner Gengler, seconded by Commissioner VanScoy, to recommend that City Council adopt Ordinance #21-02 amending City Code Section 117-148 (Mississippi River Corridor Critical Area).

Further discussion

Councilmember Musgrove asked if these changes could result in more project opportunities, such as riverbank stabilization and whether there would be additional funding opportunities for river property owners. Deputy City Administrator Gladhill stated that changing the zoning ordinance may not directly result in that action but having compliant regulations will assist. He advised of work that was done through the EPB that reviewed the condition of the shoreline and could result in additional funding opportunities for residents.

A roll call vote was performed:

Commissioner Gengler	aye
Commissioner Peters	aye
Commissioner Anderson	aye
Commissioner VanScoy	aye
Chairperson Bauer	aye

Motion carried.

6.04: Public Hearing: Consider Recommendations Related to Riverstone South; Case of Capstone Homes/Riverstone Development

1. **Adopt Resolution #21-015 Approving Comprehensive Plan Amendment from Low Density Residential to Medium Density Residential for Detached Townhome Section and Preliminary Plat for Riverstone South**
2. **Adopt Ordinance #21-03 Approving Zoning Amendment from R-1 Residential (MUSA – 80) District to R-1 Residential (MUSA – 65) District, R-1 Residential MUSA – 50) District and R-2 Residential (Detached Townhome) District**

Public Hearing

Chairperson Bauer called the public hearing to order at 8:20 p.m.

Presentation

Deputy City Administrator Gladhill presented the staff report stating staff recommends approval of the project with the contingencies noted in the staff report.

Commissioner VanScoy stated that in general he likes the plan but is concerned with the safety of the residents on Bowers Drive. He recognized that those residents do not like the concept of an additional access but stated that he believes that is critical for safety and without that he cannot support this request.

Deputy City Administrator commented that originally staff proposed that connection, but it did not move forward. He stated that he would not want to tie that to this project as the developer is not responsible for that.

Chairperson Bauer commented that this development has nothing to do with a second access for Bowers Drive, as that will continue to be an issue regardless of this proposal.

Commissioner Anderson asked if this development would have an HOA and private streets. He commented that the street width seems narrow.

Deputy City Administrator Gladhill commented that he would let the developer speak to whether there would be an HOA. He stated that in terms of road widths there is a menu of options that can be selected with different levels of parking allowed. He stated that a 32-foot width road would allow parking on both sides of the street, whereas parking would only be allowed on one side of the street for the road width proposed. He stated that the main street that goes through this development would be a little wider, whereas the spur roads would be 29 feet in width with no parking on one side of the street.

Commissioner Anderson commented that he has been plowing snow for the City this season and the narrower roads can be tough, therefore he would support wider streets where possible.

Councilmember Musgrove commented that she would also prefer a wider road. She asked if there would be sidewalks, and whether that would be on one side or both sides. She also asked if there would be fencing between the homes and solar garden.

Deputy City Administrator Gladhill replied that sidewalks would be along one side of the road, as required by the City. He stated that the smaller lot homes will be adjacent to the solar garden and noted that he would allow the developer to provide details on the buffering between those homes and solar garden.

Citizen Input

Tom Bakritges, Capstone Homes, acknowledged the landowners noting that the Pearson family has trusted them with developing a project to preserve their legacy. He also expressed appreciation to City staff, the Commissions and City Council for the communication and cooperation throughout the past year of planning. He stated that the overall site is about 78 acres and it was

important for them to figure out the right transition of density transitioning throughout the site. He noted that the larger lots are proposed on the south side, adjacent the existing homes and preserved trees, transitioning to smaller lots as you move towards the solar garden. He stated that there would be a landscaping buffer along the length of Riverdale Drive. He stated that as you enter into the site onto Pearson Drive, people would pass the preserved area of trees and park area. He commented that there will be seven acres of tree preservation that will be dedicated to the City along with another eight acres of open space and ponding. He stated that they have created a 15-acre area to act as a buffer between this development and adjacent development. He stated that they developed this plan after receiving input from City staff, the City Council and advisory groups, and residents. He stated that the townhomes will have a lawn maintenance HOA while the single-family homes would be under a master that includes the buffer area along Riverdale Drive. He stated that the street widths proposed match the road width in Riverstone North and has worked very well. He stated that they are required to provide sidewalks on one side of the road and have those proposed on the plans. He stated that there is vegetation on the other side of the existing fence around the solar garden site. He noted that with the existing vegetation they would not propose additional screening for that area.

Steve Bona, Capstone Homes, stated that throughout the site they would have homes similar to Riverstone North but noted that they would have more of the larger homes in this development. He commented that there will a great variety of homes throughout the development. He provided details on the townhome product offerings that they would propose for this development in order to match the desires of home buyers. He stated that there is a large variety of front elevations and home plans included in the preliminary plat for the detached townhome product, noting that they have been selling extremely well in their other developments. He commented that the 29-foot width for streets has worked well in Riverstone North, noting that this would be similar with amenities provided in return for the 29-foot-wide streets. He commented that Unicorn is proposed for a street name. He recognized that the City has a street naming policy but asked that a different name be selected for that roadway in order to assist in marketing.

Commissioner Peters stated that he lives in the Brookfield development, in a Capstone home, and asked if the front porches would be wood or concrete.

Mr. Bona replied that they do wood front porches because they continue building in the winter and therefore concrete cannot be poured in the winter months.

Commissioner Peters asked if the wood would be treated or left raw.

Mr. Bona was unsure but noted that he could follow up on that.

Commissioner Peters stated that in his neighborhood some of the homeowners were not aware of how to treat a porch and used paint, which does not hold up well. He suggested that the porches be stained/treated to ensure they look the same.

Mr. Bona commented that he would be happy to pass those comments on and can recommend that to their production team. He stated that it is a significant process to make a change to every home but would be happy to share the comment and get feedback.

Commissioner Anderson referenced the northeast corner, specifically lots 16 through 20, noting that those lots appear to be less than 40 feet in width and asked for details.

Mr. Bakritges stated that those lots are not less than 40 feet, as they are measured at the setback and not the right-of-way.

Chairperson Bauer commented that he lives in Riverstone North and has not had a problem with the 29-foot width.

Mr. Bona commented that the narrower road provides a benefit to calming traffic, as traffic travels at higher speeds on wider roads.

John Dionne, 14806 Bowers Drive, stated that he was previously a member of the Ramsey City Council before transitioning to being a District Court Judge. He commented that virtually no one along Bowers Drive likes the density higher than it needs to be. He recognized the concept that if someone does not want something to be built next to them, they should purchase the land themselves. He commented that with the required amendments, it is an ability for the City to follow the plan that was set forth before them. He asked why the number of houses is being packed in above what is allowed by the Comprehensive Plan and zoning. He used the example of 29-foot roads, which developers like because they are less costly and allow more lots, but they are not good for cities and maintenance. He believed that higher density housing should continue to be concentrated around The COR rather than increasing the density in this area. He stated that often sidewalks are setback into yards with tree planting between the road and sidewalk while other times sidewalks are against the road and asked which option this plan would propose. He stated that this is an opportunity for the Commission to require the developer to follow the guidance of the Comprehensive Plan and not increase the density in this more rural area. He appreciated the architectural considerations included in this plan to ensure that all the homes would not look the same. He commented that developers will come and go but residents often remain in the community for longer terms. He asked the Commission to deny the amendment to the Comprehensive Plan and require the developer to rework its plan to meet the guidance of the Comprehensive Plan.

Dave Nathe, 14453 Llama Street, stated that he owns the adjoining property. He asked what would happen with Lazy Dayz RV, as that business parks on both sides of the street. He asked if there would be a buffer zone or fence buffering his property. He asked if the ponding area on the site would be increased or whether another ponding area would be added.

Deputy City Administrator Gladhill commented that he will work with Lazy Dayz to evaluate the parking as he believed the intent was to only allow parking on one side of the street. He commented that as the connection for this development is made that parking issue will become more important. He stated that the Nathe property is undeveloped and abuts 65-foot lots. He

stated that he could follow up with Mr. Nathe to speak in further detail. He stated that this development will need to treat its own stormwater and its plans will be reviewed by the City and Lower Rum River Water Management Organization and confirmed that new ponds will be created on the site.

Mr. Dionne commented that anyone coming out of Bowers Drive would need to travel one mile down onto Armstrong to get onto Highway 10 to head west to Elk River, which would dramatically change the access to the highway for those residents.

Deputy City Administrator Gladhill commented that is not a Capstone improvement but a highway planning process for the City and encouraged residents to continue to provide input as they continue to walk through the design for Riverdale Drive.

Eric Nathe, 14453 Llama Street, asked for clarification on the lift station on the east. He stated that the plot shows Pearson Drive almost coming into their property and commented that he would love to see a buffer zone between this development and his property. He stated that people from Bowers Drive often come onto their property and believed that additional residents in this area would only increase this problem.

Deputy City Administrator Gladhill commented that the lift station is the sanitary sewer connection for wastewater and provided details on that system. He stated that the connection is shown in order to provide a connection in the case the property to the east is developed. He stated that pavement could be put in or a sign could be placed stating of a possible connection in the future, noting that it is important for residents to know of a possible road connection to prevent issues in the future.

John Jacobson, 14691 Bowers Drive, stated that he is concerned with vehicles entering Highway 10 to go towards Anoka from Bowers Drive, noting a slight turn to the northwest which makes it difficult to see if cars are coming from the Elk River direction. He asked if there would be a way to add an acceleration lane to allow Bowers Drive traffic to reach the traveling speed.

Deputy City Administrator Gladhill provided details on the Riverdale Drive project which would be setup before new motorists are added to the area. He noted that the City would develop plans and specifications which would be reviewed and approved by MnDOT. He agreed that an at grade acceleration lane could be considered, as there is right-of-way available. He stated that the constraining factor will be the distance between Bowers Drive and Armstrong on Highway 10. He stated that staff will discuss that option as the Riverdale Drive process moves forward and hoped that process would begin later this year.

Gretchen Morris, 14820 Bowers Drive, commented that she believes the issue of density was previously discussed. She stated that while she is not a fan of ten feet between townhouses, she recognizes that there is a return on investment that is necessary to make a project feasible. She asked the number of homes that would be needed to make the development work.

Deputy City Administrator Gladhill commented that there were multiple open houses for the project, which incorporated a lot of input from residents on Bowers Drive. He stated that changes were made to the design to increase the lots sizes for the properties nearest Bowers Drive along with the additional buffer in order to provide a compromise. He stated that this is the model that the Planning Commission and City Council agreed to move forward in terms of neighborhood design and variety of housing products.

Mr. Bona stated that they have been working on this process for one year with six or more meetings with neighbors on the design along with concept design meetings with the Planning Commission and City Council. He stated that the tree preservation land and buffer area was provided as a compromise, removing 21 lots, in order to address the input received from the Bowers Drive residents. He stated that the five-foot side yard setback is the typical setback for detached townhome products. He noted that he would be willing to meet with the Nathe family to discuss buffering concerns. He noted that they do not have buffering proposed in that area because of existing vegetation and the tree preservation and landscaping that would be provided on the overall plan.

Motion by Commissioner VanScoy, seconded by Commissioner Peters, to close the public hearing.

A roll call vote was performed:

Commissioner Gengler	aye
Commissioner Anderson	aye
Commissioner VanScoy	aye
Commissioner Peters	aye
Chairperson Bauer	aye

Motion carried.

Chairperson Bauer closed the public hearing closed at 9:31 p.m.

Commission Business

Commissioner VanScoy stated that he expressed his concern with the disregard for public safety and feeling very strongly about that. He stated that staff made the comment that the issue is not related to this case and asked for clarification.

Deputy City Administrator Gladhill stated that the Commission could take action on this proposal, and if desired could provide a second motion asking the City Council to reconsider a second access for Bowers Drive.

Chairperson Bauer commented that a second access for Bowers Drive is a separate issue from this specific development. He noted that although that connection was part of one of the original sketch plans, it was removed as a result of the input from the Bowers Drive residents and not the position of Capstone.

Motion by Commissioner Gengler, seconded by Commissioner Peters, to recommend that City Council adopt Ordinance #21-03 and Resolution #21-015 approving actions related to the Riverstone South Preliminary Plat.

Further discussion

Commissioner Anderson asked for a friendly amendment to the motion to request the Council to review the second access to Bowers Drive as he is also opposed to not having a second access for that neighborhood. Chairperson Bauer asked for input from the Council discussion on that topic. Councilmember Musgrove commented that the consensus was divided, but overall, the Council respected the concerns from the Bowers Drive residents related to safety concerns that would arise from adding additional traffic onto the narrow Bowers Drive. Deputy City Administrator Gladhill commented that the was a strong consensus from the Council to not have that connection. He noted that there were even concerns from the Bowers Drive neighborhood with a pedestrian connection because of the narrow road and lack of sidewalk. He stated that while one or two members of the Council may have still favored the connection, the strong majority opposed that. Chairperson Bauer stated that the issue of a second access to Bowers Drive is separate of this request and stated that this action should first be considered and then a separate action could be taken related to a secondary access for Bowers Drive.

A roll call vote was performed:

Commissioner Gengler	aye
Commissioner Peters	aye
Commissioner Anderson	nay
Commissioner VanScoy	aye
Chairperson Bauer	aye

Motion carried.

Motion by Commissioner VanScoy, seconded by Commissioner Anderson, to recommend that City Council reconsider the connection to Bowers Drive, at some form, for public safety reasons.

Further discussion

Commissioner Peters stated that he thought he recalled different ways to manage an emergency pathway for vehicles and asked what happened with that. Deputy City Administrator Gladhill stated that option was discussed internally but there was not enough support to move anything forward that would allow pedestrians or vehicles.

A roll call vote was performed:

Commissioner Anderson	aye
Commissioner VanScoy	aye

Commissioner Gengler	nay
Commissioner Peters	nay
Chairperson Bauer	aye

Motion carried.

Chairperson Bauer asked that Councilmember Musgrove share the input from the Commission when the issue is considered by the Council.

7. COMMISSION BUSINESS

7.01: Center Street Framework and Policy Plan

Presentation

Parks and Assistant Public Works Superintendent Riverblood presented the Staff Report and highlighted the Center Street Area Framework and Policy Plan and welcomed any comments or feedback the Commission may have on draft plans or its elements.

Commission Business

Commissioner Gengler commented that this is a great plan and appreciated the thought and details that went into the plan. She stated that the pumphouse treatment stands out as being something that will add so much value to the center of the city. She also appreciated the thoughtful amenities and stormwater treatments. She asked where public art might come into this as it could be an additional amenity that could attract more visitors.

Parks and Assistant Public Works Superintendent Riverblood provided an example of public art/display. He stated that he appreciated the notion of more traditional public art and identified concrete placeholders that could be foundational elements for public sculpture that could become wayfinding areas and provide a sense of community. He stated that he is excited about public art in this location as well as throughout the park system. He recognized that there would need to be additional discussion on possible funding for public art elements in the parks.

Commissioner Anderson stated that he also likes the plan. He stated that if he were asked to prioritize, he would suggest beginning with the pumphouse and then Municipal Plaza as that was promised to Affinity. He stated that the remaining items could fall in line after those two items.

Chairperson Bauer commented that some of the projects within The COR are on hold right now with the challenges of the past year and stated that perhaps this would be the right time to begin on these elements which would continue to attract people to this area. He stated that housing in this area continues to fill up as soon as it is built and that increase in population will continue to attract the interest of retailers when the economy opens up more and restrictions are lifted.

Parks and Assistant Public Works Superintendent Riverblood commented that activity within The COR has continued regardless of the economic climate, between public improvement and infrastructure and housing developments which shows retailers the confidence that the City and residents have in this community.

7.02: Consider Water Treatment Plant Site Selection Recommendation

Presentation

City Engineer Westby presented the Staff Report stating that based on the tabulated information in the staff report, as well as other operational benefits and cost savings that would be realized over time, engineering and public works staff recommend locating the proposed WTP on the public works site. It was noted that the City has been primarily running only two to four of its municipal wells to supply water to the City since mid-2019. Since these wells are constantly in operation they are not able to be taken off-line for routine maintenance. Staff therefore recommends proceeding with the proposed WTP construction in as timely a manner as possible to ensure that the City is able to continue providing water in compliance with the MDH HBV for manganese. If the City elects to proceed with construction of the WTP, it could be operational by spring of 2023.

Commission Business

Chairperson Bauer commented that the construction costs are the same no matter the site but when looking at operation, convenience and ease it would make the most sense to locate on the public works site.

Commissioner Peters and Gengler agreed.

Commissioner Anderson agreed that this site would be the most efficient of the choices and that it would make sense to have the buildings close together for staff. He asked if they have considered placing the facility on the west corner as that would leave the east portion for sale/development in the future.

City Engineer Westby replied that the west side would be more marketable as it has access from two different roads and provides more development/redevelopment opportunities. He stated that the proposed location would also be across from Moline Concrete and therefore the uses would compatible. He noted that Moline also provided concrete panels for the public works facility and would perhaps do the same for this facility, as it also provides Moline with the opportunity to easily show those panels to customers.

Commissioner Anderson asked if the City is considering pulling water from the river for treatment, on a longer-term scale.

City Engineer Westby stated that the City just completed a study that looked at using surface water, in conjunction with the Metropolitan Council and nearby communities but the cost for each community would be many times over the $32,000,000 for a water treatment plant. He noted that

the other communities all have their own water treatment facilities and have no desire to move to surface water systems. He confirmed that the option was reviewed but the cost was prohibitive.

Chairperson Bauer confirmed the consensus of the Planning Commission to support the public works site for the proposed Water Treatment Plant.

8. COMMISSION / STAFF INPUT

8.01: Receive Update on Ramsey Gateway Project (US Highway 10/169 Plan)

Deputy City Administrator Gladhill provided a brief update on the status of the preliminary engineering efforts by Anoka County on the Ramsey Gateway Project. The update focused on history, recent progress and the schedule moving forward. It was noted that over half of the funding for the project has been secured and is now a reality for a 2023/2024 construction start date.

9. ADJOURNMENT

Motion by Commissioner Peters, seconded by Commissioner Anderson, to adjourn the meeting.

A roll call vote was performed:

Commissioner Anderson	aye
Commissioner Peters	aye
Commissioner Gengler	aye
Commissioner VanScoy	aye
Chairperson Bauer	aye

Motion carried.

The regular meeting of the Planning Commission adjourned at 10:39 p.m.

Respectfully submitted,

_____

Chloe McGuire Brigl
Senior Planner

ATTEST:

_____

JoAnn Shaw
Planning Division Secretary

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.

Councilmember _____ introduced the following resolution and moved for its adoption:

RESOLUTION #21-007

RESOLUTION APPROVING PRELIMINARY PLAT OF NORTHFORK MEADOWS

WHEREAS, US Home Corporation dba Lennar, hereafter referred to as "Developer," properly applied for a revision to their Preliminary Plat approval of the following described property located in the City of Ramsey generally described as Northfork Meadows and legally described as:

Outlot A and Outlot C, Alpha Development, Anoka County, Minnesota

(the 'Subject Property');

WHEREAS, the Subject Property is zoned R-1 Residential (MUSA - Detached Single Family Homes) and R-1 Residential (MUSA - Detached Villa); and

WHEREAS, the Applicant has proposed 41 lots at 80 foot wide and 47 lots at 65 feet wide, for a total of 88 lots; and

WHEREAS, the proposal aligns with the City's Comprehensive Plan; and

WHEREAS, the Planning Commission reviewed the preliminary plat plan on January 7, 2021; and

WHEREAS, the City Council reviewed the preliminary plat on February 9, 2021.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

1. That the Ramsey City Council hereby grants preliminary plat approval of Northfork Meadows accordance with relevant City Codes, subject to the following conditions:
    a. Compliance with City Staff Review Letter and ProjectDox comments, including Final Approval by City Engineer and City Planning Department.
    b. Approval of the Landscape Plan and proposed density transitioning.
    c. The Developer entering into a Development Agreement with the City.
    d. Review and Approval of Final Legal Form by City Attorney.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this _____ day of _____, 2021.

_____
Mayor

ATTEST:

_____
City Clerk

CC Regular Session **7. 3.**

Meeting Date: 02/08/2021

Submitted For: Kurt Ulrich, Administrative Services

By: Kathy Schmitz, Administrative Services

Information

Title:

2021 Legislative Platform

Purpose/Background:

The purpose of this case is to review the proposed 2021 Legislative Platform for the City of Ramsey. Legislative priorities were reviewed in December and discussed with local state legislators at the last City Council work session.

The document portrays Highway 10 as Ramsey's top legislative priority for the Minnesota Legislature, includes "high priority" legislative action that has direct impact on the city of Ramsey, and a section of select "policy priority" items that have been of interest to the Council in the past.

Observations/Alternatives:

The City was fairly successful in the 2020 Legislative Session.

- $8.4M for Highway 10 Improvements
- Adjustments to Fire Relief Association pertaining to dissolution of Joint Powers Agreement (JPA) with City of Nowthen. Note, this law will need to come back for a "technical correction" in the 2021 session.

Two items have been held over after being introduced in the 2020 Legislative Session, with hopes of approval in 2021 as part of a larger Tax Bill.

- Extend Project Deadline (5 Year Rule) for Tax Increment Financing (TIF) District 14 (The COR)
- Sales Tax Exemption for Public Works Campus

Other options for future legislation include:

- Sales Tax Exemption for the Water Treatment Facility
- State Funding for Water Treatment Plant

Recommendation:

It is recommended that the City Council adopt the 2021 City of Ramsey Legislative Platform as presented, or, as amended based upon discussion.

Action:

Motion to adopt the 2021 City of Ramsey Legislative Platform as presented, or, as amended based upon discussion.

Attachments

DRAFT2021Legislative

2021LMCPolicies

Form Review

Inbox	Reviewed By	Date
Kurt Ulrich	Kurt Ulrich	12/03/2020 04:00 PM
Kurt Ulrich	Kurt Ulrich	02/04/2021 02:17 PM
Kurt Ulrich	Kurt Ulrich	02/04/2021 02:17 PM

Form Started By: Tim Gladhill Started On: 12/02/2020 08:26 AM
Final Approval Date: 02/04/2021

DRAFT 2021 City of Ramsey Legislative Platform

Top Priority: U.S. Highway 10 Ramsey Gateway Project

The City of Ramsey is coordinating with Anoka County for a state funding request that will bring this project to full finding. The Ramsey Gateway Highway 10 Project includes two grade-separated interchanges in the city of Ramsey at Ramsey Boulevard and Sunfish Lake Boulevard that will replace existing signalized intersections. Grade separation of the BNSF Railway and a new frontage road between Ramsey Boulevard and Sunfish Lake Boulevard are also part of this design project.

Project goals include:

- Safely accommodating all users including motor vehicles, freight, rail, transit, pedestrians, and bicyclists
- Providing efficient mobility and access for all modes of travel
- Developing a financially responsible design that minimizes right-of-way and environmental resource impacts
- Securing additional funding for full project construction
- We are currently in the second phase of the project, which is preliminary design.

Schedule

Key milestones of the project:

Public Open Houses – Winter 2020, Spring/Summer 2021, Winter 2022, Winter 2023

Preliminary Design – June 2020 to August 2021

Final Design – September 2021 to Jan 2023

Right of Way Acquisition Process – January 2021 to January 2023

Construction begins – 2023

Funding

- The project received $8.4M of state bonding for Highway 10 Improvements in the 2020 Legislative session
- Recent funding was awarded under the Minnesota Highway Freight Program for $10M, and through the 2020 Met Council Regional Solicitation for an additional $10M of federal funds bringing the total funds secured to-date to $84M of the $138M project (60.09%).

<u>High Priority</u>: Legislation to Extend Project Deadline (5 Year Rule) for Tax Increment Financing (TIF) District 14 (The COR)

A bill was introduced in the 2020 Legislative Session and was not heard due to (COVID-related) time constraints. The proposed legislation extends the deadline to approve projects funded by the TIF District. Typically, regardless of the duration of the district itself, projects must be approved within the first 5 years of the District. This includes incentives for qualifying private development activity as well as public improvements. Of key importance to this district is improvements to Bunker Lake Boulevard. Under a Joint Powers Agreement, the City is responsible for some improvements to Bunker Lake Boulevard (Anoka County took on initial improvements to Ramsey Boulevard and Sunfish Lake Boulevard). The second priority is making the NW quadrant of The COR 'shovel ready'. A significant amount of fill is necessary to make this land developable. Other, smaller improvements could also be funded by this account/district. A bill needs to be re-introduced in the 2021 session.

<u>High Priority</u>: Sales Tax Exemption for **Public Works Campus**

A bill was introduced in the 2020 Legislative Session and was not heard due to (COVID-related) time constraints. The purchase of materials for the nearly $17.3 million Public Works Campus are not exempt from the state sales tax without this legislation. The bill would exempt purchases made for the project, including those made in calendar year 2020 and 2021. This bill has been re-introduced in the 2021 session.

<u>High Priority</u>: Sales Tax Exemption for **Water Treatment Plant**

Like the Public Works Campus, the purchase of materials for the proposed $32-36.5 million Water Treatment Plant are not exempt from the state sales tax without this legislation. The bill would exempt purchases made for this project. A bill needs to be introduced.

<u>High Priority</u>: State Funding for Water Treatment Plant

The City is requesting state funding to construct a water treatment plant being constructed to address a public health need in the city of Ramsey. The discovery of manganese by the Minnesota Department of Health in 2019 led the City to conduct a feasibility study for a water treatment plant to address the public health issue. The recommended action is to construct a $32-36.5 million Water Treatment Plant to serve Ramsey Water customers. Construction is proposed to commence in the fall of 2021. A bill needs to be introduced.

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High Priority: Technical Correction of Fire Relief Pension Bill

The original legislation was approved in the 2020 legislative session and is in need of language revisions to facilitate the dissolution of the Nowthen/Ramsey joint fire services contract. After review by the MN Department of Revenue, Minnesota Legislative Commission on Pensions and Retirement, and the State Auditor's office, it was determined that corrections need to be made to the legislation to address some administrative concerns before dissolving the Joint Powers Agreement. The City of Ramsey, the City of Nowthen, and the current Fire Relief Association are in agreement and will be submitting revised language in the next 30 days.

Policy Priority:

Funding for Non-State Aid City Streets

ISSUE: Minnesota has over 141,000 miles of roadway, and more than 22,500 miles—or 16 percent--are owned and maintained by Minnesota's 853 cities. The Minnesota Constitution limits eligibility for dedicated Highway User Tax Distribution Fund dollars to up to twenty percent of streets in cities with populations over 5,000 (147 of 853 cities). This means almost 85 percent of municipal streets are ineligible for Municipal State Aid (MSA) funds and must be paid with local funding. Funding challenges are compounded by city cost participation requirements in state and county highway projects, which divert resources from city-owned streets.

Maintenance costs increase as road systems age, and no city--large or small—is spending enough on roadway capital improvements to maintain a 50-year lifecycle. For every one dollar spent on maintenance, a road authority--and therefore taxpayers--save seven dollars in repairs. According to a report released in late 2012 by the governor's Transportation Finance Advisory Committee, cities collectively need an additional $400 million per year to bring city streets up to an economically competitive standard.

RECOMMENDATIONS: City streets are a separate but integral piece of the network of roads supporting movement of people and goods. Cities need greater resources and flexible policies in order to meet growing demands for street improvements and maintenance. The City of Ramsey supports:

A. dedicated and sustainable state funding source for non-MSA city streets in large and small cities statewide;
B. enabling legislation that would allow cities to create street improvement districts (similar to storm water districts or sidewalk improvement districts already allowed under Minn. Stat. § 435.44); and
C. the creation of a new fund within the Local Road Improvement Program that would provide grants to cities burdened by cost participation requirements related to trunk highway and county state-aid projects.

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Policy Priority:

Metropolitan Council Governance

The issue of Metropolitan Council governance is an issue that the City Council has had an interest since 2016. The current City Council will be having additional discussions on this issue. Since this is an issue that is likely to continue into the future, the existence of this item as 2021 *Legislative Priority* reaffirms the City's interest in addressing governance of the Metropolitan Council.

Over the last couple of years, Anoka County and three other metropolitan counties, formed a coalition that advocated for a change in the structure of the Metropolitan Council. As part of that meeting, the Council received documents explaining the County position, and documents outlining the position of the Metro Cities organization.

Below are the points/observations:

- Consider options for a Metropolitan Council governance structure that may increase accountability and address concerns of regional stakeholders and policy makers.
- Consider opportunities for local communities to provide input on ideas before any legislative change in Metropolitan Council governance is made.
- Consider that the Metropolitan Council has provided financial support of past projects in the City of Ramsey:
    - Parking Ramp
    - Sunwood Drive
    - Center Street
    - Sunwood Townhomes (TH 47)
    - Sunwood Village
    - The Draw Park and Amphitheater
    - Rail Station
- The City of Ramsey expects to continue an ongoing partnership with the Metropolitan Council.

Recommendations:

A. Any reform to the Metropolitan Council should ensure that the Metropolitan Council is a responsible, responsive, and accountable partner for regional development and progress; and
B. That in order to recognize the responsibility that the Metropolitan Council has to local units of government, local governments shall have a decision role in the appointment process for representatives to the Metropolitan Council; or current elected representatives of local government should be considered as members.
C. In order to promote the stability and continuity of governance, consider staggered terms of office for Metropolitan Council members.

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Policy Priority:

Local Government Aid (LGA) and Fiscal Disparities

Local Government Aid for Ramsey has fluctuated (see chart below) from a high of $396,382 in 2001, to the current level of $0 in 2017. The basic formula was changed in 2014 and some level of LGA was restored for the next three years (approximately $100,000 per year), however the same formula has now resulted in the elimination of all LGA for Ramsey and similar developing suburbs.

FY 2000 - $359,771
FY 2001 - $396,382
FY 2002 - $303,894
FY 2003 through 2013 - $0
FY 2014 - $91,381
FY 2015 - $110,352
FY 2016 - $111,311
FY 2017 - $0
FY 2018 - $0
FY 2019 - $0
FY 2020 - $0

Fiscal Disparities: Former Anoka State Legislator Charles R. Weaver originally authored fiscal disparities legislation in 1971. It was created for the purposes of:

1. Providing a way for local governments to share in the resources generated by the growth of the metropolitan area without removing existing resources;
2. Promoting orderly development of the region by reducing the impact of fiscal considerations on the location of business and infrastructure;
3. Establishing incentives for all parts of the area to work for the growth of the area as a whole;
4. Helping communities at various stages of development; and
5. Encouraging protection of the environment by reducing the impact of fiscal considerations to ensure protection of parks, open space, and wetlands.

Fiscal Disparities affects cities, counties, special taxing districts, and school districts within the seven-county metro area. It has reduced tax base disparity throughout the seven-county metropolitan area to a level of 3-to-1 (instead of the previous 10-to-1). Historically, the City of Ramsey (and Anoka County) have been net recipients of fiscal disparities funding. Meaning, the amount of dollars Ramsey receives from the program is greater than the dollars Ramsey contributes to the program.

RECOMMENDATION:
Ramsey supports revision of the LGA formula that recognizes the needs of developing suburbs and restores LGA to developing suburbs for long-term capital needs. Any future legislation that would modify or impact the Fiscal Disparities program should only be considered within a framework of comprehensive reform efforts of the State's property tax, aids and credits system. Any proposed legislation that would modify or impact the Fiscal Disparities program must be evaluated utilizing the criteria of fairness, equity, stability, transparency and coherence in the treatment of cities and taxpayers across the metropolitan region, and must continue to serve the program's intended purposes.

The Ramsey City Council is in support of the Fiscal Disparities program. The Ramsey City Council opposes future diversion from the Fiscal Disparities Program to fund programs or projects that would contradict the purpose of the program. The City does not support efforts to exempt Ramsey (or Anoka County) from any future Fiscal Disparity program amendment discussions.

DRAFT

Policy Priority:

Governor's Executive powers and Local Control

Council members have expressed concern for the well-being of local business and the ability of local government (or local State Legislators) to have representation in decisions that affect the local economy and businesses. The City is supportive of legislation that strengthens the ability of locally-elected officials to determine issues of local control.

League of Minnesota Cities Statement on local control:

> *The increasingly complex and costly requirements necessary for cities to provide services to their citizens would benefit from a strong partnership between federal, state and local governments. This partnership should be based upon a shared vision for Minnesota and should allow individual communities to tailor that vision to the unique needs of their citizens without mandates and policy restrictions imposed by state and federal policy makers. The state should recognize that local governments, of all sizes, are often the first to identify problems and inventive solutions to solve them, and should encourage further innovation by increasing local control. The state should not enact initiatives that erode the fundamental principle of local control in cities across Minnesota.*

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LEAGUE OF MINNESOTA CITIES

2021
City Policies

For Legislative and
Administrative Action

Adopted November 12, 2020

The only comprehensive statewide advocacy agenda for all Minnesota cities

LMC LEAGUE of MINNESOTA CITIES

This document is available in the Legislative Action Center on the League's website at ***www.lmc.org/policies***

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LEAGUE OF MINNESOTA CITIES

INTERGOVERNMENTAL RELATIONS STAFF

The League's Intergovernmental Relations (IGR) staff work on legislative issues that matter to cities. Feel free to contact our IGR staff members with any questions, concerns, or suggestions regarding legislative issues.

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We're here to help!

IGR staff and the legislative issues they cover are listed here.

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LMC POLICY DEVELOPMENT PROCESS

The *City Policies* document addresses more than 200 legislative issues that impact cities and serves as the foundation of the League of Minnesota Cities (LMC) advocacy efforts. City officials from across the state are recruited throughout the year to serve on one or more policy committees. In 2020, over 130 city officials participated in the policy committees. Policies are considered, discussed, and revised annually with considerable member input. Then, draft policies are published online for member comments before being considered for approval by the LMC Board of Directors. Guided by the *City Policies*, LMC member cities and staff actively advocate for city-friendly legislation. Below are some of the major events in the policy development process:

January	The Minnesota Legislature begins the first session of each two-year biennium in January of odd-numbered years. The 2021 Legislative Session began on January 5, 2020.
February	The Legislature typically begins the second session of each biennium in February or March of even-numbered years.
March/April	In March, the National League of Cities usually hosts the Congressional City Conference in Washington, D.C and the League's legislative conference is held in St. Paul. Due to questions surrounding the ongoing pandemic, both are anticipated to be conducted in some sort of virtual manner.
May	Under the Minnesota Constitution, the deadline to end any legislative session is the first Monday following the third Saturday in May (May 17, 2021). The governor may call special legislative sessions when necessary.
June	At the LMC Annual Conference (*Tentatively*: Rochester, June 23-25, 2021), members provide comments on *City Policies* throughout the conference and during the Legislative Update.
July	Policy committees hold their first of three meetings. The July meeting typically includes a review of the most recent legislative session, a preliminary discussion of emerging issues, and a review of member comments and board interim policies from the prior year.
August	Policy committees hold their second of three meetings to hear from subject-matter experts on existing and potential new policy topics.
September	Policy committees meet for a third time to finalize their work and make specific policy recommendations to the LMC Board of Directors.
October	Draft policies, as approved by the policy committees, are shared with members online during the comment period. Member input is also sought from city officials attending LMC Regional Meetings around the state each fall.
November	The LMC Board of Directors reviews member input, then considers and amends the policies for the following calendar year. The Board adopts policies on behalf of League members before the start of the next legislative session.

PURPOSE, PROCESS AND PRINCIPLES OF CITY POLICIES

The League of Minnesota Cities is dedicated to promoting excellence in local government through effective advocacy, expert analysis, and trusted guidance for all Minnesota cities. Each year, the League's member cities identify common needs and goals, and the Board of Directors adopts policies designed to help cities overcome obstacles and reach those goals. These policies serve as the foundation of the League's advocacy work on behalf of Minnesota cities.

There are 853 cities in Minnesota, and 835 cities are members of the League of Minnesota Cities. Eleven townships and 63 special districts/other members are also League members. The League's members include the smallest rural cities in Greater Minnesota and the largest cities in the urban core; they include suburban communities in the Metropolitan Area and regional centers in every corner of the state. Every member of the League has a voice in developing the following policies.

Two core principles guide the development of City Policies and the actions of the League:

1. Local units of government must have sufficient authority and flexibility to meet the challenges of governing and providing citizens with public services. The Legislature must avoid imposing unfunded and underfunded mandates that erode local control and create liability and financial risk for city taxpayers.

2. The increasingly complex and costly requirements necessary for cities to provide services to their citizens require a strong partnership between federal, state, and local governments. This partnership should be based upon a shared vision for Minnesota and should allow individual communities to tailor that vision to the unique needs of their citizens.

Because of the fluid nature of emerging issues, state and national politics, and current events, additional and alternative policies may be proposed after the policies are adopted by the Board of Directors. The League will make every effort to notify members of substantial changes or additions to policies after they are adopted by the Board of Directors.

IMPROVING SERVICE DELIVERY

SD-1. Local Control

Issue: Cities are often laboratories for determining public policy approaches to the challenges that face citizens. Success in providing for the basic needs of a functional society is rooted in local control to determine how best to respond to the ever-changing needs of a citizenry. Because city government most directly impacts the lives of people, and representative democracy ensures that locally elected officials are held accountable for their decisions through local elections, local governments must have sufficient authority and flexibility to meet the challenges of governing and providing citizens with public services.

Response: **The increasingly complex and costly requirements necessary for cities to provide services to their citizens would benefit from a strong partnership between federal, state and local governments. This partnership should be based upon a shared vision for Minnesota and should allow individual communities to tailor that vision to the unique needs of their citizens without mandates and policy restrictions imposed by state and federal policy makers. The state should recognize that local governments, of all sizes, are often the first to identify problems and inventive solutions to solve them, and should encourage further innovation by increasing local control. The state should not enact initiatives that erode the fundamental principle of local control in cities across Minnesota.**

SD-2. Unfunded Mandates

Issue: Federal and state mandated programs substitute the judgment of Congress, the president, the Minnesota Legislature, and the governor for local budget priorities. These mandates force cities to reduce funding for other basic services or to increase taxes and service charges.

Response:

a) **Existing unfunded mandates should be reviewed and modified, or repealed where possible.**
b) **No additional statewide mandates should be enacted unless full funding for the mandate is provided by the level of government imposing it or a permanent stable revenue source is established.**
c) **Cities should not be forced to comply with unfunded mandates.**
d) **Cities should be given the greatest flexibility possible in implementing mandates to ensure their cost is minimized.**

SD-3. Local Approval of Special Laws

Issue: The Minnesota Constitution prohibits special legislation except for certain special laws relating to local government. It provides that a special law must name the affected local unit of government and is effective only after approval by the local government unit, unless general state law provides otherwise. Under state statute, a special law is not effective unless approved by the affected local unit of government, except under limited circumstances.

In recent years, the Legislature has occasionally enacted general laws that affect a single local unit of government. By enacting a general law with limited application, local approval is not required.

Response: **The League of Minnesota Cities supports the constitutional requirement that a special law must be approved by the affected local unit of government before it can take effect. If a law is intended to affect or benefit a single local unit of government, the Legislature must follow the requirements for enacting a special law set forth in the Minnesota Constitution and in state statute. The League specifically opposes the Legislature's technique of bypassing the constitution by not naming the local government, but describing the local government in such narrow terms that it can only apply to one entity.**

SD-4. Redesigning and Reinventing Government

Issue: Every level of government is redesigning, reinventing, and reevaluating its organizational structure and programs in response to financial realities and citizens' needs and problems. Reforms, however, must be more than change for the sake of change to existing programs. It is imperative that government officials talk with citizens about how services are currently provided and how they can be best provided in the future.

To be meaningful, redesign of governmental entities and services should:

a) save money where feasible;
b) deliver improved services;
c) serve essential needs; and
d) be equitably structured.

Cities have and will continue to re-evaluate city programs and services, pursue the use of cooperative agreements, and consider organizational changes that provide greater government efficiency and result in better service to citizens. Citizen input and participation should be gathered and taken into account as decisions about service delivery are being made and implemented.

All levels of government are encouraged to:

a) Ensure that in redesigning, reinventing or reassigning government services and programs, the appropriate level of service to citizens is evaluated and citizen demands and expectations are adequately addressed.
b) Engage as many citizens as possible, from diverse backgrounds and interests, to determine what services matter most to citizens and how the delivery of those services can be changed to increase efficiency and lower cost.
c) Educate citizens about what services government delivers, how they are delivered, and how those services are funded.
d) Engage in traditional and nontraditional partnerships to make service changes and do things in new ways.
e) Identify and repeal programs or discontinue services that are no longer necessary, and evaluate which services can readily and fairly be provided by the private sector.

Response: **Federal, state, and county governments should:**

a) Promote and support local redesign efforts through incentives rather than mandates.
b) Communicate and establish a process of negotiation before shifting responsibility for delivering services from one level of government to

another, or seeking to reduce service duplication.

c) Utilize government entities with proven track records in redesign efforts.

SD-**5. State Government Shutdowns**

Issue: Twice in less than one decade, the state Legislature and governor failed to reach a global agreement on the state budget by the end of the fiscal biennium (June 30 of odd-numbered years). As a result of these impasses, portions of state government were shut down. The shutdowns, particularly the shutdown in 2011, created a range of challenges for cities, as well as for the state's courts, residents, businesses, licensed professionals, state employees and others.

For cities, the most pronounced challenges related to the shutdowns were as follows:

a) Uncertainty about the timing and amount of aid and credit reimbursement payments and the distribution of local sales tax revenues.

b) Inability of licensed city professionals such as peace officers and water treatment facility operators to renew licenses.

c) Loss of access to critical information such as the Bureau of Criminal Apprehension database and state-mandated reports.

d) The shutdown of transportation projects on the trunk highway and state aid system.

e) Interruption of local economic development due to the state having sole authority to inspect, review and approve various plans and types of projects.

Response: **The League of Minnesota Cities urges the Legislature and governor to establish a procedure in state law to continue certain state government operations into a new biennium in the event that the governor and legislators cannot reach a budget agreement. Specifically, the Legislature and governor should modify state law to assure that the staff necessary to distribute state funds that are already encumbered or statutorily appropriated to local governments are distributed as statutorily scheduled, or in the absence of a statutory payment schedule, are released in a predictable and timely manner in the event of future shutdowns.**

The Legislature should also pass legislation that allows existing licenses of public employees to be continued during any future state government shutdown and should identify additional areas, such as electrical and plumbing inspection and plumbing plan review, where local governments could reasonably step in to handle the inspections, review, and approval necessary for local projects to move forward, and allows work on approved projects to continue in state rights-of-way.

SD-**6. Duration of Conservation Easements**

Issue: The Minnesota Marketable Title Act provides that any deed over 40 years old can be disregarded unless the holder of the interest re-records it. There is an exception for a person in possession of the property. A 2010 Minnesota Supreme Court decision said that the person in possession has to show that the possession has been visible enough to put a prudent person on notice of the interest, and that the possession has to be continuous. *Sampair v. Village of Birchwood*, 784 N.W.2d 65 (Minn. 2010).

This creates issues for cities that have conservation easements. It is difficult, if not impossible, to show actual use of the

easement because conservation easements are passive easements, not active ones. As a result, cities will have to re-record the easements every 40 years in order to maintain them. This will result in a significant administrative burden and increase costs for local units of government due to staff time, legal fees, and recording fees.

Additionally, Minn. Stat. § 500.20, entitled "Defeasible Estates," provides in subd. 2a that private covenants, conditions, or restrictions that affect the title or use of real estate cease to be valid 30 years after the date of the instrument creating them and they may be disregarded. This provision was initially enacted in 1988.

Minn. Stat. ch. 84C regarding conservation easements was enacted in 1985, and Minn. Stat. §§ 84.64-.65 regarding conservation restrictions were originally enacted in 1974. Because conservation easements and conservation restrictions are not listed among the restrictions that are not subject to Minn. Stat. § 500.20, subd. 2a, it is possible to conclude, by negative implication, that subd. 2a does apply to the conservation easements and conservation restrictions created by earlier enacted statues. This conclusion is inconsistent with the language in Minn. Stat. § 84C.02(b) that "a conservation easement is unlimited in duration unless the instrument creating it otherwise provides."

Response: **The League of Minnesota Cities supports legislation that excepts holders of conservation easements from re-recording the easements under the Minnesota Marketable Title Act and that clarifies that Minn. Stat. § 500.20, subd. 2a, does not apply to conservation easements and restrictions.**

SD-7. Racial Equity in Minnesota

Issue: Since the earliest days of its history, race and racial inequity issues have been present in Minnesota. Land acquisition and ownership, discriminatory covenants restricting homeownership to white Minnesotans, and patterns of systemic, structural, and institutional racism have brought the state to experience some of the worst racial disparities in the country for employment, housing, education, health, criminal justice, and law enforcement. Explicit and implicit bias toward people of color are prevalent in public policies and other rules governing Minnesota residents. Racial equity is accomplished when race can no longer be used to predict success, and we have government and systems that work for all.

The data is readily available from the U.S. Census, the state demographer, and local government. For example, Minnesota ranks 50th in the nation for median income equality and 49th in homeownership equality. The killing of George Floyd and the disproportionate impact of COVID-19 on communities of color have further highlighted the critical need to overhaul our laws, policies, and practices to address systemic racism.

Racial demographics are continually changing throughout the state. According to the state demographer, 20 percent of Minnesota's population are people of color. All racial groups have recently increased in the state, but between 2010 and 2018, Minnesota has added five times as many people of color as white residents.

While every city may be in a different place, the need for racial equity and the need to repair past racial harms touches all communities, from the most racially diverse cities to cities with very few or no people of

color. In recognition of the need to strive for racial equity, cities are invested in building a more equitable future when every resident can thrive regardless of race. Among efforts cities are undertaking are:

a) Examining how cities deliver services and set local policies among city staff and elected officials;
b) Creating high-level staff positions and departments to address race equity, financial and educational opportunity, diversity, and analysis of city policies;
c) Engaging with the communities of color to build/rebuild relationships and trust;
d) Establishing city commissions to address race and racial equity issues with local affected communities; and
e) Working to improve access to city procurement opportunities for veteran-, woman-, and minority-owned businesses.

However, cities acknowledge that there is much work that still needs to be done before success for all Minnesotans can be achieved regardless of race. To optimize success for all Minnesotans, cities cannot work in isolation on racial equity issues.

Further, it should be acknowledged that community members who are both from communities of color and are immigrants require local governments to understand the intersection between these two issues and evaluate public policy initiatives from multiple social justice perspectives. League policies on immigration and racial equity are heavily interrelated in that situation.

Response: **In order to best support and serve all Minnesotans, the State should take a leadership role by prioritizing addressing racial equity through its actions:**

a) Partner with local government and communities of color to identify and address racial equity issues;
b) Proactively assess past racial harms and develop actions to address them;
c) Collect and provide data disaggregated by race necessary for cities and the state to make informed decisions about how to address racial disparities;
d) Develop a state system for the proactive and innovative development and delivery of resources to local government to address racial equity including policy and service options, local engagement tools, policy expertise, and financial resources; and
e) Actively review and amend existing statutory language to identify laws that contribute to racial inequities and consider racial equity impacts when crafting proposed legislation and policies.

SD-8. Immigration Reform

Issue: The United States and the State of Minnesota have long traditions of welcoming immigrants. Immigrants strengthen Minnesota by contributing to the state's economy, enhancing cultural resources, and participating in efforts to build strong communities.

According to the National League of Cities, roughly 35 percent of undocumented immigrants have lived in the United States for 10 years or more. Approximately 1.6 million undocumented immigrants are children, and another 3.1 million children in the United States have at least one undocumented parent. These families are forced to live "underground" and are unable to get drivers' licenses or car insurance in

most states. In addition, they are unlikely to obtain health insurance and are afraid to report crimes to local law enforcement.

Since immigrants are barred from most federal public assistance, the burden of providing social services, education, and health care falls to state and local governments that are increasingly feeling the financial impact of both legal and illegal immigrants living in their communities.

Response: **The League of Minnesota Cities, together with the National League of Cities, urges Congress to move quickly to enact and enforce effective immigration laws.**

Federal and state governments must not transfer responsibility for enforcing U.S. immigration laws to local personnel, including police officers, firefighters, educators, health professionals, and social service employees. Finally, federal and state governments must not prohibit local units of government from implementing policies aimed at fostering positive relationships between local government officials, including law enforcement personnel, and immigrant communities.

SD-9. Responsibility for Locating Private Underground Facilities

Issue: Cities are responsible for complying with state pipeline safety regulations that hold cities responsible for locating and marking private service laterals that connect in public rights-of-way to city sanitary and storm sewer, water, and district heating systems. The Minnesota Office of Pipeline Safety (MNOPS) is proposing amendments to state pipeline and safety rules related to the definition of excavation and changes to mandatory damage reporting.

Cities are concerned that damage to private service laterals within the public right-of-way continues due, in part, to construction methods during the replacement, repair and/or installation of underground utilities which cross city water and sewer services that are in the public rights-of-way. Trenchless excavation could potentially cause damage to underground service laterals and negatively impact the quality of utility services.

Response: **The League supports the changes to the definition of excavation presented by MNOPS at the 2012 Review of Minn. Stat. ch. 216D. Cities support the elimination of windbreaks, shelterbelts, and tree plantations from the definition of excavation, unless any of these activities disturbs the soil to a depth of 18 inches or more.**

The League supports exempting normal maintenance of roads and streets from the definition of excavation if the maintenance does not change the original grade and does not involve the road ditch by defining "original grade" as the grade at the date of issue of the first notice by the excavator.

The League supports increasing MNOPS fines for violators of state pipeline safety requirements, bringing state penalties in line with federal penalties.

The League opposes mandatory damage reporting and recommends a simple standardized form to encourage cities to voluntarily report damages. The League opposes requirements that would force cities to mark underground facilities of all sizes and materials.

The League recognizes that trenchless excavation presents concerns to cities. Private property owners in the excavation

area must receive advance notice of any trenchless or other excavation activities that could affect the quality of utility services. Notice must include at least one phone number for assistance in case of any service problems.

Contractors must comply with city permits requiring that the drill head be visible when crossing any paint marks and moving through the pothole at the depth that the city allows for the installation.

Cities must not be required to locate privately-owned water and sewer laterals and must not be held responsible for actions by excavators when the city determines not to locate such facilities. Excavators should be responsible for locating and protecting any private service lateral that is impacted by excavation activities conducted on private property beyond the public right-of-way.

SD-10. Utility Relocation Under Design-Build Road Construction

Issue: The Minnesota Department of Transportation (MnDOT) has promoted legislation relating to the design-build construction process that would require private and public utilities to be responsible for utility relocation necessitated by road construction. The policy, if enacted, would create unanticipated costs for utilities owned and operated by cities. Municipally-owned utilities would be unreasonably held to the same standards as privately-owned utilities that exist in the public right-of-way.

Response: **The League of Minnesota Cities supports use of the design-build procedure, however, municipal utilities that exist in the public right-of-way should not be penalized under this process. Municipal utilities legitimately exist in the public right-of-way. When a MnDOT construction project requires the relocation of utilities, the cost of relocating municipal utilities should be shared equitably between MnDOT and affected municipal utilities.**

SD-11. National Fire Protection Association (NFPA) Standards

Issue: The National Fire Protection Association (NFPA) is an international association of individuals and trade and professional organizations that deals with fire and life safety. The NFPA has advocated legislation that would mandate two standards: NFPA 1710, Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments, and NFPA 1720, Organization and Deployment of Fire Suppression, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments. NFPA standards 1710 and 1720 define minimum response times, minimum fire company staffing levels, initial full alarm response levels, and extra alarm response levels. Although NFPA codes and standards are voluntary, they are often adopted by local jurisdictions.

Response: **Levels of service delivery for fire and emergency medical services (EMS) have always been determined by local jurisdictions. If mandated, the NFPA standards would force local governments to shift dollars from fire prevention programs to fire suppression activities, potentially increasing the risk of fire and the danger to local firefighters.**

The League of Minnesota Cities opposes any attempt to mandate standards for minimum staffing levels of fire, specialized or EMS vehicles controlled by

units of local government. The League also opposes any attempt to adopt a standard dictating or affecting the response time of any fire, specialized or EMS vehicle.

SD-12. Fire Mutual Aid

Issue: City and township fire departments regularly assist each other with firefighting and other response activities. This mutual aid is mostly authorized by individual written contracts with each city or township, which results in a patchwork of different agreements with different provisions. Often, each city attorney recommends different provisions.

Following the Red River floods and the St. Peter tornados, emergency responders (including fire departments) met and helped pass a statute to govern mutual aid situations when there is an emergency declared by mayor or governor and no written agreements exist. The statute, Minn. Stat. § 12.331, provides a framework for how worker's compensation, liability, property claims, insurance, and charges between the departments will be handled in mutual aid situations.

The League of Minnesota Cities Insurance Trust (LMCIT) developed a model mutual aid agreement that contains the same basic structure for liability as the statute. Many cities have entered into area-wide mutual aid agreements that are similar to the LMCIT model agreement. To provide uniformity, there should be a statute that is similar to Minn. Stat. § 12.331, to govern daily fire mutual aid situations that do not rise to the level of emergencies.

Response: **The Legislature should pass a statute to provide uniform provisions when fire departments assist each other. These provisions should include statutory definitions and clarifications for:**

a) **Who is in command of the mutual aid scene.**
b) **Who will cover the firefighters for worker's compensation.**
c) **How liability and property claims will be handled.**
d) **Who will pay for expendable supplies such as foam.**
e) **When fire departments will charge each other for these services.**
f) **The ability for fire departments to opt out by having a separate written agreement.**

SD-13. Clarification of Joint Powers Relationships with Federally Recognized Indian Tribes

Issue: During the 2010 legislative session, Minn. Stat. § 471.59 was modified to allow federally recognized Indian tribes to participate in joint powers agreements with other governmental entities, including Minnesota cities. Indian tribes are extremely unique legal entities under federal law and international treaties. The new law was a broad brush authorization that did not address important issues that uniquely arise when dealing with Indian tribes related to sovereignty, insurance liability and liability limits (commonly called "tort caps"). Previous laws, such as Minn. Stat. § 626.93 (authorizing tribes to act as law enforcement entities) explicitly addressed these concerns. Since the new law passed, interest has been expressed by public safety groups and individual cities in entering into joint powers agreements with federally recognized Indian tribes. However, legislative guidance is needed to address concerns related to sovereignty, insurance and liability limits for these agreements.

Response: **Include in Minn. Stat. § 471.59 (the joint powers statute) language substantially similar to Minn. Stat. § 626.93 that clarifies that Indian tribes entering into joint powers relationships agree to:**

a) **Be subject to liability for its torts and those of its officers, employees, and agents acting within the scope of their employment or duties arising out of the joint powers agreement to the same extent as a municipality under Minn. Stat. ch. 466; and**
b) **Notwithstanding Minn. Stat. § 16C.05, subd. 7, waive its sovereign immunity with respect to claims arising from liability under the joint powers.**

SD-**14. Ambulance Service Costs and Liability**

Issue: The cost of providing ambulance care has increased steadily over the last several years due in part to changes in Medicare and Medicaid reimbursement. The federal Balanced Budget Act (BBA) of 1997 made two significant changes to ambulance billing. First, the act mandated that all ambulance services accept Medicare and Medicaid assignments as payment in full; that is, ambulance services cannot bill the Medicare or Medicaid patient for any unpaid balance beyond the Medicare or Medicaid assignment. Second, the act mandated a uniform fee schedule that was implemented in April 2002. The new fee schedule significantly reduced reimbursement levels for many ambulance services. The BBA mandates are impacting the ability of some Minnesota ambulance service providers to adequately fund their operations.

The loss of revenue due to Medicare and Medicaid reimbursement changes, coupled with higher insurance rates, is affecting the ability of many non-government-based ambulance service providers to deliver emergency care, particularly in rural Minnesota. All ambulance services and personnel are regulated by Minn. Stat. ch. 144E and must comply with the same licensing, training, and equipment-related requirements, regardless of ownership.

In addition, the liability exposure of medical directors associated with ambulance service is a concern. While medical directors of government-based ambulance services may arguably be covered by public official immunity, the law is unclear and should be clarified.

Response: **The League of Minnesota Cities supports federal legislation that would:**

a) **Require Medicare to set ambulance payment rates at the "regional cost" of providing service;**
b) **Require adequate reimbursement for ambulance providers;**
c) **Establish a "prudent layperson" standard for the payment of emergency ambulance claims such that if a reasonable person believed an emergency medical problem existed when the ambulance was requested, Medicare would pay the claim;**
d) **Make it easier for providers to file claims with Medicare by eliminating a processing system that often leads to the rejection of legitimate reimbursement claims.**

The League also urges the Legislature to extend the protection of the state and municipal Tort Claims Act to licensed third parties that contract with a municipality to provide ambulance services. The League also supports extending the applicability of public

official immunity to medical directors in the course of ambulance service activities.

SD-15. Fees for Service

Issue: While general services—such as permitting, inspections or enforcement—are typically funded out of a city's general fund, cities often impose fees to cover the cost of providing certain services, permits, and licenses.

The Legislature and interest groups often seek to mandate or preserve fee limitations for city services. Over the last several years, the Legislature has enacted a number of new laws designed to rigorously control local fee-setting authority. Examples of such mandates include placing limits on coin-operated amusement machine license fees, on-sale and off-sale liquor license fees, license fees for retailers selling fireworks, deputy registrar fees and planning and zoning fees. The state also requires cities that collect more than $5,000 in development-related fees each year to annually report all construction and development fees to the Department of Labor and Industry.

Response: **While the state has a role in providing a general, statewide funding policy, the state should not interfere in the decision-making functions performed by cities when setting city budgets to provide city services. The League of Minnesota Cities seeks authority for cities to charge fees that are reasonably related to the cost of providing the service, permit or license. The League opposes legislation that would require specific methods to pay for city services or would place caps on city fees.**

SD-16. Improving and Increasing Citizen Access to Information

Issue: State law requires that cities publish certain types of information in a "qualified" newspaper designated by the city. While the requirements vary based on city population size, most cities must publish: ordinances before they can take effect; advertisements for bids; various financial reports; meeting and hearing notices; notices of elections; dates for filing affidavits of candidacy; and sample ballots. Collectively, these items are referred to as "official notices," legal notices" and "public notices" in state statute.

There are several requirements in statute for a newspaper to be a "qualified" or "official" newspaper for the city. For instance, there can only be one newspaper chosen for the city; it must be printed in English in a newspaper format; if it is a daily newspaper, it must be distributed at least five days each week; if not a daily paper, it may be distributed twice a month with respect to the publishing of government public notices; it must be circulated in the city which it purports to serve, and either have at least 400 copies regularly delivered to paying subscribers or have at least 400 copies distributed without charge to local residents.

As technology has evolved, citizens have become more accustomed to the instantaneous availability of online information. Because cities are committed to providing information to citizens and responding to this demand, they have invested heavily in their websites and in growing a robust online presence. They survey citizens about what method of communication is preferred and based on this, cities update, reform, evolve, and advance communication tools and often, they do so with limited means and resources to ensure citizens have access to information about their city.

Because of the publishing mandate outlined in state statute, cities continue to publish in newspapers with limited resources while simultaneously providing information to citizens in the format they actually demand: online. These requirements originated in 1949 and to ensure the original intent of the law – providing citizens access to their local government – it is time to eliminate these outdated requirements and make communicating with citizens more efficient.

Response: **The Legislature should eliminate outdated and unnecessary publication requirements that are no longer relevant or representative of the technology we now have that has significantly increased access to government. Cities should have the authority to:**

a) **Determine whether web publication should replace or supplement newspaper publication based on the unique needs of each community.**
b) **Designate an appropriate publication that reaches the maximum number of citizens possible.**
c) **Use alternative means of communication to fulfill statutory requirements such as city newsletters, cable television, video streaming, e-mail, blogs and city websites.**
d) **Expand the use of summaries where information is technical or lengthy.**
e) **Publish and provide public access to local codes of ordinances on a website accessible to the public and to post revisions and changes to city codes, resolutions, and rules on the city website, when feasible.**

SD-17. Administrative Fines for Code Violations

Issue: Many statutory and home rule charter cities have implemented administrative enforcement programs for violations of local regulatory ordinances such as building codes, zoning codes, health codes, and public nuisance ordinances. This use of administrative proceedings has kept enforcement at the local level and reduced pressure on over-burdened district court systems. Cities using administrative enforcement processes experience a lower cost of enforcement and a quicker resolution to code violations.

Minnesota statutes expressly provide the authority for all cities to utilize administrative enforcement of local codes and enforcement of liquor license and tobacco license violations.

In 2009, the Legislature amended Minn. Stat. ch. 169, the chapter of law pertaining to state traffic regulations, to allow cities and counties to issue administrative citations for certain minor traffic offenses. Since the passage of the 2009 administrative traffic citations law, some people have questioned whether administrative citations for non-traffic, liquor, and tobacco license code violations can be legally issued by statutory cities given that state law does not expressly provide authority on other code matters.

Response: **The League of Minnesota Cities continues to support the use of city administrative fines for local regulatory ordinances, such as building codes, zoning codes, health codes, public nuisance ordinances, and regulatory matters that are not duplicative of misdemeanor or higher-level state traffic and criminal offenses. The Legislature should clarify that both statutory and home rules charter cities have the authority to issue administrative citations for code violations. Further, state statute should allow statutory and home rule charter cities to adjudicate administrative**

citations and to assess a lien on properties for unpaid administrative fines.

SD-18. Contracting and Purchasing

Issue: Minnesota statutes stipulate contracting and purchasing requirements for Minnesota cities. The law prescribes the process political subdivisions must use to make purchases and award contracts, and requires a competitive sealed bid procedure for contracts or purchases over $175,000. The intent of these statutory requirements is to provide taxpayers with the best value for their dollar and ensure integrity in the process. However, imposing these statutory requirements may, at times, result in political subdivisions paying more for goods and services than private entities under the same circumstances.
The Legislature recognized the benefits associated with alternative purchasing methods when it amended municipal contracting law in 2004 to authorize the use of reverse auctions to purchase supplies, materials, and equipment. Similarly, other contracting procedures, including "design-build" and direct negotiation are proven alternatives to the formal bidding process. Authorizing broader use of these types of alternatives as the Legislature did in 2009 by authorizing a design-build pilot program, would enhance the ability of cities to make appropriate and fiscally responsible purchasing decisions.

Response: **The League of Minnesota Cities supports broader use of alternative contracting and purchasing methods that streamline the process and reduce local purchasing costs. Specifically, the League supports authorizing cities to use the design-build procedure and providing municipalities with broader authority, similar to that of private businesses, to directly negotiate contracts. The Legislature should establish a task force to review municipal contracting laws, and consider contracting and purchasing reforms that give cities the flexibility to provide quality goods and services at the lowest cost to taxpayers.**

SD-19. City Enterprise Operations

Issue: Historically, city enterprise operations have been created in response to community needs, lack of a private market, financial reporting requirements, state and federal mandates, to enforce state and local law, and to ensure a quality of life for the residents of a community. Establishing an enterprise operation allows a city to provide a desired service while maintaining financial control over service levels, costs, and public inputs.

In some cases, enterprise operations produce general public benefits and may require public support to ensure a desired level of service at a reasonable cost. The benefits of an enterprise operation, therefore, should be evaluated not solely in terms of profitability but also on the service benefits to citizens of the community.

Response: **The League of Minnesota Cities supports the local decisions made by cities to deliver services by establishing a city enterprise operation. The state should refrain from infringing on the ability of a city to provide services for its community.**

SD-20. Preservation of Order in City Council Meetings

Issue: The Minnesota Supreme Court recently held a provision in Minn. Stat. § 609.72, subd. 1(2), that prohibits disturbing public meetings was unconstitutionally broad. *State v. Hensel*, A15-0005 (Minn. 2017). Minn. Stat. § 412.191 gives statutory authority to city councils to preserve order

and regulate procedure at their meetings. Cities rarely relied on the struck-down statute, but instead used other avenues to maintain order, such as issuing warnings and enforcing decorum rules. The struck-down statute served as a last resort when other options did not work.

Response: **The Legislature should ensure statutes adequately balance public participation with the ability to effectively manage public meetings and protect public safety.**

SD-21. Constitutional Amendments

Issue: The Minnesota Constitution requires that a constitutional amendment be approved by a simple majority of both chambers of the Legislature at one session, and must then be ratified by a majority of all the voters voting at the election. Minnesota is one of 18 states that require a simple majority vote by legislators while 26 states require a higher threshold (17 states require a two-thirds majority and nine require a three-fifths majority). Since statehood, 215 proposed constitutional amendments have been voted on by the electorate; 120 of them have been approved (56%) and 95 rejected (44%).

Cities provide a variety of critical and essential services to residents of Minnesota. Many public policy decisions at the state level impact cities and therefore, city officials depend on their state legislators to represent city interests at the Legislature.

Additionally, unlike a statutory change, a constitutional amendment is difficult to modify or repeal once enacted.

Response: **The League of Minnesota Cities strongly supports our representational system of government and opposes laws and amendments that restrict local government. The Legislature is the appropriate governing body to consider and enact laws that reflect statewide interests. Utilizing constitutional amendments to change public policy circumvents this process.**

Therefore, the League supports requiring a supermajority vote (two-thirds in support) by the Legislature to put an amendment on the ballot.

SD-22. Initiative and Referendum

Issue: The Legislature has frequently considered legislation to establish initiative and referendum by proposing to place a question for voter approval on the state general election ballot to amend the state constitution to allow voters to initiate or repeal state laws by submitting a petition which would cause such questions to be placed on the state general election ballot.

Response: **Cities strongly support our representational system of governance and, therefore, oppose amending the state constitution to provide for initiative and referendum. The Legislature is the appropriate governing body to consider and enact public policy that reflects statewide interests.**

The process of adopting state law based on good public policy is best upheld and supported by increasing the accountability and responsiveness of the legislative process, not by circumventing it. Presenting complex issues to voters in the guise of direct democracy further weakens representative government.

A state constitutional amendment to provide for initiative and referendum subjects cities and their residents and taxpayers to the unintended outcomes of sometimes unwise attempts to place significant public policy decisions into the

hands of special interests that can raise unlimited funds for the purpose of promoting their more narrow interests.

SD-23. Civil Liability of Local Governments

Issue: One of the barriers to the delivery of governmental services and programs is the exposure of local governments and their officials to civil damage claims. The state has acted to protect itself and its local governments by enacting exceptions and limitations to liability suits, and authorizing self-insurance and other mechanisms to deal with claims allowed by law.

Response: **The League of Minnesota Cities supports:**

a) **Creating an exception to municipal tort indemnification law, Minn. Stat. § 466.07, where an employee is defended and indemnified for claims under a contract of insurance carried by the employee.**
b) **Extending the protection of the state and municipal Tort Claims Act to quasi-governmental entities when performing public services such as firefighting or licensed third-party ambulance providers that contract with a municipality to provide ambulance services.**
c) **Existing constitutional safeguards for protecting public and private property interests without any statutory expansion of property rights.**
d) **Clarifying and maintaining the applicability of municipal immunity in various areas, including, but not limited to, vicarious official immunity and park and recreational immunity, including the extension to entities providing a public service that have not traditionally been included within the immunity (e.g., state trails over municipal utility easements).**
e) **Preserving changes to Minnesota's joint and several liability laws that require a municipality to be at least 50 percent at fault to be held responsible for 100 percent of a damage award.**
f) **Reasonable limits on the amount and circumstances in which statutory attorney fees may be awarded in order to encourage settlement by all parties and decrease the likelihood of litigation.**
g) **Preserving the essential structure of the local government tort liability caps in Minn. Stat. § 466.04.**

SD-24. Private Property Rights and Takings

Issue: In the wake of the U.S. Supreme Court's 2005 decision, *Kelo v. City of New London*, 545 U.S. 469, which upheld the ability of local governments to use eminent domain for economic development purposes, the Legislature enacted significant restrictions on cities' use of eminent domain for economic development and redevelopment, and imposed new compensation and procedural requirements that apply to all condemnation actions, including those for traditional public uses such as roads, parks, and schools. Legislation to control cities' abilities to perform regulatory acts—such as road rights-of-way condemnation, shooting range zoning, and amortization—has also received strong support from legislators. In addition, some legislators would like to authorize businesses to seek inverse condemnation when a governmental entity enters the business market and provides competing goods or services or limits the number of businesses that can operate privately or receive public contracts.

Such legislative initiatives threaten a wide array of planning, environmental, historic preservation, and land conservation measures and undermine the fundamental responsibility of cities to protect the public health, safety, and welfare of its citizens.

In 2006, the Legislature enacted Minn. Stat. § 117.031, a statute related to attorney fees in the eminent domain process. The structure of the statute has resulted in attorney fee awards in eminent domain actions that have no relationship to the outcome of the case, serve only to encourage litigation, and shift limited public funding away from infrastructure projects.

Response: **State law must continue to provide cities with the tools needed to balance the rights of private property owners with the interests of the public. The League of Minnesota Cities opposes legislation that diminishes the ability of cities to act in the best interest of the health, safety, and welfare of its citizens; that increases the cost of doing business for the public good; or that creates the possibility of additional lawsuits against cities.**

Specifically, the League opposes legislation that:

a) Allows businesses to seek inverse condemnation when a city provides competing goods or services, or limits the number of private operators.
b) Creates an automatic cause of action for damages any time a local regulatory action impacts the use or reduces the value of private property.

The League supports legislation that:

a) Authorizes cities to use eminent domain for economic development and redevelopment projects that advance a greater public good that benefits the community.
b) Empowers local elected officials to determine whether a particular taking of property serves a public purpose.
c) Creates incentives to encourage landowners to voluntarily sell their property to the public for development or redevelopment.
d) More appropriately balances awards of attorney fees and costs of litigation with the outcome of the eminent domain proceeding.

SD-25. Organized Solid Waste Collection

Issue: "Organized collection" refers to a situation where a local unit of government, for any of a variety of reasons, decides that there is a public interest served by limiting the number of solid waste and recycling collection services available in the area. The reasons for implementing organized collection can vary, but include:

a) Public safety concerns caused by the number and frequency of large trucks moving quickly through residential neighborhoods;
b) Reducing wear on public infrastructure from heavy truck traffic;
c) Improving the efficiency, cost and quality of garbage and recycling service provided to local residents;
d) Cooperating with other local governments to best meet solid waste management and recycling objectives;
e) Taking local steps to reduce energy impacts of public services; and
f) Meeting the requirements of county ordinances and solid waste management plans as required under Minn. Stat. § 115.94.

Organized collection is also encouraged in

state solid waste policies as a means of improving the efficiency and coordination of solid waste management between local units of government. There are very specific and burdensome public procedures laid out in statute defining how such a decision must be publicly vetted and approved and over what time period that can occur.

Despite all of these important and valid reasons for using organized collection, legislation has been discussed in several recent sessions that would allow special takings claims or contractual damages to be claimed by the solid waste industry if local governments make decisions that limit the number of companies that can collect garbage in a community in a manner that prevents a company currently operating in the community from continuing to do so through the implementation of organized collection. The unspecified and ongoing liability this change would create would have the effect of eliminating organized collection as a waste management option. This change would also create a virtual monopoly situation for any company awarded a solid waste contract under organized collection. The local unit of government would have to "buy out" a contractor in the future to change providers, even if their services were no longer the lowest bid. It also creates an incentive for bidders under organized collection to submit high bids, as they would be eligible for damages if they fail to win without having to provide service. Furthermore, this is a precedent that, if applied to other government purchasing and service contracting decisions, would clearly run counter to the public purpose of government providing services at the lowest feasible cost to taxpayers.

Response: **The League of Minnesota Cities opposes efforts to apply inverse condemnation claims to city solid waste contracting decisions or to allow automatic contractual damage claims for solid waste haulers that lose competitive bids in organized collection communities.**

Further, the League supports the current state policy that organized collection is a valuable tool as part of a comprehensive solid waste and recycling management program and recognizes the need to protect and preserve the authority of cities to adopt solid waste service contracts that protect public safety, the environment and public infrastructure.

SD-26. Private Well Drilling

Issue: The state has continued to place requirements on public water supply providers to add drinking water treatment and testing, to restrict the volume of water used, and to increase the cost of water use through fees and requirements on utility rate structures. As a result, many water users are choosing to obtain all or portions of their water from wells they place on their own property. This creates risks to public health and safety, can affect the surrounding environment, can affect city water supplies, and can leave city water utilities with massive losses of customer load and rate revenue.

Providing clean, safe, cost-efficient drinking water to citizens is an essential service provided by 726 active municipal water systems. The Minnesota Department of Health (MDH) agrees that cities have the statutory authority to determine whether private wells are an appropriate use within their boundaries and that cities must protect the public water supplies from numerous private wells in city boundaries. Private wells in a city increase the risk of contaminating public water supplies and encourage over use of water. Cities have the

authority to regulate and even prohibit private wells by local ordinance.

Response: **The League of Minnesota Cities supports current law that authorizes cities to protect public health and safety through local controls regulating or prohibiting private wells being placed within municipal water utility service boundaries and would oppose any changes to law to remove that authority.**

SD-**27. Sustainable Development**

Issue: Minnesota cities spend significant time and resources planning for growth, development, and redevelopment that will best serve the future needs of their residents. Numerous factors are considered as part of that process, but an area of increasing interest involves concepts often categorized as "sustainable development." Minn. Stat. § 4A.07, subd. 1(b), defines this term, as it pertains to local government, to mean "development that maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs."

Cities play a key role in fostering sustainable development and other conservation practices due to their role in land use planning and zoning, stormwater and wastewater management, and local economic development. Local governments can take a lead on these issues by choosing to incorporate aspects of sustainable development into their local operations and facilities. They can also develop local policies and regulations that support and guide individual and private sustainability efforts. The ability of a city to affect these changes can, however, be restricted by policies and requirements imposed by other levels of government.

Sustainable development initiatives can cover a wide range of issues, but share the benefit of lessening the future environmental impacts of communities on the land, air, and water in their area. Lakes, streams, rivers, wetlands, wildlife habitat, shoreland areas, and other natural resources can be protected and enhanced in quality through local efforts. Energy efficiency and renewable energy production reduce the energy demands of a community and the environmental impacts of energy production. By more efficiently using public infrastructure and minimizing resource consumption, the costs to individuals, business, and government can be reduced. New and expanded business and job opportunities are also generated by the "green" products and services needed to implement sustainable development initiatives. The ideal result of well-planned sustainability, natural resources management, and conservation efforts is a city that is more efficient in the use of its resources and infrastructure, creates fewer environmental problems for future generations to address, and is a more desirable home for residents and businesses.

Response: **The League of Minnesota Cities supports federal, state, and regional efforts to promote sustainable development where the effectiveness of the proposed practice is supported by sound science, and as long as those efforts do not supersede the authority of local governments to determine their own policies regarding land use and related issues.**

Providing technical assistance and financial incentives, and streamlining regulations to encourage local

governments and private property owners to engage in sustainable development practices, as well as assisting in education and information efforts for the building industry and the public, are the best means to generate successful results. These programs should focus on outcomes, allowing flexibility in how to best meet those outcomes in different locations and situations. The League opposes mandates that limit the authority of cities to determine what practices will best meet the needs of their communities.

The League supports sustainable development efforts that meet the above criteria, including programs proposed in the following areas:

a) **Shifting public resources, services, investments, purchasing power, and procurement toward more economically and environmentally sustainable outcomes where those solutions are cost effective and appropriate.**
b) **Using local land-use planning and zoning to protect and enhance limited natural resources, and reduce the impacts of growth and development on local infrastructure.**
c) **Promoting efficient and renewable energy sources.**
d) **Encouraging sustainable building design, construction, and operation strategies focused on integrated design, energy efficiency, water conservation, stormwater management, waste reduction, pollution prevention, indoor environmental quality, and the use of low-impact building materials and products.**
e) **Supporting sustainable economic development, such as brownfield clean-up, on-site stormwater management, and sustainable business practices and technologies.**
f) **Assisting and recognizing local governments that take actions to reduce greenhouse gas emissions and increase energy efficiency by providing and identifying technical assistance, financial assistance, and best practices.**

SD-28. Advanced Energy Building Standards

Issue: The State of Minnesota has made a strong statutory commitment to the reduction of carbon emissions and greenhouse gases. As part of that effort, projects funded by the state must meet a set of energy requirements called Sustainable Building 2030, or SB 2030. However, to meet state energy efficiency goals, improvements in energy performance of buildings not financed by the state will also be needed.

The State Building Code sets the standards that must be met in new or substantially retrofitted structures and prohibits local requirements that differ from that code. The current state schedule for the amendment and adoption of more stringent building and energy codes is not adequate to result in the state meeting those goals.

Cities working on improving the energy performance of development within their communities have identified a clear opportunity to establish cost-effective energy-efficiency performance standards for new and substantially reconstructed commercial, industrial, and institutional buildings that can significantly reduce carbon dioxide emissions by lowering energy use in those structures.

The solution that has been proposed, referred to as an advanced energy building

standard, creates an optional tier of additional energy efficiency requirements for buildings in those categories if they exceed a designated square footage. Such an addendum would be state-developed and cities could choose whether to apply it in their jurisdictions based on community priorities, opportunity, and readiness. An advanced energy building standard would allow municipalities to require more energy efficient buildings, reducing the energy burden for building occupants and lowering overall greenhouse gas emissions. Having a uniform set of standards prevents confusion by developers, designers, planners, and regulators, with people only needing to know if the jurisdiction uses the requirements outlined in existing State Building Code or has adopted the added energy section.

Discussions with developers, architects, engineers, city staff, energy efficiency experts, utility interests, labor, state agencies, academia, and other stakeholders have examined approaches the state could use to create and allow an advanced energy building standard. While several different versions could work, it is clear that Minnesota needs to change its approach in order to meet state energy efficiency goals.

Additionally, utilities across the region have extensive requirements and goals related to reducing energy consumption and increasing power generation from renewable resources. For advanced energy building standards to be an effective tool, they will need to be designed to work in cooperation with those existing programs.

Response: **The legislature should require the Department of Labor and Industry to establish an advanced energy building standard beyond the base statewide commercial code for the construction, reconstruction, and alteration of public and private commercial and multifamily residential buildings that exceed a certain square footage as an appendix of the State Building Code.**

These standards should conform to timelines and performance measures that result in net zero carbon emissions by 2036 or sooner and should be updated every three to five years. Cities should be provided the authority to adopt the advanced energy standard by ordinance at their discretion, making it an official addendum to the baseline energy code in any jurisdiction adopting them.

The League recognizes the benefits of a consistent state code and supports a requirement that a local jurisdiction adopting the standards in the appendix may not amend them, but may specify the minimum size structure to which they apply, as long as it is 10,000 or more square feet.

SD-29. Construction Codes

Issue: The State Building Code (SBC) is the statewide standard for the construction, reconstruction, alteration, and repair of the buildings and other structures of the type governed by the code. A building code provides many benefits, including uniformity of construction standards in the building industry, consistency in code interpretation and enforcement, and life-safety guidance. Since 2018, the state will adopt a new version of the SBC every six years after a rulemaking process that allows for significant public input. The League supports adopting and amending the SBC through the rulemaking process, and opposes legislative changes to the building codes absent unusual or extraordinary circumstances.

While all cities must enforce certain codes—such as the accessibility code and the bleacher safety code—enforcement of the SBC remains a local option for cities outside of the seven-county metropolitan area with fewer than 2,500 people that did not adopt the code before Jan. 1, 2008. Requiring enforcement of the SBC by smaller cities in Greater Minnesota is cost-prohibitive for many cities, and would result in an unfunded mandated.

While a single set of coordinated codes helps provide consistency in code administration and enforcement, implementation of sustainable building design, construction, and operation does not readily integrate with the existing state building and energy code system. As a result, many cities are interested in adopting an advanced energy building standard beyond the base statewide commercial code for the construction, reconstruction, and alteration of public and private commercial buildings. An advanced energy building standard would allow municipalities to require more energy efficient buildings, reducing the energy burden for building occupants and lowering overall greenhouse gas emissions.

Response: **A statewide-enforced building code may have benefits, but requiring it would result in an unfunded mandate.**

Enforcing the State Building Code should remain a local option for the municipalities that have not already adopted the Code, unless the state fully funds the costs of enforcement and inspection services necessary to enforce a statewide building code. If the Legislature requires all cities to enforce the State Building Code, local governments must have the option to hire or select a building official of their choice and set the appropriate level of service—even if the state fully funds code enforcement activities.

The state should collaborate with local governments, construction industry representatives, and other stakeholders to review the building and energy codes and consider modifications to encourage sustainable building design, construction, and operation.

Specifically:

a) **For purposes of federal conformity, the state should adopt the International Energy Conservation Code as part of the State Building Code.**
b) **The Legislature should authorize cities to voluntarily adopt a uniform advanced energy building standard with stronger local standards for development and conservation that will help inform the baseline state code development process.**

SD-30. Building Officials

Issue: There is a shortage of certified building officials in Minnesota. This shortage is particularly acute in Greater Minnesota where some cities have trouble finding certified building officials to perform inspections required by state law. Minnesota needs to hire a new generation of certified building officials, and must ensure that current officials have adequate training and opportunity to inspect a wide range of projects.

The Department of Labor and Industry (DLI) has authority over state-licensed facilities and public buildings. Pursuant to Minn. Stat. § 326B.106, subd. 2, it must delegate authority to inspect projects on these buildings to a municipality if DLI determines that the municipality has

adequate qualified local building officials to perform plan review or inspection of the projects. In 2014 the Legislature passed legislation requested by the League of Minnesota Cities and agreed to by DLI to provide more transparency and clarity to the delegation process. DLI, after consulting local governments and the League, implemented a new delegation procedure as required by statute. Although the new delegation process is a significant improvement, it can still be difficult for local building officials to achieve the experience necessary to be delegated full inspection authority.

Response: **Minnesota's housing and construction industries depend on the work of local building officials, and cities that enforce the State Building Code endeavor to provide quality code administration and enforcement. The State must increase its efforts to train new building officials, and must provide sufficient education to help local officials efficiently administer and enforce construction regulations to protect the health and safety of citizens. These education efforts should include training to assist local building officials gain the requisite experience to qualify for delegation of state-licensed facilities and public buildings.**

The League urges the state to make surplus revenue from the building permit surcharge available to local governments to help defray the cost of complying with code official training and education requirements.

SD-31. Disability Access Requirements

Issue: Title II of the Americans with Disabilities Act (ADA) of 1990 requires that state and local governments provide people with disabilities equal opportunity to benefit from all of their programs, services, and activities. Public entities are not required to take actions that would result in significant financial and administrative burdens, but they must modify policies, practices, and procedures to avoid discrimination unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided.

State and local governments are also required to follow specific standards when constructing new facilities and altering existing public buildings, and they must relocate programs or otherwise provide access in inaccessible older buildings. Under the ADA, public entities are not necessarily required to make each existing facility accessible. However, their programs—when viewed in their entirety—must be readily accessible to people with disabilities. A public entity may achieve program accessibility through various methods. For example, a city may alter existing facilities, acquire or construct new facilities, relocate a service or program to an accessible facility, or provide services at other accessible sites.

One district court judge has taken an expansive view of disability access requirements for public recreation facilities. The case involved a parent who sued a city due to difficulty viewing soccer and baseball games on certain city fields. The court, in interpreting the Minnesota Human Rights Act (MHRA), held that any public facility is a public service. Since the MHRA requires that every public service be accessible to disabled persons, the court concluded that each and every playing field and other public facility must be fully accessible. The court rejected the ADA's limitations on modifications for physical access to older facilities, as well as the ADA's "when viewed in its entirety" language for program access. The result is a more restrictive state

standard for physical access to public facilities than required by the ADA and the State Building Code.

Response: **The League of Minnesota Cities supports changes to the MHRA that will make state accessibility standards compatible with the federal ADA for public services and facilities. The Legislature should clarify that a facility that is in compliance with Accessibility Code provisions of the State Building Code meets the physical access requirements of the MHRA. State law should also specify that accessibility requirements apply to public programs and services as a whole, rather than to each individual aspect of a public program or service.**

SD-32. Assaults on Code Enforcement Officials

Issue: Many city employees and contractors are required to enforce city codes and ordinances and state statutes and rules as part of their job duties. Code enforcement can involve denying a building permit, ordering a landlord to make repairs to rental properties, or fining property owners for failing to abate a nuisance. Because of the nature of their job, code enforcement officials can be subjected to verbal assaults, threats, and physical violence.

Minnesota law recognizes the need to protect certain employees whose jobs make it more likely that they will be the target of assaults by escalating assault charges from fifth to fourth degree for the assaults of peace officers, firefighters, school officials, and "public employees with mandated duties". Minn. Stat. § 609.2231, subd. 6, specifically defines "public employees with mandated duties" as agricultural inspectors, occupational safety and health inspectors, child protection workers, public health nurses, animal control officers, and probation or parole officers. An assault on one of these employees who is engaged in the performance of a duty mandated by law, court order, or ordinance, is a gross misdemeanor if the person knows the employee is engaged in the performance of official duties and inflicts demonstrable bodily harm.

Under current law, an assault on a code enforcement official not enumerated in Minn. Stat. § 609.2231, subd. 6, while performing official business can only be charged as fifth degree assault, a misdemeanor, unless it results in substantial bodily harm. All code enforcement officials should be afforded the same protections under Minnesota Statutes, and the legislature should amend the statute to expand the employees covered by the statute.

Response: **The legislature should expand Minn. Stat. § 609.2231, subd. 6, to include code enforcement officials. The term code enforcement official should be defined broadly to include public employees and contractors whose jobs require them to enforce all administrative codes, rules, ordinances, and state laws.**

SD-33. Restrictions on Possession of Firearms

Issue: The Minnesota Citizens Personal Protection Act, also known as "conceal-and-carry," prohibits guns on most school properties but forbids other local units of government from prohibiting loaded firearms on their properties. The inconsistencies in the law's treatment of different kinds of properties have caused confusion about how the law applies to multi-use facilities, such as municipal ice arenas used for school-sponsored programs.

Further, the law gives private property owners the right to prohibit guns in their establishments, but prohibits landowners from restricting firearm possession by tenants and their guests without distinguishing between residential and commercial properties. This creates confusion for shopping malls and other retail properties with large common areas that are not occupied by the tenants but which the tenants and their customers must cross to access the tenant's space.

Finally, the Citizens Personal Protection Act does not explicitly state the type of firearm a permit holder may carry, and this has led to ambiguity regarding whether the law is limited to the right to carry a pistol-length firearm in public or if it allows for any firearm, including a military-style assault rifle.

Response: **The League of Minnesota Cities requests an amendment to the Citizens Personal Protection Act that would allow cities to prohibit firearms in city-owned buildings, facilities, and parks. The League supports clarifying the Act to state that a permit holder, under the terms of a permit, is allowed to carry a pistol-length firearm, but not a semiautomatic military-style assault weapon. The League is not seeking a repeal of the Citizens Personal Protection Act, nor authority to prohibit legal weapons in parking lots or on city streets and sidewalks. The League also supports efforts by commercial property owners to clarify that the prohibition on restricting possession by tenants and their guests applies only to residential rental property.**

SD-**34. Public Safety Communications**

Issue: The state role in financing public safety communications has important cost implications for cities. The state needs to accept financial responsibility for use by cities of the state public safety radio communications backbone. Cities have struggled to pay high expenses to participate in the 800 MHz statewide public safety system.

In previous state budgets, the Legislature turned to revenue sources upon which cities depend to cover costs to purchase and operate new communications technology and hardware for computer-aided dispatch, 911 public safety answering points (PSAPs), and interoperable radio communications equipment and subsystems in order to finance the build-out of the state backbone for the new system. As a result, fees were directed to fund revenue bond debt service used to complete the statewide build-out of the Allied Radio Matrix for Emergency Response (ARMER) and the cost of operations of the state public safety radio communications backbone.

At the federal level, the Federal Communications Commission (FCC) has ordered reservation of 700 MHz wireless spectrum for a national interoperable broadband network to meet public safety communications needs. FirstNet was established in 2012 as an independent authority within the National Telecommunications and Information Administration (NTIA) and is responsible for constructing a nationwide high-speed public safety wireless broadband network.

Response: **The League of Minnesota Cities supports continued and increased state financing of substantial local costs to participate in ARMER, including the acquisition and modernization of subscriber equipment, such as portable and mobile radios required for ARMER users. The League also opposes efforts to divert dedicated ARMER funds to the**

state's general fund. The Legislature should fund regional cooperation and partnerships for effective delivery of 911 service, training and use of ARMER.

The League also urges the FCC to continue to support availability of wireless spectrum necessary to expand channel capacity that allows local public safety agencies to meet future needs of cities and other local units of government.

SD-35. Criminal and Juvenile Justice Information

Issue: Criminal justice information integration is about getting the right information into the hands of the right people at the right time and in the right place to make key decisions throughout the criminal justice process. The integration of criminal justice information remains complex and multifaceted. It takes time and resources from all levels of government. Public safety is compromised when there is a lack of centralized, complete, and accurate criminal history data about individuals, incidents, and cases.

City officials are aware of the complex issues raised by the utilization of electronic record keeping, data sharing, and access to records that identify data subjects. The League of Minnesota Cities recognizes that one of the ongoing challenges with the integration of criminal and juvenile justice information is meeting the requirements of the Minnesota Government Data Practices Act (MGDPA).

More than 500 cities operate police departments. These departments vary dramatically in fiscal capacity, staffing resources, and technical expertise. Further, each municipal law enforcement agency has unique operating procedures, strengths, and needs based on the community it serves. The League knows the integration and security access to criminal and juvenile justice information systems has a significant impact on municipal police business practices.

Response: **The League of Minnesota Cities supports continued efforts by the state to integrate and make available criminal justice information systems. This includes efforts in key areas of funding, data practices, collaborative relationships, balancing privacy and public safety, and addressing aging systems. The League also supports the Criminal and Juvenile Justice Information Advisory Group, cooperation among legislators, law enforcement, corrections agents, court officials, prosecutors, community groups, and businesses that build public support for criminal justice systems.**

To ensure compliance with the MGDPA, comprehensive guidelines and operational practices should be implemented to safeguard access to and use of criminal and juvenile justice data. However, data practices policies should not create new, unfunded mandates for local units of government or compromise the usefulness of criminal and juvenile justice systems by creating unnecessary barriers.

SD-36. Pawn Shop Regulation and Use of the Automated Property System (APS)

Issue: Minn. Stat. ch. 325J enables licensure for pawnbrokers and provides statewide minimum regulations for the pawn industry.

Specifically, the law:

a) Requires pawnbrokers to record all transactions, including details of the item pawned or sold, information about the customer and the cost of the transaction.

b) Requires pawnbrokers to maintain records of all transactions for three years, and to make records available upon request to law enforcement agencies.
c) Allows pawnbrokers to charge a maximum monthly interest rate of 3 percent of the principal amount loaned in a transaction, plus a reasonable fee for storage and services.

The Automated Property System (APS) is a computerized system for tracking and monitoring pawn transactions. The purpose of the APS is to provide a tool to verify compliance with Minn. Stat. ch. 325J, to help identify and minimize illegal activity, to recover stolen property, and to provide a legitimate environment for consumers. Currently, almost 260 law enforcement agencies and over 190 stores in Minnesota and Wisconsin participate in the APS system as either a "query only" or "contributing" member.

All access to and use of information in the APS system is governed by the Minnesota Data Practices Act. Only authorized users have access to the data. There is no public access to the data. Further, data that would reveal the identity of persons who are customers of a licensed pawnbroker or secondhand goods dealer are private data on individuals and only used for law enforcement purposes. Data describing the property in a regulated transaction with a licensed pawnbroker or secondhand goods dealer is public.

Original pawn and secondhand transactions reported to the APS carry a $1 fee, regardless of the number of items involved. All subsequent updates or corrections to transactions are processed without charge. Contributing jurisdictions may also add regulatory costs to the transaction fee. The total transaction fee is then typically assessed by the dealer to the customer.

A bill that would weaken Minn. Stat. ch. 325J and restrict the use of the APS has been introduced in the Minnesota Legislature. Specifically, the legislation would forbid law enforcement agents from acquiring customer information from pawn and secondhand shops until they have probable cause to do so, and would eliminate the authority of local units of government to more strictly regulate pawn and secondhand dealers.

Response: **The League of Minnesota Cities supports the authority of cities to regulate and license pawnbrokers, and opposes any legislation that would remove the authority of local governments to enact more restrictive regulations than currently exist in Minn. Stat. ch. 325J.**

The League supports the authority of cities to set licensing and transaction fees that enable them to recover their full regulatory and enforcement expenses.

The League supports cooperation between law enforcement agencies and the pawn industry that enhances the ability to identify illegal activity and recover stolen property. Access to transaction information by law enforcement agencies is vital to accomplishing this goal. Further, the sharing of information through the use of the APS is a proactive way to prevent property and other crimes.

SD-37. City Costs for Enforcing State and Local Laws

Issue: Cities experience substantial costs enforcing state and local laws, particularly those related to traffic, controlled substances, and incarceration of prisoners.

The current method in our criminal justice system of recovering costs for law enforcement and prosecution through fines is insufficient to meet the costs incurred by local governments. Further, when a violator requests relief from paying the full amount of the fine and surcharge, the courts have been more inclined to waive the fine than to reduce the surcharge. When this occurs, the local units of government recover no costs even though the city has incurred expenses.

Response: **The Legislature should review this issue and adopt measures that provide for complete reimbursement of the costs incurred by local governments in enforcing state and local laws. Solutions that should be considered include:**

a) **Increasing fine amounts.**
b) **Removing or modifying county and state surcharges that conflict with cost recovery principles.**
c) **Requiring the courts to consider ordering restitution from the defendant to reimburse the costs of enforcement and prosecution as part of any sentence.**
d) **Requiring that if a court reduces the amount paid by a violator, any reduction should be made from the surcharge and not the fine.**

SD-38. Compensation and Reimbursement for Public Safety Services

Issue: Municipal public safety personnel often respond to emergencies involving non-residents. For example, municipal fire, police, and/or ambulance services may be dispatched to the scene of a traffic accident on an interstate highway involving victims from other cities or states. Although cities can bill for some public safety services they provide to non-residents, they have limited authority to collect on unpaid bills.

Cities have also found that auto insurance policies vary when it comes to coverage for emergency responses. Insurance companies of those responsible for accidents sometimes deny payment for fire service.

Additionally, municipal public safety personnel commonly respond to emergencies that require the provision of medical services. The medical services provided by the city-employed first responders are part of a continuum of health care that is covered by insurance companies when provided by paramedics and other medical care providers; however, insurance policies vary when it comes to coverage for municipally provided medical services. Insurance companies of those treated by municipal public safety personnel frequently deny payment for emergency medical services when they are billed by a municipality.

Thus, when a municipal public safety agency provides first response medical assistance, they commonly do so at the expense of local property taxpayers.

Response: **While emergency medical responses are legitimate functions of municipal public safety departments, the costs of providing emergency medical care to individuals should be covered by insurance and not be borne exclusively by the community's taxpayers. Cities should have the authority to bill for the full cost of first responder medical services they provide and to collect on unpaid bills. Insurance companies should be required to reimburse local governments for the full cost of providing these emergency medical services. Finally, auto and homeowner's insurance policies should be**

required to insure for the cost of emergency responses.

SD-39. Administrative Traffic Citations

Issue: Cities have implemented administrative enforcement programs for violations of local regulatory ordinances, such as building codes, zoning codes, health codes, and public nuisance ordinances. This use of administrative proceedings has kept enforcement at the local level and reduced pressure on over-burdened district court systems.

The Legislature has repeatedly increased the fine surcharge on district court cases to generate revenues for the state's general fund. The surcharge—the amount paid over and above the fine—is now $75 per citation. The growth in the surcharge has dramatically increased the cost of citations and has caused some to question whether the total of the fine and surcharge is disproportionate for minor matters. To lower the amount imposed on their residents, a number of cities have expanded their administrative programs to include some offenses traditionally heard in district court, such as minor traffic offenses.

The increased state surcharges have not been used to assist local units of government with the growing costs of enforcement and prosecution. No matter which entity—city, county or state—issues a statutory citation, the violator pays between $115 and $127 for a minor speeding violation. Of this amount, the city receives between $13 and $20, and the county receives just slightly more.

Further, when a violator requests relief from paying the full amount of the fine and surcharge, the courts have been more inclined to waive the fine than to reduce the surcharge. When this occurs, the local units of government recover no costs even though the city has incurred expenses.

In 2009, the Legislature amended the statutes to allow administrative fines to be issued for certain minor traffic offenses. Cities report that the short list of offenses noted in that law change does not adequately address the needs of local law enforcement. Additional authority is necessary to allow law enforcement officers to implement an effective program to reduce violations.

Response: **The League of Minnesota Cities continues to support the use of city administrative fines for local regulatory ordinances, such as building codes, zoning codes, health codes, public nuisance ordinances and regulatory matters that are not duplicative of misdemeanor or higher level state traffic and criminal offenses. Cities should have the authority to issue administrative citations for low-level moving and equipment violations that: 1) would otherwise result in warnings, and 2) occur on roadways where the speed limit is 45 miles per hour or less.**

If state leaders choose not to expand the list of administrative traffic offenses, they should then change the distribution of statutory violation fine revenues so that cities are adequately compensated for enforcement and prosecution costs.

SD-40. Distracted Driving

Issue: Distracted driving is when a driver engages in any activity that might take attention away from the primary task of driving. According to the Minnesota Department of Public Safety, one in four motor vehicle crashes is related to distracted driving. Distracted driving was a contributing factor in 175 fatal crashes from 2011 to 2013 in Minnesota and resulted in

191 deaths. More than half of those crashes occurred in rural areas. Those fatalities cost the state more than $269 million. A University of Utah study finds that the relative risk of being in a traffic accident while using a cell phone is similar to the hazard associated with driving with a blood alcohol level at the legal limit.

Under existing law, it is illegal for a driver to read, compose, or send text messages and emails, or access the Internet using a wireless device, while the vehicle is in motion or a part of traffic (including while stopped in traffic or at a semaphore). Cell phone use is totally banned for school bus drivers. Cell phone use is also totally banned for teen drivers during their permit and provisional license stages.

Response: **The League of Minnesota Cities opposes any changes to Minnesota Statutes that would weaken distracted driving laws.**

The League supports state funding for distracted driving enforcement and education and also supports strengthening distracted driving laws.

SD-**41. Juveniles in Municipal Jails**

Issue: Municipal jails have long served as holding facilities for suspects who are being questioned and/or booked, and for those awaiting transfer to a county jail or juvenile detention facility. In 2012, the Minnesota Department of Corrections (DOC) issued a reinterpretation of an existing law to say that, "[W]here counties have secure juvenile correctional facilities…juveniles are not allowed to be held in jail and/or municipal lock-ups for any length of time."

This interpretation is in conflict with a provision in Minn. Stat. § 260B.181, subd. 4, which provides that juveniles can be held in a licensed juvenile facility for up to six hours. Many municipal jails, including those in counties where juvenile detention facilities exist, have been operating under the six-hour holding law.

Managers of municipal jails indicate the reinterpretation of the law is contrary to common practice and presents significant challenges for municipal law enforcement personnel.

Response: **The League of Minnesota Cities supports a statutory clarification that would allow juveniles to be held for questioning and booking in licensed jail facilities for up to six hours, regardless of whether the county has a juvenile detention facility.**

SD-**42. Justice System Funding**

Issue: Over the past several years, Minnesota's justice system has operated under consecutive budget shortfalls. Public service windows are closed part of each week in many courthouses. Delays in case filings, hearings and dispositions are building throughout the state as staff and judges struggle to keep up with caseloads. The budget shortfalls limit the ability of the courts to process cases pertaining to shoplifting, trespassing, worthless checks, traffic and ordinance violations, juvenile truancy, runaways and underage drinking, consumer credit disputes, property-related and small civil claims, and many other cases. Timely processing of these cases is critical to keeping communities safe and to preserving the quality of life residents expect.

The State Court Administrator has advocated for statutory changes that have resulted in efficiencies and cost savings while preserving core services. These changes involve consolidating services

where practicable and using technology to reduce costs. They include centralized payable processing, use of e-citations and restructuring of state mandated programs.

Response: **The League of Minnesota Cities supports a statement by former Chief Justice Eric J. Magnuson that calls for "an adequately funded, functioning justice system that resolves disputes promptly in order to ensure the rule of law, protect public safety and individual rights and promote a civil society." The League supports the use of technology to reduce costs and preserve services. The League opposes any changes that would decriminalize local ordinances, petty misdemeanors or misdemeanor offenses, or that would make prosecution of these crimes more difficult.**

SD-43. 21st Century Policing

Issue: Published in May 2015, the *President's Task Force on 21st Century Policing Report* makes multiple recommendations aimed at helping law enforcement agencies and communities strengthen trust and collaboration, while reducing crime by implementing the next phase of community-focused policing. The report contains recommendations related to six key areas of law enforcement:

1. Building Trust and Legitimacy;
2. Policy and Oversight;
3. Technology and Social Media;
4. Community Policing and Crime Reduction;
5. Training and Education; and
6. Officer Safety and Wellness.

Many Minnesota communities have embraced 21st Century Policing concepts, and municipal police departments throughout the state have adopted policies that align with 21st Century Policing principles. The Legislature and governor made progress toward advancing 21st Century Policing principles statewide by enacting the 2020 Police Accountability Act.

In Minnesota, police chiefs have indicated strong interest in securing additional training in 21st Century Policing practices for officers. Demand for training has increased in recent years, and in 2017 the Legislature responded by increasing continuing education requirements for officers, expanding the scope of this training to include more community policing, and by providing $6 million per year for training reimbursement provided by the Peace Officer Standards and Training (POST) Board. This funding is not permanent and sunsets in 2024.

The POST Board is funded through a special revenue account from a surcharge on criminal and traffic convictions. However, a significant amount of the special revenues collected are diverted to the state's general fund and are not made available for training reimbursement, and the amount of the surcharge paid to the state has been declining. There is also growing concern about the impact of the surcharge on residents, particularly those of low income and persons of color, and concern about funding policy training based on ticket revenue.

Response: **The League of Minnesota Cities recognizes the need for communities and law enforcement agencies to strengthen trust and collaboration, while continuing to reduce crime. The League supports the recommendations of the President's Task**

Force on 21st Century Policing Report as well as the training, policy and accountability provisions contained in the 2020 Police Accountability Act. To that end, the League supports:

a) **POST Board model policies that align with the recommendations of the President's Task Force on 21st Century Policing Report and the 2020 Police Accountability Act;**
b) **POST Board approved training opportunities for new recruits and in-service peace officers that include but are not limited to procedural justice, bias/implicit bias and cultural awareness, de-escalation, and crisis intervention training;**
c) **Increased state and federal funding for peace officer training that includes reimbursement for tuition, travel, time and backfilling the shifts of officers who are out for training;**
d) **Permanent funding for police training that is not based on criminal and traffic ticket revenue;**
e) **State and federal funding for peace officer safety and wellness initiatives; and**
f) **Authority and grants for municipal police departments to deploy technologies such as dash cameras and police body worn cameras that enhance both criminal justice and officer accountability.**

SD-**44. Post-Incarceration Living Facilities**

Issue: Sufficient funding and oversight is needed to ensure that residents living in post-incarceration living facilities have appropriate care and supervision, and that neighborhoods are not disproportionately impacted by high concentrations of these types of facilities. Under current law, operators of certain post-incarceration living facilities are not required to notify cities when they intend to purchase single family housing for these purposes. Cities do not have authority to regulate the locations of post-incarceration living facilities. Cities have reasonable concerns about the safety of facility residents and neighborhoods, particularly in cases of public safety. Cities also have an interest in preserving a balance in residential neighborhoods between this type of facilities and other uses. It is in the best interest of providers to inform and work with cities before opening a facility in order to educate providers of community standards and expectations.

Response: **Cities should have statutory authority to require agencies, as well as licensed and registered providers, that operate post-incarceration living facilities to notify the city before properties are operated. Cities should be provided with the necessary contact information once licensed or registered. Providers applying to operate post-incarceration living facilities should be required to contact the city to be informed of applicable local regulations. The Legislature should also require establishment of non-concentration standards for post-incarceration living facilities to prevent clustering. Finally, licensing or registering authorities must be responsible for removing any residents incapable of living in such an environment, particularly if they become a danger to themselves or others.**

SD-**45. Homeland Security Costs and Liability**

Issue: The federal government's response to terrorism has resulted in new responsibilities for local governments in a number of areas. For example, shortly after the terrorist attacks on Sept. 11, 2001, the federal government tapped local law enforcement

personnel to provide security and perform screening at our nation's airports. These new responsibilities increase cities' liability exposure and result in higher local costs for public safety services. In addition, local governments are expected to continue emergency planning and capacity building efforts, provide additional training and equipment for first responders, and improve emergency response coordination and communication.

As partners in protecting our country from terrorism, the federal government must: 1) provide greater direct financial support for our first responders; 2) maintain funding for general pre- and post-disaster emergency management programs; 3) ensure a coordinated and effective national emergency response system; and 4) address issues of cyber security that threaten public safety, services, and infrastructure.

Response: **The League of Minnesota Cities recommends that when the federal government requires or contracts for cities' assistance in meeting federal homeland security responsibilities, the federal government should fully cover the costs, including the risk of liability arising from these activities.**

The League supports greater federal funding to prepare, train, and equip our first responders. The League also supports changes in the federal funding process to ensure Department of Homeland Security funds move quickly to the local level. Furthermore, the League supports the allocation of state resources to provide training and technical assistance to local governments related to the prevention and control of cyber security risks to critical infrastructure.

SD-**46. Cybersecurity**

Issue: Dating back to at least 2012, U.S. Defense Secretaries have warned that the United States are increasingly vulnerable to foreign computer hackers who could dismantle the nation's power grid, transportation system, financial networks and government. On a state level, the original Minnesota broadband task force issued unanimous joint recommendations regarding cybersecurity in their 2009 report. The more recent iteration of the Broadband Task Force also issued a 2016 recommendation to establish a legislative cybersecurity commission to share information, monitor workforce issues, and support and strengthen infrastructure. These recommendations to address cybersecurity issues in the state have not been implemented, which creates an absence of a secure and safe forum for state and local officials and policymakers to share information and assess the necessary tools and capabilities needed to protect their systems. The problem is serious. The Minnesota Judicial Branch, state agencies, cities, and school districts were all affected by cyberattacks in 2017.

Response: **The League of Minnesota Cities supports state action to identify and strengthen state and local capabilities. The League supports the inclusion of funding to evaluate state government cyber vulnerabilities, single points of failure, and fixes, and, based on those findings, create an ability for municipal governments to apply for grant funding or assistance to help conduct the same evaluation.**

SD-**47. Legalization of Fireworks**

Issue: In 2002, the state enacted a law allowing the sale and use of non-aerial, non-explosive consumer fireworks, including

sparklers, party poppers, snakes, and other novelty items—relaxing the ban on consumer fireworks in place in Minnesota since 1941. In 2008, the Legislature further relaxed the ban by increasing the amount of explosive material allowed in legal fireworks.

Local fire service professionals have reported that consumers and law enforcement personnel have had difficulty distinguishing between legal and illegal fireworks, and that the 2002 law resulted in greater use in Minnesota of illegal fireworks purchased in other states.

According to data provided by the Minnesota State Fire Marshal Division, injury trends and dollar losses related to fireworks incidents surged after the consumer fireworks ban was lifted. Hospital reports reveal that the annual number of injuries caused by fireworks rose dramatically in 2002 and remains elevated. Likewise, Minnesota Fire Incident Reporting System records show that the annual dollar loss resulting from fireworks incidents increased significantly in 2002 and has since grown.

In 2003, the state enacted a number of provisions limiting local authority pertaining to fireworks sales. The 2003 law caps the allowable municipal permit fee at $100 per vendor selling fireworks with other products, and $350 per vendor selling fireworks exclusively. The law restricts cities from requiring fireworks sellers to purchase additional liability insurance. Finally, the 2003 law states that cities cannot prohibit or restrict the display of consumer fireworks if the display and structure comply with National Fire Protection Association (NFPA) Standard 1124. The NFPA is a private international association of individuals and trade and professional organizations. (NFPA Standard 1124 is not a public document and is available only for a fee.)

Fireworks products can cause serious injuries and fire loss. The legal sale of consumer fireworks undermines fire prevention efforts. The sale and use of consumer fireworks increase local public safety enforcement, emergency response, and fire-suppression costs.

Response: **The League of Minnesota Cities opposes legislation that would further relax the ban on the sale and use of consumer fireworks. The League supports a repeal of the 2002 law that relaxes the ban on the sale and use of consumer fireworks.**

Fees are needed to cover the costs associated with compliance checks, education, and inspections relating to the sale of a regulated product. The current fee caps do not allow cities to recover these costs. The League supports allowing cities to establish and impose reasonable fees on retailers that sell fireworks. The League opposes restrictions on requiring fireworks retailers to purchase additional liability insurance. Finally, the League seeks repeal of the NFPA reference.

SD-48. Traffic Enforcement Cameras

Issue: Drivers who disobey traffic laws can cause serious traffic accidents and contribute to gridlock. In spite of the severity of this problem, cities cannot always afford the levels of peace officer enforcement that residents demand. The technology exists to enforce traffic laws with photographic evidence. For example, there is less running of red lights when motions imaging recording systems (MIRS) are installed at traffic signals.

Response: **Local law enforcement agencies should have the express authority to use photo enforcement technology to enforce traffic laws. Local law enforcement officers should have the express authority to issue citations for traffic violations by mail where the violation is detected with photographic evidence.**

SD-**49. Operation of Motorized Foot Scooters**

Issue: Current state statute (Minn. Stat. § 169.225) regulates the operation of motorized foot scooters and treats motorized foot scooters similar to bicycles in terms of rights and duties. By statutory definition (Minn. Stat. § 169.011, subd. 46), motorized foot scooters must be powered by an engine or motor that is limited to a maximum speed of 15 miles per hour. The law provides that an operator must be 12 years of age or older. Although the law contains safety provisions, including a requirement that operators under the age of 18 must wear helmets, it does not require training or permits for operators of any age.

Motorized foot scooters that are part of organized sharing or rental businesses rely on the ability to park in the public right-of-way, especially on public sidewalks, to facilitate customer access and vending. Cities have express authority to regulate parking on city streets and sidewalks. Local government units should also have clear authority to regulate or proscribe unauthorized use of city right-of-way for motorized foot scooter parking, to require a permit or license for each scooter or sharing company, and to include terms and conditions dictated by the granting authority.

In order to protect public health, safety and welfare, it is important that cities have clear authority to regulate motorized foot scooter parking and sharing options.

Response: **State law should support the ability of local governments to regulate or proscribe unauthorized use of city right-of-way for motorized foot scooter parking, to require a permit or license authorizing motorized foot scooter parking or sharing in the public right-of-way, and to impose terms, conditions, and local rules on businesses seeking such a permit or license.**

SD-**50. Drug Courts**

Issue: The League of Minnesota Cities recognizes the impact of substance abuse on individuals, communities and taxpayers. According to the National Council on Alcoholism and Drug Dependence, the relationship between alcohol and drugs and crimes--including domestic abuse and violence, underage drinking, robbery, assault and sexual assault--is clearly documented. The National Center on Addiction and Substance Abuse reports 65 percent of the nation's inmates meet certain medical criteria for substance abuse and addiction, but only 11 percent received treatment for their addictions.

Drug courts are an effective problem-solving approach for dealing with alcohol and other drug addicted offenders in the judicial system. Drug courts closely monitor the defendant's progress toward sobriety and recovery through ongoing treatment, frequent drug testing, regular mandatory check-in court appearances, and the use of a range of immediate sanctions and incentives to foster behavior change.

In drug court, judges collaborate with other traditional court participants (prosecutors, defense counsel, treatment providers, probation officers, law enforcement, educational and vocational experts, community leaders and others), whose roles have been substantially modified, but not

relinquished, in the interest of helping defendants deal with addiction.

Response: **The League of Minnesota Cities supports the efforts of drug courts to address substance abuse and reduce crime. The League supports funding for additional drug courts.**

SD-**51. Drug Paraphernalia**

Issue: Cities throughout the state struggle with local businesses selling items primarily designed to enable illegal drug use. Current state law only prohibits use, possession, delivery, and advertisements of drug paraphernalia. The law inadequately defines the term "drug paraphernalia," and leaves cities to pass more effective ordinances "prohibiting or otherwise regulating the manufacture, delivery, possession, or advertisement of drug paraphernalia."

Many cities have adopted their own ordinances to regulate drug paraphernalia, including specifically prohibiting sales. But for a variety of reasons, business owners routinely challenge these ordinances as unconstitutional and then successfully invoke virulent public outcry on that basis. This experience—along with costly court challenges—discourages other cities from taking similar steps to curb illegal drug activity, and leaves most cities only able to enforce an inadequate state law.

Most states immediately around Minnesota define "drug paraphernalia" in a detailed way based on a 1979 model federal law designed to avoid constitutional issues. Minnesota does not. Federal law and the law of half the states immediately around Minnesota explicitly ban sales of drug paraphernalia, but Minnesota does not. The current state of the law arguably makes drug paraphernalia easier to obtain in Minnesota than in the states immediately surrounding it.

Response: **The League of Minnesota Cities supports strengthening the current statutory prohibition on drug paraphernalia, including improving the statutory definition of "drug paraphernalia" and explicitly prohibiting sales.**

SD-**52. Regulation of Massage Therapists**

Issue: The state does not currently license nor register massage therapists. Minn. Stat. ch. 146A is the Complementary and Alternative Health Care Practices Act which identifies prohibited provider conduct and authorizes the Minnesota Department of Health to take disciplinary action against noncompliant providers who are not registered or licensed by a health-related licensing board. The office has authority to respond to allegations of prohibited behavior through an investigatory process but this function is triggered mainly by consumer complaints and there is no requirement that the office take any action. Additionally, resources for these purposes have been severely limited.

In absence of any required statewide standards or regulation, several cities have entered the traditional state domain of health-care licensure by enacting ordinances that require all massage therapists to obtain a local professional license and many cities have also required bricks and mortar establishments to obtain a business license. These ordinances help local law enforcement officers to differentiate between legitimate providers and businesses engaged in sex trafficking and prostitution as well as provide for health and sanitation standards.

City staff and law enforcement have spent much time and resources conducting statewide criminal background checks; investigating massage therapist accreditation programs to determine legitimacy and credibility; and inspecting and monitoring establishments due to citizen complaints and concerns. This has resulted in different procedures, requirements and fee structures across the state. Despite the thorough work of city staff and law enforcement, when an illegitimate business suspects investigation, it will often close down and re-open in a different city. Without any sort of statewide database of these businesses, one city's solution may become another city's problem.

Additionally, local law enforcement agencies do not have access to national criminal history data. This has allowed those with criminal convictions in other states related to sex trafficking and prostitution to obtain massage therapy business and/or professional licenses in cities in Minnesota. Allowing access to this information could help cities prevent sex trafficking across state lines.

Response: **The League of Minnesota Cities supports the statewide registration or licensure of massage therapists that would not pre-empt the ability of cities to regulate massage therapy establishments. The League also supports legislation pertaining to the practice of massage therapy that accomplishes the following:**

a) **Helps cities establish legitimacy of providers and businesses applying for a local license to practice, including allowing local law enforcement agencies access to national criminal history databases.**
b) **Prevents individuals from conducting criminal activities such as prostitution and sex trafficking out of establishments operating as massage therapy facilities.**
c) **Improves provider compliance with Minn. Stat. ch. 146A and requires the state to take action in response to noncompliance.**
d) **Protects the public from injury and from other conditions that may result in harm.**

SD-53. Lawful Gambling and Local Control

Issue: As part of the 2009 reforms to lawful gambling statutes, some local control was removed from the lawful gambling process. Previously, the lawful gambling licensee would have to obtain the city council's approval as part of its application to renew the organization's premises permit (some forms of lawful gambling require obtaining an organizational license and a premises permit(s) from the state). This step was removed when the state established a perpetual organizational license and premises permitting system. Because these licenses and permits are issued by the state, under the current system a city's authority over these licensees is limited to: 1) approval of the initial premises permit; and 2) enforcement of the city's lawful gambling ordinance. Some city officials have concerns that gambling organizations will be more apt to ignore local regulations (such as spending the required percentage of lawful gambling expenditures in the city's trade area) if they don't need the city's approval for the renewal of their state-issued premises permits.

Response: **The licensee should be required to obtain local approval on an annual basis, or at longer intervals as determined by the city, and file the resolution of local approval with the Gambling Control Board.**

SD-54. Liquor Liability Insurance Limits

Issue: Minn. Stat. § 340A.409 requires that "no retail license may be issued, maintained or renewed unless the applicant demonstrates proof of financial responsibility with regard to liability imposed by Minn. Stat. § 340A.801" relating to the sale of alcoholic beverages. The minimum limits of liability currently in statute require $50,000 of coverage because of bodily injury to any one person in any one occurrence, $100,000 because of bodily injury to two or more persons in any one occurrence, $10,000 because of injury to or destruction of property of others in any one occurrence, $50,000 for loss of means of support of any one person in any one occurrence, $100,000 for loss of means of support of two or more persons in any one occurrence, $50,000 for other pecuniary loss of any one person in any one occurrence, and $100,000 for other pecuniary loss of two or more persons in any one occurrence. These limits have not been updated since at least 1985 and would provide very little relief to persons impacted by an intoxicated person. While cities can choose to require higher limits of liability than required by statute, it may create competitive imbalance between communities if the limits are not consistent.

Response: **The minimum limits in Minn. Stat. § 340A.409 should be increased to $500,000 per occurrence with a $500,000 annual aggregate.**

SD-55. On-Sale Liquor or Wine Licenses to Cultural Centers

Issue: Cultural centers are not one of the qualifying entities to which municipalities may issue on-sale liquor or wine licenses. Several cultural centers have received special legislation that allows their municipalities to issue on-sale liquor or wine licenses to them. This practice interferes with the ability of municipalities to control the placement and operating manner of these entities.

Response: **The Legislature should authorize municipalities to issue on-sale liquor or wine licenses to cultural centers, subject to restrictions imposed by the municipality.**

SD-56. Liquor Licensing of Non-Contiguous Spaces

Issue: During the COVID-19 outbreak, restaurants and bars have been able to open at limited capacity for in-person service with spacing requirements between tables both inside and outside. To provide opportunities for businesses to open and serve the public, many cities allowed for non-contiguous spacing of tables outside despite requirements outlined in Minn. Stat. § 340A.410, subd 7. This has allowed customers to go to restaurants and bars and remain outside, which has been deemed preferable to dining indoors in mitigating the risk of exposure to the virus.

Response: **The increased flexibility has allowed businesses and cities to partner in response to the pandemic and city residents have enjoyed increased seating options. The League of Minnesota Cities supports amending Minn. Stat. § 340A.410 to allow for licensing of spaces that are not compact and contiguous during and after the pandemic.**

SD-57. Wine and Off-Sale Licenses

Issue: Minn. Stat. ch. 340A authorizes cities to issue liquor licenses to various establishments within their jurisdictions, but in virtually all cases, the license issued by the city is not valid until the state approves it. This is true for such commonly issued licenses as wine, off-sale intoxicating liquor and temporary on-sale intoxicating liquor licenses. The result is extra time spent for city staff, as well as a time-based commercial impact to the business pursuing the original license.

Additionally, if a business applies for an on-sale wine license, the state may choose to conduct an inspection of the business further delaying approval of the license and full operation of the establishment. This inspection is often in addition to a city certificate of occupancy inspection and a county health inspection.

Response: **The Legislature should remove the requirement of approval by the commissioner for city-issued liquor licenses and simply require cities to notify the state of newly issued and renewed licenses as is already the case for intoxicating on-sale liquor licenses and all 3.2-liquor licenses. If the state requires an inspection to certify an on-sale wine license, this should be delegated to either the city or county to be conducted at the same time as other inspections. This will expedite the process for both the state and the business.**

SD-58. Youth Access to Alcohol and Tobacco

Issue: To promote public safety and public health, cities have an interest in preventing youth from obtaining alcohol and tobacco. For example, the Minnesota Department of Health reports that 80 percent of adult smokers had their first cigarette before the age of 18; reducing youth tobacco use may help prevent adverse impacts of tobacco in the future. To this end, many cities operate compliance check programs in an effort to discern the current level of youth access and to reduce youth access. Statewide, a number of cities have created community partnerships with their court systems, local businesses, and school districts to quickly address problems associated with youth access to alcohol and tobacco.

Response: **The League of Minnesota Cities opposes any proposal that could result in increased risks of youth access to alcohol and tobacco products and supports statutory changes that assist in reducing youth access to alcohol and tobacco products. The League supports locally-determined alcohol compliance check programs, but any state mandate for alcohol compliance checks should come with state-supported funding initiatives to support these locally-determined compliance efforts. The Legislature should consider a grant program supporting locally-based community partnerships that can quickly and effectively respond to youth access problems.**

SD-59. Consumer Small Loans

Issue: Consumer small loans, also known as "payday loans," are short-term cash loans based on the borrower's personal check held for future deposit or on electronic access to the borrower's bank account. Borrowers write a personal check for the amount borrowed plus the finance charge and receive cash. In some cases, borrowers sign over electronic access to their bank accounts to receive and repay payday loans. Lenders hold the checks until the borrower's next payday when loans and the finance charge must be paid in one lump sum.

Consumer small loans are typically predatory in nature. According to Debt.org, an organization dedicated to helping consumers understand and overcome debt, predatory lenders typically target minorities, the poor, the elderly and the less educated. They also prey on people who need immediate cash for emergencies such as paying medical bills, making a home repair or car payment. These lenders also target borrowers that do not qualify for conventional loans or lines of credit due to credit problems or unemployment.

Response: **The League of Minnesota Cities seeks statewide legislation that would protect consumer small loan borrowers against predatory lending practices. Also, cities should have explicit authority to regulate consumer small loan conditions including the ability to cap finance charges and interest rates.**

SD-**60. Regulation of Mobile Businesses**

Issue: The transient nature of mobile businesses presents unique challenges to traditional city zoning and permitting and may create an unfair competitive advantage over traditional businesses that pay property taxes and generate income for a city. Cities also make significant investments in the development of retail districts and downtowns and have a strong interest in maintaining a level playing field for brick and mortar establishments.

Minnesota has seen a sharp increase in the number of food trucks (Mobile Food Units) operating throughout the state. Food trucks are licensed as food and beverage service establishments by the Minnesota Department of Health (MDH) or by local jurisdictions pursuant to an MDH delegation agreement. Food trucks are prohibited from operating in the same location for more than 21 days without approval of the regulatory authority.

In 2015, the Legislature authorized the Board of Cosmetologist Examiners to adopt rules governing the licensure, operation and inspection of "Mobile Salons" which are operated in a mobile vehicle or mobile structure for exclusive use to offer personal services defined in Minn. Stat. § 155A.23, subd. 3. The rules must prohibit mobile salons from violating reasonable municipal restrictions on time and place of operation of a mobile salon within its jurisdiction, and shall establish penalties, up to and including revocation of a license, for repeated violations of municipal laws.

Response: **It is appropriate for mobile businesses to be licensed by the state or its designees in the same manner as non-mobile business establishments. Such state regulation must not preempt the ability of local governments to enact reasonable time and place restrictions on the operation of mobile businesses within their jurisdictions.**

SD-**61. Regulation of Party Buses and Boats-for-Hire**

Issue: A party bus (also known as a party ride, limo bus, limousine bus, party van, or luxury bus) is a large motor vehicle usually derived from a conventional (school) bus or coach, but modified and designed to carry 8 or more people for recreational purposes. In Minnesota, these vehicles are regulated by default under Minn. Stat. ch. 221 (the chapter of law dealing with motor carriers) and registered by the Minnesota Dept. of Transportation's (MnDOT's) Office of Freight and Commercial Vehicle Operations. The regulations require operators to carry commercial insurance, have an annual vehicle inspection and be registered with the state. Party bus drivers

are required to hold a current commercial driver's license (CDL) issued through the Minnesota Dept. of Public Safety's Driver and Vehicle Services Division.

A boat-for-hire is a watercraft used by owners and operators to carry passengers for hire. Minn. Stat. § 326B.94 and Minnesota Rules 5225.6000 through 5225.7200 govern the requirements of boat owners and operators carrying passengers for hire on Minnesota's inland waters. These vessels must have a permit to carry passengers for hire. They must have an annual safety inspection and a dry-dock inspection performed by Minnesota Department of Labor and Industry boiler inspection personnel once every three years (or annually if the hull is made of wood). The vessels must also be operated by a licensed master and must follow all Minnesota Dept. of Natural Resources' boating and water recreation regulations.

Party buses and boats-for-hire are sometimes chartered for celebrations such as weddings, proms, bachelor and bachelorette parties, birthdays and tours. Party buses are also popular for round trips to casinos and sporting events, and personalized drop-offs and pick-ups at various bars and nightclubs. Additionally, both party buses and boats-for-hire have become popular settings for adult entertainment.

Cities have seen a sharp increase in the number of party buses and boats-for-hire being used as venues for illegal activities such as underage drinking, drug use and sex trafficking. The transient nature of party buses and boats-for-hire presents unique challenges to traditional city zoning, permitting and law enforcement. While state laws regulate requirements for the operation of party buses and boats-for-hire, the law is silent on enforcement, penalties, inspection and liability related to illegal activities that occur in party buses and on boats-for-hire.

Response: **The League of Minnesota Cities supports changes to state statutes that would help reduce criminal activities taking place on party buses and boats-for-hire. Specifically, the League supports:**

a) **Creation of statutory definitions of "party bus" and "boat-for-hire" that contain permissible uses of the vehicles;**
b) **Prohibition on offering or allowing "adult entertainment" as defined by Minn. Stat. § 617.242, "sexual conduct" as defined by Minn. Stat. § 617.241, or "nudity" as defined by Minn. Stat. § 617.292, subd. 3, on party buses and boats-for-hire;**
c) **Explicit authority for peace officers to investigate suspicious activities on party buses and boats-for-hire and to cite individuals on board who are involved in illegal activities; and**
d) **Requiring the appropriate authority to utilize existing authority to impose fines, or to deny, suspend, or revoke permits or registration certificates held by operators found to have adult entertainment, drug, or underage consumption violations.**

SD-62. Environmental Protection

Issue: Cities demonstrate strong stewardship for the protection and preservation of the environment. Minnesota municipalities have historically been the leading funding source for environmental protection and improvements. Municipal efforts include environmental protection through wastewater treatment, wetland restorations, stormwater treatment, public utility emission reductions, brownfield cleanup, safe drinking water programs, as well as others.

At some point, however, the diminishing or nonexistent environmental benefit received from additional efforts is fiscally irresponsible. The programs are often improperly designed to meet their stated goals. Additionally, the absence of funding by the state and federal government has removed an essential restraining feature in program design and implementation. Agencies are less accountable to the governments that mandate environmental programs when they do not have to find the money to implement the programs.

Specific problems faced by cities include:

a) New programs or standards are continually adopted without regard to the existence, attainability or cost of existing programs and standards.
b) Regulatory bodies fail to consistently use the best science available and the most current and accurate data when establishing water quality standards.
c) Regulatory bodies impose new permit requirements without going through rulemaking. Instead, the agencies rely on internal documents, program strategies, and "best professional judgment of staff" when setting permit criteria.
d) Regulatory bodies approve permits and programs that compete with traditional municipal services and encourage urban sprawl. This behavior puts at risk the public investments and growth management efforts cities have made when planning for future development.
e) Permit fees and other cost-transfer elements of federal and state programs do not provide an incentive for environmental agency efficiency, policy prioritization or risk assessment. Additionally, all residents of the state contribute to the need for wastewater, drinking water, and stormwater treatment and benefit from the resulting improved water quality. These factors make the state general fund an appropriate source for significant portions of state water program funding.
f) Third-party environmental advocacy groups create significant hardships on cities by threatening litigation even when the best science available may not support the groups' positions.
g) Cities are often required to pay the cost of removing problem materials from the waste stream, rather than preventing the problem at the consumer product or manufacturing level.

Response: **Alternative wastewater treatment and cooperative service systems should be prohibited from operating in areas that can reasonably and effectively be served by existing municipal systems, unless:**

a) The municipal system is proven to be substantially less cost-effective and substantially less beneficial to the environment; and
b) The operation of these systems will not create a stranded public investment in the existing system.

Sufficient state and federal financial assistance should be provided to local governments when complying with state and federal infrastructure requirements, particularly with regard to wastewater, stormwater, and drinking water facilities.

The Minnesota Pollution Control Agency (MPCA) should streamline its permitting and re-issuing processes to allow for effluent standards and permit requirements to be known earlier, thereby giving communities more time to defend against contested case hearings.

The Legislature should require the MPCA to make its determination regarding permit-required submittals,

permit modifications, and the reissuance of a permit within a reasonable set time period, and require the MPCA to make its determinations and reissue the permit within that reasonable set time frame.

The state should ensure townships are required to meet the same environmental protection and regulatory requirements as cities.

Legislation should be passed that requires state agencies to establish permit requirements only when the criteria they are using is developed through the rule-making process.

State agencies need to develop science-based standards and quantify new effluent standards, ensuring that they are scientifically and economically practicable. State and federal agencies should coordinate and integrate their monitoring data to assure that all pertinent data is available and utilized.

The state general fund is an appropriate source for state water program funding. Municipal water permit fees should only be increased if new revenue is needed because of increased costs of processing municipal water permits or if the funds would go for specific scientific research, technical and financial support for cities, or agency staffing needed by cities to address environmental and public health concerns, not as a means to generate new revenue to cover other budget shortfalls.

Additionally, the Legislature should create effective, producer-led reduction, reuse, and recycling programs to deal with a product's lifecycle impacts from design through end-of-life management and should regulate products and compounds that damage water quality, sewer collection, stormwater or wastewater treatment systems at the consumer and manufacturing levels, not just at the treatment and infrastructure maintenance level. Examples include requiring accurate labeling as to whether disposable wipes can be safely flushed and creating incentives for private salt applicators to reduce the volume of salt they apply.

SD-**63. Impaired Waters**

Issue: Despite the billions of dollars that Minnesota municipalities have invested and continue to invest in wastewater and stormwater management systems, and best management practices to protect, preserve, and restore the quality of Minnesota's surface waters, the quality of some of Minnesota's surface waters does not meet federal water quality requirements. The federal Clean Water Act requires that further efforts be made by the state to reduce human impacts on surface waters that are determined to be impaired due to high pollutant loads of nutrients, bacteria, sediment, mercury, and other contaminants. Scientific studies of these waters must be conducted to determine how much pollution they can handle (Total Maximum Daily Loads, or TMDLs). The pollutant load reduction requirements will affect municipal, industrial, and agricultural practices and operations along any river, stream or lake determined to be impaired. While the sources of 86 percent of the pollutants affecting Minnesota waters are non-point sources, there will also be new costs and requirements for point-source dischargers, like municipal wastewater treatment facilities. Municipal stormwater systems will also face increased protective requirements and regulation as part of the state's impaired waters program.

Response: **The League of Minnesota Cities will work actively with the**

administration, the Legislature, and other stakeholders in the design and implementation of Minnesota's impaired waters program to:

a) Ensure equitable funding solutions are found, such as the state general fund or bonding, that broadly collect revenue to address this statewide problem;
b) Support legislative appropriation of constitutionally dedicated clean water revenues that will supplement traditional sources of funding for these purposes, not be used to cover budget cuts, backfill past program reductions, or to otherwise supplant normal state spending on water programs;
c) Direct the majority of funds collected by the state for impaired waters into programs that fund municipal wastewater and stormwater projects, and for state programs needed for municipal wastewater and stormwater permitting and technical support, including the Clean Water Revolving Loan Fund, Wastewater Infrastructure Fund, TMDL Grants Program, Small Community Wastewater Treatment Grant and Loan Program, and other state programs that provide financial resources for city wastewater treatment facilities, septic tank replacement, stormwater management projects, and other city water quality improvement and protection projects;
d) More adequately cover the current five-year wastewater infrastructure funding need projection of more than $1.65 billion;
e) Recognize and address the upcoming costs of stormwater management infrastructure and operation on municipalities from new regulatory mandates and load reduction requirements;
f) Allow flexibility in achieving pollutant load reductions and limitations through offsets or trading of pollutant load reduction credits for both point and non-point load reduction requirements within watersheds;
g) Recognize and credit the work underway and already completed by local units of government to limit point and non-point source water pollutant discharges;
h) Recognize the diversity of efforts and needs that exists across the state;
i) Ensure the best science available is used to accurately determine the sources of pollutant load in order to maximize positive environmental outcomes and minimize unnecessary regulatory and financial burdens for cities by correctly accounting for and addressing agricultural and other non-point pollutant sources;
j) Ensure the state requires that the MPCA retain control of the TMDL development process and that all scientific research related to TMDLs is conducted by the MPCA or qualified, objective parties pursuant to state contracting, procurement, and conflict of interest laws; and
k) Clarify state water quality mandates so cities know specifically what they are required to do and what methods of achieving those outcomes are acceptable to state and federal regulators.

SD-64. Municipal Public Water Supplies

Issue: Essential residential water supplies provided by public water supply systems are classified as the highest priority for the use of public water under Minn. Stat.

§103G.261. Minnesota cities spend significant resources meeting their responsibility to providing safe, reliable, affordable water to their residents in a sustainable manner. That is an essential element in assuring a healthy and stable future for public health, the environment, and economic development. As a result, municipal water suppliers have collected some of the most current and accurate information available on local water conditions.

The state requires extensive planning and permitting processes for municipal water suppliers to document that their systems are drawing water at sustainable levels, that the water is safe for human consumption, that they have land use controls in place to protect public water supplies from contamination, that adequate plans exist for emergency and high demand situations, and that rate structures meet state statutory requirements. Those systems are constantly becoming more technologically, environmentally, and economically efficient. City water suppliers have invested many billions of dollars to develop their utility systems and infrastructure in a manner that meets those criteria.

Demand and supply sides of this issue are being addressed throughout the state. Cities have established educational programs, incentives, and local water use restrictions to further improve water conservation efforts, while appliances and plumbing fixtures are becoming more efficient in their water use. Furthermore, stormwater is being infiltrated into the ground at unprecedented levels as part of municipal stormwater permit requirements and is being redirected for irrigation purposes in some cities.

Despite those efforts, there are places in the state where monitoring data indicates that water may be being used faster than the supply can sustain, particularly in the case of underground aquifers. These issues are very complex, however, and causes and effects are not always easily documented or understood. City water supplies are not the only users of that water, either. Industries, smaller private wells, agricultural operations, irrigation systems, and contamination containment and treatment can all be major drains on local water supplies.

Hard facts and sound science need to be used to determine the best courses of action to assure that safe, reliable, affordable water supplies are available to future Minnesotans. Those approaches will vary considerably depending on local water and soil conditions, the types and sizes of users, and the quantity and quality of available water. They also need to be coordinated between the many state entities that play a role in water management and regulations so that scarce local resources are not wasted and efforts are not counterproductive to other priority environmental and public health results.

Response: **The state should lead the development of sound scientific information on water supply, aquifer recharge, and groundwater availability and quality, making good use of the existing studies, data, and staff expertise of municipal water suppliers.**

The state should also be working to remove barriers to water re-use, aquifer recharge, encouraging cultural changes in water use practices, applying technology for smart water use, exploring impacts and creative mitigation options at contaminated sites, on ways to incent and enable alternate uses of stormwater, and ways to make sure that all water users play a role in ensuring that water supplies are being managed in a manner that is

sustainable for future residents. Those solutions need to keep in mind that essential residential water use is the highest preferred use of public water supplies.

Finally, in cases where sound management of water resources will require substantial modifications in public water systems that were previously determined to be adequate, the state needs to be a partner in developing cost-effective solutions and in providing the technical and financial resources to make those changes to prevent communities from being economically uncompetitive.

SD-65. Municipal Electric Utilities

Issue: Municipal electric utilities provide essential community services to many Minnesota cities. The League of Minnesota Cities works closely with the Minnesota Municipal Utilities Association (MMUA) to identify issues of concern and to support their legislative and administrative efforts to address them.

How those entities are regulated by the state, how their service territory is defined and amended, how their very limited customer base is protected, and how they are treated in relation to other types of electric utilities is important to them remaining affordable, efficient, and effective.

Currently, the legislative proposals have been made to allow unregulated third-party electricity sales from generators directly to the customer, circumventing long-established consumer protections. In some cases, municipal utilities would be required to "wheel" energy from third parties across their power lines to retail customers in violation of the utility's exclusive service area rights.

Another way to arrange third-party sales is by selling electricity from solar panels or other generating equipment sited on a consumer's own property to retail customers, while maintaining ownership of those panels or equipment. The equipment owner would charge for electricity it provides, yet rely on the local utility to provide reliable service to the customer at all other times. While such arrangements may seem convenient to an unregulated third-party, they come at a significant cost to the utilities and subsequently, to the rate payers of that utility.

Providing municipal reliable utility services comes with certain unavoidable expenses such as electric generation, power lines, poles, and substations. These types of fixed costs are on-going and should be equitably shared by the local customers. However, both current and previously proposed changes to state law would give third-party providers an advantage subsidized by the remaining rate payers and/or taxpayer.

***Response*: The legislature should support and maintain the current regulatory compact, and recognize the value of the dependable services provided by municipal utilities, and the fact that municipal utilities are accountable directly to the citizens. Further, the legislature should reject giving third-party providers any advantage over municipal utilities, as well as any other effort to de-regulate utilities.**

Additionally, current state practice is for the Department of Commerce and Public Utility Commission to require payment of quarterly fees on municipal utilities to the Department of Commerce three quarters in advance. The state should bill for those fees only for the upcoming quarter.

SD-66. State Support for Municipal Energy Policy Goals

Issue: The State of Minnesota has adopted an aggressive energy policy focusing on the promotion of energy efficiency and the expansion of renewable energy with the goal of achieving a reduction in carbon generation through reduced use of fossil fuels. Minnesota cities share this goal, as demonstrated by over 100 cities voluntarily participating in the GreenStep Cities program. However, already strained budgets and reserves at the state and local level have limited the ability of the state to assist local units of government in furthering specific projects that support the overall state goal. In addition, institutional knowledge and capacity of most cities limits their ability to explore energy efficiency or renewable energy projects, even projects whose energy "payback" could finance project capital costs.

As the role cities are playing in reducing energy use and developing renewable energy generation expands, how those efforts are affected by electric utility practices also becomes more important. Utility billing is not consistent between electric utilities, with many using different rate categories, significantly complicating B3 benchmarking reporting and billing transparency. For projects on which a utility provides capital, the length of time over which city projects are amortized can also be extended to the point that energy cost savings are eliminated, even with substantial demand reductions. The application of demand and peak demand rates in repayment schedules can also reduce or eliminate energy cost savings.

Response: **The League of Minnesota Cities calls on our legislators and state executive agencies charged with accomplishing the state's energy policy goals to assist cities, townships and counties with tailored efforts to identify appropriate energy efficiency and renewable energy projects for undertaking at the local level. Among those tools, the state should:**

a) Help ensure that reduced energy use results in reduced energy costs by addressing problems with amortization timing;
b) Have laws that allow and support utility grant and loan programs;
c) Create a grant program to assist in covering local capital costs to install solar energy systems on public buildings;
d) Use proceeds from the Renewable Development Fund to support local government projects;
e) Provide increased flexibility for utilities to work with local government;
f) Support development of a unified electric energy billing and usage structure that is easily imported into a B3 Benchmarking tracking system;
g) Develop a framework that allows Property Assessed Clean Energy Programs;
h) Play an increased role in providing a network of charging stations to support a transition to electric vehicles;
i) Create a grant and loan program to offset start-up capital expenses for projects identified where the savings in energy costs can offset capital project costs or where projects are needed to meet energy policy goals;
j) Clarify state law so that cities may use public utility franchise agreements to advance energy policy goals, and;
k) Recognize that state energy agency technical expertise needs to be made available to cities at no cost.

SD-67. Urban Forest Management Funding

Issue: Urban forests are an essential part of city infrastructure. Dutch elm disease, oak wilt disease, drought, storms, and emerald ash borer threaten our investment in trees. The costs for control and removal can be catastrophic and put pressure on city budgets. The Minnesota Department of Natural Resources, through its Urban and Community Forestry program, and the Minnesota Department of Agriculture, through its Shade Tree and Invasive Species program, currently have regulatory authority to direct tree sanitation and control programs. Although these programs allow for addressing some tree disease, pest, and other problems, funding levels have been inadequate to meet the need of cities to build capacity for urban tree programs and respond to catastrophic problems. Cities share the goal of the state's Releaf Program—promoting and funding the inventory, planning, planting, maintenance, and improvement of trees in cities throughout the state. In addition, economic gains for stormwater management, tourism, recreation, and other benefits must be protected from tree loss. A lack of timely investment in urban forests costs cities significantly more in the long run.

Further, more and more cities are facing immediate costs for the identification, removal, replacement, and treatment of emerald ash borer (EAB) as it spreads across the state. The state has no program to assist cities in covering those expenses.

Response: **The League of Minnesota Cities supports funding from the general fund or other appropriate state funds for a state matching grant program to assist cities with building capacity for urban forest management and meeting the costs of preparing for, and responding to, catastrophic urban forest problems.**

Specifically, direct grants to cities are desperately needed for the identification, removal, replacement, and treatment of trees related to management of EAB. The state should establish an ongoing grant program with at least $5 million per year that is usable for those activities.

SD-68. City Pesticide Application Authority

Issue: Current state law in Minn. Stat. § 18B.09 limits city authority to an ordinance requiring warning signs after pesticide application. With many cities working to increase pollinator-friendly habitat and reduce the impact of pesticide usage known to be lethal to pollinators, cities are seeking further tools to meet those public expectations. With small lot sizes, primarily non-agricultural property uses, and dense residential concentrations, cities often find that the broader state pesticide regulations are not adequately protective of pollinators and are seeking additional state authority to address these issues in their communities.

Response: **The state legislature should amend Minn. Stat. § 18B.09 to allow cities to opt to restrict the application or use of pollinator-lethal pesticides within their community and require the Minnesota Department of Agriculture to maintain a list of which pesticides include pollinator protection boxes in their labeling or precautionary pollinator or bee warnings in the environmental hazards section of their labeling.**

SD-69. Election Issues

Issue: Cities play an important role in administering state and federal election law and conducting voting activities.

Response: **To strengthen the effectiveness of elections administration, the Legislature should:**

a) **Seek the input of cities, townships, counties, and school districts on proposed changes to voter registration, election law, and needed improvements and updates to the Statewide Voter Registration System;**
b) **Amend the timeline for candidate filings in cities without a primary so that the final day of filing is prior to the August primary date;**
c) **Expedite court action to resolve candidate eligibility related to residency in errors and omissions proceedings; and**
d) **Eliminate redundant audio testing of assistive voting technology and equipment by election judges in precinct polling places on Election Day.**

SD-70. Administering Absentee Balloting

Issue: Eligible voters in Minnesota may vote by absentee ballot prior to Election Day. Starting 46 days before the election, a voter can request an application for an absentee ballot and if approved, receive and cast an absentee ballot in one visit to their county or city election offices. Ballots can also be requested, applied for and received by mail and returned by the voter to the election office by 3:00 pm on Election Day or by 8:00 pm on Election Day if delivered by mail or package delivery. Absentee balloting results are not known until combined with polling place results when the polls close on Election Day.

For those voting absentee in-person, the absentee ballot application process is burdensome and confusing as voters expect the same process they encounter in their polling place on Election Day. The application process should be replaced by having the voter verify their identity on a paper or electronic roster. Currently electronic signatures are not allowed by state law; having the authority to use electronic signatures would make the process more efficient. Streamlining the voter check-in procedures would increase efficiency and decrease the time voters spend in line waiting to cast their absentee ballot.

Minn. Stat. § 203B.121, subd. 4 stipulates that at the close of business on the seventh day before Election Day, elections administrators can begin processing absentee ballots received by mail and accepted. At the beginning of the seventh day before Election Day, in-person absentee voters can place their ballots directly into a tabulator (Minn. Stat. § 203B.081, subd. 3). If a voter who has voted absentee prior to the seventh day before Election Day wishes to "claw back" their ballot and receive a new ballot, they are able to do so through the seventh day. Once direct balloting begins, a voter should no longer be able to "claw back" a ballot. Additionally, opening absentee ballots that have been accepted should begin at the beginning of the day on the seventh day before Election Day.

For those who vote in-person absentee prior to the seven days before Election Day, there is confusion and in some cases, frustration that they are not allowed to place their ballots directly into a tabulator. To improve the voter experience and respond to the voter demand to vote early, this time period should be increased from seven to the full 46 days before Election Day. Additionally, a voter can request to place their ballot in a series of envelopes similar to those returned by mail to be processed after they have left the building. Few, if any, voters request to place their ballot into envelopes.

State law allows alternative sites for conducting absentee balloting but requires that these sites remain open for the full 46 days prior to Election Day. For some jurisdictions, staffing alternative sites for the full 46 days is not efficient as these sites may be underutilized until closer to Election Day. Cities should be able to determine the length of time most appropriate for alternative sites to meet the voting demands of their residents. As required by state law, voters would maintain the ability to vote in-person absentee during the full 46-day period at city halls.

Current law allows for in-person absentee voting until 5:00 p.m. on the day before Election Day. This does not leave adequate time for election officials to process absentee ballots, prepare supplemental lists indicating which voters have already cast absentee ballots and deliver the lists to precincts prior to opening of the polls on Election Day. The current absentee voting process further requires that additional supplemental lists of final absentee voters be delivered to the polls after the last mail delivery on Election Day and often leads to administrative challenges and increased potential for errors in the process.

As more and more voters choose to vote early with absentee balloting, improvements must be made to increase efficiency of administering absentee balloting before Election Day, reduce the potential for errors, and to improve voter experience.

Response: **The League of Minnesota Cities supports:**

a. **Reviewing the current in-person absentee ballot process to determine if paper, electronic or a combination of the two processes would be more efficient and be preferable to voters;**
b. **Amending state statute to allow elections administrators to begin processing accepted absentee ballots when direct balloting begins at the beginning of the seventh day before Election Day and subsequently, concluding the "claw back" period at the close of business the day before;**
c. **Increasing the time period that an in-person absentee voter can place their ballot directly into a tabulator from seven to 46 days;**
d. **Eliminating the option to place an in-person absentee ballot in a series of envelopes instead of a tabulator;**
e. **Allowing alternative in-person absentee voting sites to be established for less than the full 46 days currently required by state law;**
f. **Establishing an earlier deadline for ending in-person absentee voting;**
g. **Revising absentee ballot regulations to allow any person 18 and older to witness the absentee process and sign the envelope as a witness; and**
h. **Authorizing cities with health care facilities to schedule election judges to conduct absentee voting at an earlier date in health care facilities.**

SD-71. Loss of Felon Voting Rights

Issue: There is confusion as to when voting rights are restored to those convicted of a felony, and notification of restoration is inconsistent or nonexistent. This very often leads to challenges placed on Election Day rosters for those convicted of a felony who are not eligible to vote and election judges must then challenge the voter and spend time and resources determining a voter's eligibility. It would be much clearer if the loss of voting rights occurred only when a person is incarcerated.

Response: **The League of Minnesota Cities opposes the loss of voting rights for**

those convicted of a felony who serve the entirety of their sentence in the community and are not incarcerated. If incarcerated, the League of Minnesota Cities supports the restoration of voting rights to those convicted of a felony once they have completed their term of incarceration. This will eliminate the administrative burden of challenging voters at the polls and determining eligibility from various jurisdictions. This will also eliminate the need for investigation by local law enforcement of those who have unknowingly registered to vote or voted before their rights were restored.

SD-72. Write-in Candidates in City Elections

Issue: For federal, state and county offices, write-in candidates are totaled together as one number for write-in votes. If a candidate wants the write-in votes to be individually recorded, the candidate must file a written request with the Secretary of State no later than seven days before the general or special Election Day. This provides any declared write-in candidate the same provisions for tabulation as a candidate whose name is printed on the ballot. Because this requirement does not exist in city elections, city election officials are required to take considerable time and resources to count and individually record write-in votes cast, many of which are frivolous.

Response: **The League of Minnesota Cities supports legislation to:**

a) **give cities the option to require that write-in candidates for local elective offices file a formal request with the chief election official at least seven days before the city election if they wish to have their write-in votes individually recorded; and**

b) **allow the city clerk to only compile and report write-in votes for specific candidates if the total number of write-in votes for an office is greater than or equal to the number of votes received by the candidate appearing on the ballot receiving the fewest number of votes.**

SD-73. Ranked Choice Voting

Issue: Current law allows charter cities to consider and adopt Ranked Choice Voting (RCV) as an alternative voting method in local elections. State statute does not extend this authority to statutory cities. Additionally, there are no statewide standards for conducting RCV. The lack of consistent guidelines on how to effectively implement a RCV system imposes significant challenges for election administrators and voters.

The Office of the Secretary of State certifies voting systems for cities and counties across the state. This process does not include the systems used for RCV elections. This makes it difficult for cities to access voting systems approved by the state.

Minn. Stat. §§ 204D.11 and 206.90 require the use of one ballot only for a state general election unless there is a need for a separate judicial ballot. To allow cities that have implemented RCV to hold municipal elections in conjunction with a state general election, state statute must be amended to allow for more than one ballot.

Response: **The League of Minnesota Cities supports:**

a) **legislation that would give statutory cities the same authority given to charter cities to consider and adopt RCV;**

b) statewide standards for those cities that choose to adopt RCV to ensure it is implemented consistently throughout the state to give voters confidence in the fairness of the alternative process of casting their ballots and in the outcome of such elections;
c) a state certification process for voting systems used in tabulating RCV elections; and
d) allowing for the use of more than one ballot should a city with RCV conduct a municipal election in conjunction with a state general election.

SD- **74. Voter Assistance**

Issue: Increasingly, voters may need assistance with language translation. Currently state statute does not allow for the hiring of language interpreters for the sole purpose of assisting voters with ballot language interpretation; they must also be trained as and serve as election judges. This limits the availability and access to language interpretation for voters.

The federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) provides the legal basis for absentee voting requirements for U.S. citizens who are active members of the Uniformed Services, the Merchant Marine, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration, their eligible family members and U.S citizens residing outside of the United States. This process allows a voter to complete a ballot electronically and then return it via mail. Voters with disabilities may have assistive technology within their homes that best meets their needs. Allowing them to receive a ballot electronically, similarly to UOCAVA voters, would subsequently allow them to complete their ballot utilizing their own personal assistive technology. State statute does not allow a voter to complete a ballot electronically.

As election equipment and assistive technology continues to evolve, it is critical that local elections administrators have flexibility in purchasing equipment and technology that will best meet the needs of voters within their communities.

Issue: **The League of Minnesota Cities supports the ability of elections administrators to respond to the needs of voters who may benefit from assistance to ensure the greatest level of participation by those eligible to vote. This includes:**

a) Allowing the hiring of second language interpreters to staff polling places;
b) Extending electronic voting to people with disabilities; and
c) Increasing flexibility for elections administrators to purchase assistive voting equipment and technology that best meets the needs of voters with disabilities.

SD-**75. Electronic Rosters**

Issue: While electronic rosters (or "e-poll books") may increase efficiency and decrease cost for some cities, this may not be true for all. As cities explore the use of electronic rosters, data collected from the Office of the Secretary of State and from jurisdictions that have used the technology, may be helpful in determining next steps and to improve the process. Currently when a voter verifies their identity at a polling place via an electronic roster, they sign a paper form. State law does not allow voters to sign the e-poll book.

Response: **As the Legislature continues to examine the use of electronic rosters, cities should retain the option of utilizing**

this technology but should not be required to do so. If cities choose to use e-poll books, the use of electronic signatures should be allowed to increase efficiency. To ensure there is a paper copy of the signatures, the receipts printed by the electronic rosters should include a copy of the voter's signature.

SD-76. Election Judge Recruitment and Retention

Issue: Nearly 30,000 Minnesotans serve as election judges. The recruitment and retention of election judges is a significant and essential component of administering elections throughout the State of Minnesota.

State statute requires that precincts with more than 500 registered voters be assigned at least four election judges and those with fewer than 500 registered voters be assigned at least three election judges. Minn. Stat. § 204B.21 requires that at least two election judges in each precinct serve with a different major political party designation, except for student trainee election judges. The remaining election judges in a precinct can serve without an affiliation to a major political party and no more than half the judges in a precinct may belong to the same major political party. Statute specifically requires election judge party balance to perform four polling place activities: assisting a voter in curbside voting; opening the ballot box; duplicating ballots; and in conducting an election at a Healthcare Facility. Political party affiliation is also unnecessary in city special elections when offices on the ballot are nonpartisan.

Minn. Stat. § 204B.19 allows high school students to be excused from school to serve as a trainee election judge if the student submits a written request signed and approved by the student's parent or guardian to be absent from school and a certificate from the appointing authority stating the hours during which the student will serve as a trainee election judge to the principal of the school at least ten days prior to the election. This process is not currently extended to college students which has proven to be a barrier for recruiting college students to serve as election judges. Additionally, teachers and college faculty are also allowed to take time off of work to serve as an election judge.

Response: **To ensure state requirements are met, party balance is maintained, and to expand the opportunity of serving as an election judge to others, the League of Minnesota Cities supports the following changes:**

a) **Eliminate the party balance requirement for elections where only nonpartisan offices and/or ballot questions are on the ballot;**
b) **Authorize college students to get time off from classes if they have been appointed to serve as an election judge;**
c) **Allow for one election judge affiliated with any two political parties to perform the four activities that require party balance specifically outline in statute and allow the remaining judges to serve as non-partisan; and**
d) **Shorten the deadline for major political parties to provide lists of persons interested in serving as election judges to election officials within 30 days following precinct caucuses.**

SD-77. Mail Balloting

Issue: Minn. Stat. § 204B.45 authorizes all non-metropolitan townships and cities with less than 400 registered voters located outside of the Minneapolis/St. Paul seven-

county metropolitan area to hold elections by mail. A city may conduct mail balloting for an individual precinct having fewer than 100 registered voters, subject to the approval of the county auditor.

Staffing and equipment needs can be very costly and mail balloting is an efficient way of conducting an election for cities that have lower numbers of registered voters regardless of location in or outside the metro area. It is not uncommon for the redistricting process to create very small precincts in the metro area that are more cost-effectively served by a mail balloting process. Additionally, for special elections that historically have lower turnout, mail balloting could increase voter participation.

Response: **The League of Minnesota Cities supports allowing all cities to conduct mail balloting.**

SD-78. Modernizing Charter Amendment Process

Issue: Minn. Stat. § 410.12 outlines the process for amending city charters and one of the methods is citizen petition and Minn. Rules 8205 provides specific criteria for formatting. City staff then review the petition to determine if it is valid and has met statutory requirements for completion and submission. To ensure that both citizens and city staff fully understand the requirements, clarifying changes should be made.

Response: **To improve the process for amending a city charter, the League of Minnesota Cities supports:**

a) **Adding clarifying language regarding "registered voters". These voters must be eligible voters in the district for which the petition is being circulated who are in active status on the statewide registration system at the time of petition verification and have not had a name or address change since the most recent voter registration application was submitted.**
b) **Ensuring that petitioners have access to the petition, public information lists used to verify registered voters, and the examination log available for inspection on request of any registered voter.**
c) **Revising Minn. Rules 8205 to ensure that formatting requirements are clear and up to date.**

SD-79. Presidential Nomination Primary

Issue: In 2016, the legislature passed into law a process for the state of Minnesota to conduct a presidential nomination primary in 2020 for president of the United States. This will be administered by cities and counties much the same way elections are conducted.

Minn. Stat. § 207A.15 provides a process for local units of government to be reimbursed for expenses incurred from conducting the primary. The Office of the Secretary of State (OSS) will submit to the Department of Management and Budget (MMB) an estimated cost of administering the primary, and MMB will provide funding to the OSS. That funding will then be distributed to local units of government as a reimbursement based on expense reporting submitted to the OSS. Because the presidential nomination primary is a partisan activity administered on behalf of political parties, it is critical that local units of government be reimbursed fully and that no cost be borne by cities.

The last time the state of Minnesota held a presidential primary was in 1992 and turn-out was very low. There is concern that this

could happen in 2020 and would therefore be an inefficient use of resources, particularly staffing thousands of precincts throughout the state. Conducting the election by mail could conserve resources and potentially increase voter participation.

Response: **The League of Minnesota Cities supports:**

a) **Ensuring that local units of government are fully reimbursed for all anticipated and unanticipated costs of conducting the presidential nomination primary; and**
b) **Allowing the presidential nomination primary to be conducted via mail balloting.**

SD-**80. Health Care Facility Voting**

Issue: Minn. Stat. § 203B.11 outlines the process for individuals living in health care facilities to vote. Local election officials send teams of election judges to facilities such as nursing homes and hospitals during the 20 days before the election. They distribute ballots to eligible residents of the facility and provide assistance as needed. Allowing more time for this process would increase resident ability to register to vote or apply for an absentee ballot and ensure their ballot is submitted.

There have been instances when facility staff have refused entry to city elections officials to provide health care facility outreach voting. It is essential that city staff are able to provide this service to ensure that every eligible resident is able to vote should they choose to.

It is not uncommon for residents of health care facilities to move to different rooms or units within a building. If their voter registration is tied to a specific unit within the building, they must re-register to vote after moving or their ballot may be rejected. This is unnecessary given the resident still lives in the same facility.

The process for health care facility voting is required in precincts that conduct elections by mail. This is confusing for residents and facility staff. This requirement should be eliminated in mail-only precincts though elections administrators should work to ensure that any new resident of a facility is able to register and receive a ballot.

Response: **It is critical that those living in health care facilities are able to vote securely and with minimal complication. To do so, the League of Minnesota Cities supports amending state law to increase flexibility for cities and health care facilities partnering in administering elections. This includes:**

a) **Extending the time period that residents of health care facilities are able to vote to 46 days before an election which is current state law for voting absentee;**
b) **Requiring entry into facility for city elections officials to ensure residents are able to vote;**
c) **Eliminating the need to include a specific room or unit number on voter registration or absentee ballot applications of those living in health care facilities; and**
d) **Exempting mail-only precincts from also conducting health care facility voting while ensuring that new residents are able to register and receive a ballot.**

SD-**81. Voters Experiencing Homelessness**

Issue: Minnesotans experiencing homelessness are able to register to vote

using the location of where they usually sleep as defined in Minn. Stat. § 200.031. This could be an intersection or shelter address. Because the voter does not have a permanent mailing address, the registration is often challenged which then requires a voter to re-register each election. This process also requires a registered voter in the precinct to vouch for that person which can be difficult to find when experiencing homelessness.

For those experiencing homelessness, leaving their space and any belongings can potentially mean losing them. This becomes a significant barrier to registering to vote and participating in elections.

Response: **The League of Minnesota Cities supports the following to improve the process for voters experiencing homelessness to safely and securely vote.**

a) **Allow an eligible voter to designate an address where their official election mail may be sent and have that serve as the address for assigning a precinct and polling location.**
b) **Allow cities to do outreach in areas with concentrated populations of those experiencing homelessness to register people to vote, assist with applications for absentee ballots, and issue and receive ballots in a process similar to Health Care Facility outreach.**

IMPROVING LOCAL ECONOMIES

LE-1. Growth Management and Annexation

Issue: Unplanned and uncontrolled growth has a negative environmental, fiscal, and governmental impact on cities, counties, and the state because it increases the cost of providing government services and results in the loss of natural resource areas and prime agricultural land.

Response: **The League of Minnesota Cities believes the existing framework for guiding growth and development primarily through local plans and controls adopted by local governments should form the basis of a statewide planning policy, and that the state should not adopt a mandatory comprehensive statewide planning process. Rather, the state should:**

a) **Provide additional financial and technical assistance to local governments for cooperative planning and growth management issues, particularly where new comprehensive plans have been mandated by the Legislature;**
b) **Keep comprehensive planning timelines on a ten-year cycle due to the financial and workload impacts these processes place on cities;**
c) **Clearly establish the public purposes served by existing statewide controls, such as shore land zoning and wetlands conservation; clarify, simplify, and streamline these controls; eliminate duplication in their administration; and fully defend and hold harmless any local government sued for a "taking" as a result of executing state land-use policies;**
d) **Give cities broader authority to extend their zoning, subdivision, and other land-use controls outside the city's boundaries, regardless of the existence of county or township controls, to ensure conformance with city facilities and services;**
e) **Clearly define and differentiate between urban and rural development and restrict urban growth without municipal services or annexation agreements outside city boundaries. This should contain a requirement that counties and joint power districts that provide sewer, water, and other services, which have been traditionally provided by cities, include as a condition of providing service the annexation of properties that are the recipients of such services in cases where annexation is requested by a city that could feasibly be providing those services;**
f) **Facilitate the annexation of urban land to cities by amending state statutes that regulate annexation to make it easier for cities to annex developed or developing land within unincorporated areas;**
g) **Oppose legislation that would reinstate the election requirement in contested annexations;**
h) **Support legislation to prohibit detachment of parcels from cities unless approval of the detachment has been granted by both the affected city and township and the affected county has been notified prior to the city and township acting on the request;**
i) **Oppose legislation that allows orderly annexation agreements to be adopted that prohibit annexation by other cities of property not being annexed under the agreement;**

j) **Encourage ideas consistent with the long-term goal of allowing urban development only in areas currently or about to become urban or suburban in character; and**
k) **Establish stricter criteria on the amount cities can pay to townships as part of an orderly annexation agreement so that payments to townships are limited to reimbursement for lost property tax base for no more than a fixed number of years, documented stranded assessments, and other items for which there is a clear nexus.**

LE-2. Wildlife Management Areas

Issue: The Department of Natural Resources has been pressing for legislative requirements creating development restrictions on property adjacent to land purchased by the state for hunting and other conservation purposes. This issue has been increasingly controversial as urban growth extends into areas previously considered rural and residential property owners are finding themselves adjacent to public hunting land. With large amounts of new revenue going into state land purchase for game and fish habitat and public access purposes because of the passage of the constitutional amendment, these problems could occur even more frequently.

The solution being proposed will put local governments in the position of enforcing state land use restrictions and would require extensive changes to local plans, controls and ordinances. It would also create large numbers of nonconformities on properties within city limits and would make state wildlife management areas far less desirable due to impacts on future city development.

In rural areas, where this is less of a concern, counties and townships have the authority to object to the state purchasing land for the outdoor recreation system for these very reasons. Cities do not have that statutory right. Due to recent statutory changes (Minn. Stat. § 97A.137, subd. 4) removing city authority to adopt ordinances related to firearm discharge, hunting and trapping activity in wildlife management areas within their borders, these purchases should not occur without city consent and input.

Response: **The League of Minnesota Cities opposes the state imposing retroactive development restrictions around existing wildlife management areas.**

When purchasing state wildlife management areas and other conservation and outdoor recreation system land, the state should either purchase sufficient land to provide an internal buffer from surrounding development or purchase development rights to land adjacent to the property if such a buffer is deemed essential to preserving the intended uses for the property. This should be required for new land purchases and done where feasible for existing wildlife management areas.

Furthermore, Minn. Stat. § 84.944 and § 97A.145 should be amended to include cities in the local government notification and approval process the state must follow before purchasing public land.

LE-3. Official State Mapping Responsibility

Issue: For many years, the Minnesota Department of Transportation (MnDOT) has provided the mapping services to keep survey-level accuracy in place for the state's official maps and records. That information changes when roads are made or improved,

and needs regular adjustment when municipal boundary adjustments are made. The information is then used at all levels of government to accurately determine property boundaries for transportation aid, utility service boundaries, state and local funding formulas, election issues, and a number of other uses.

No state agency, however, has ever been statutorily provided with mapping responsibility and MnDOT is not funded for providing that level of detail in its mapping. Because MnDOT, as an agency, requires less specificity in its maps, a change has slowly been integrated to mostly restrict MnDOT mapping to what changes occur in road ownership and responsibility, leaving many mapping needs unmet for other users of boundary data.

Response: **The League of Minnesota Cities supports legislation making a named state entity the official provider of survey-level mapping for the state, including maps for municipal boundary adjustments. The Legislature must provide the necessary appropriations to the entity for providing that service.**

LE-4. Electric Service Extension

Issue: Minnesota law preserves the right of municipal electric utilities to grow with the cities they serve. Municipal electric utilities may grow either through application to the Minnesota Public Utilities Commission (MPUC) or through condemnation proceedings. Eliminating authority of municipal electric utilities to extend services, or making extension of municipal electric service to annexed property unreasonably costly, would interfere with community development and make it unfeasible for municipal electric utilities to serve properties located within rural electric cooperative (REC) or other electric service provider service territory in annexed areas, even if the REC or other electric utility had not served them prior to annexation.

Response: **The League of Minnesota Cities opposes any attempt to remove or alter the eminent domain option available to municipal electric utilities in state law, or to make it financially unfeasible for municipal utilities to compensate rural electric cooperatives or other electric utilities for serving future customers who reside in annexed areas where that electric utility has not provided service.**

LE-5. Statutory Approval Timelines

Issue: Cities since 1995 have been required to act on written requests relating to zoning, septic systems, the expansion of Metropolitan Urban Service Areas (MUSA), and other land-use applications in accordance with a statutory time period generally referred to as the 60-day rule. Pursuant to Minn. Stat. § 15.99, state and local government agencies must approve or deny a permit within a statutory timeframe. Failure by the agency to issue a specific denial of the application is deemed an approval.

Minn. Stat. § 15.99 does not directly address whether an appeal of a decision triggers an extension or is part of an original zoning request that must be handled within the 60- or 120-day time period. In a 2004 Minnesota Court of Appeals decision, the court found that a zoning application is not approved or denied for the purposes of Minn. Stat. § 15.99 until the city has resolved all appeals challenging the application. *Moreno v. City of Minneapolis*, 676 N.W.2d 1 (Minn. Ct. App. 2004). According to the court, an appeal is not a request for a permit, license or other governmental approval; therefore, it does not trigger a new 60-day time period.

Under this interpretation, a decision rendered by a zoning board or planning commission is not the final approval or denial of an application if the city allows an appeal to the city council.

This court decision is problematic for a couple of reasons. Forcing cities to further condense the process for considering planning and zoning applications will make it more difficult to gather public input and leave less time for thoughtful deliberation by zoning boards and planning commissions. It may also provide an incentive for cities to extend the original 60-day period in every instance in order to build-in adequate time to consider possible appeals.

The Minnesota Supreme Court recently issued another 60-day rule decision that held that an application to the Minneapolis Heritage Preservation Commission for a certificate of appropriateness was a "written request related to zoning," and therefore was subject to the automatic approval provision of the 60-day rule. *500, LLC v. City of Minneapolis*, 837 N.W. 2d 287 (Minn. 2013). This opinion creates ambiguity and uncertainty about what permit applications are subject to the law.

Additionally, the statute does not allow for exceptions to the timelines in event of extenuating local circumstances. If a state of emergency limits the ability of city staff to complete the work, it should not result in a de facto approval of applications. Clarification is needed about how these instances are fairly handled to ensure a fair public process can occur for all interested and involved parties.

While the Legislature has clarified some aspects of this law, additional modifications are necessary to assist cities in providing accurate and timely responses to applicants and to allow adequate time for public input. Furthermore, as city staff and financial resources are increasingly limited, flexibility in the length of approval timeline requirements may be needed at the local level.

Response: **The Legislature should repeal or amend Minn. Stat. § 15.99. If repeal is unlikely, amendments should:**

a) Increase the initial time limit to 90 days or have the language in Minn. Stat. § 15.99 apply as the default requirement only in cases where permitting bodies have not established an independent approval timeline;
b) Clarify that approval does not abrogate the need for approvals under other applicable federal, state or local requirements;
c) Provide appeal rights to adjacent property owners;
d) Clarify that, if requests are to be decided by a board, commission or other agent of a governmental agency, and the decision of the board, commission or other agent is adopted subject to appeal to the governing body of the agency, then the agency may extend the 60-day time limit to resolve the appeal; and
e) More clearly define that the phrase "related to zoning" refers to a traditional land use decision such as rezoning, conditional use permits, and variances.
f) To address states of emergency, add the following new language to the statute: (h) The time limits in subdivision 2 and 3 are paused if the governor declares a state of emergency under section 12.31. In cases described in these paragraphs, the deadlines in the areas included in the emergency declaration remain paused until ten days after the expiration of the state of emergency,

applied to any written application awaiting action that was submitted prior to or during the state of emergency.

LE-6. Maintenance of Retaining Walls Adjacent to Public Rights of Way

Issue: The Minnesota Constitution grants cities the power to "levy and collect assessments for local improvements upon property benefited hereby." Retaining walls are one of the many improvements that a city is authorized to make on behalf of its citizens, and Minnesota's special assessment law, Minn. Stat. ch. 429, authorizes cities to charge special assessments on properties that are benefitted by an improvement.

The Minnesota Court of Appeals held that the city of Minneapolis had a nondelegable duty of lateral support to a property owner with a retaining wall abutting a city sidewalk. *Howell v. City of Minneapolis*, 2013 WL 1707759 (April 22, 2013). A subsequent jury found that the city created the need for lateral support when it built the street and sidewalk adjacent to the property, making the city responsible for the maintenance the retaining wall, despite the fact that the property is clearly benefitted by the retaining wall.

The special assessment statute anticipates the need for cities to create retaining walls when making public improvements, and this holding could create significant costs for cities forced to repair and maintain retaining walls that benefit a single property. A choice by a developer or previous property owner to build a retaining wall to improve the value or usefulness of property may appear to be necessary today, but determining who first created the need for lateral support in the past can involve costly and time-consuming historical research that may not reveal a clear answer.

Response: **The Legislature should amend the special assessment statute so that retaining walls needed to facilitate public improvements are treated the same as other local improvements. In cases where retaining walls located along public rights of way or within drainage and utility easements separate public improvements from adjacent properties, the Legislature should establish a rebuttable presumption that the need for lateral support was created by the property owner.**

LE-7. Development Disputes

Issue: State law is clear that fees collected under Minn. Stat. ch. 462 are eligible for judicial review in the event of dispute. The Legislature limited the timeframe during which an aggrieved party may challenge planning and zoning fees to 60 days after approval of an application. However, the law is not clear about what notice requirements to the municipality are necessary, relative to the timing for a person aggrieved by an ordinance or decision under the municipal planning act to seek review.

Response: **The Legislature should amend Minn. Stat. § 462.361 to establish a 60-day time limitation in which an aggrieved person may bring an action against the municipality.**

LE-8. Foreclosure and Neighborhood Stabilization

Issue: Cities dedicate scarce resources to address public safety and maintenance challenges associated with foreclosed, vacant, and under-maintained homes. Left unaddressed, these properties destabilize neighborhoods, depress neighborhood property values, and potentially increase the

costs of municipal services. Cities' revenue also continue to decline due to delinquent utility payments and property tax payments, as well as added costs for nuisance abatements. Although the number of those mortgage foreclosures has stabilized somewhat since the peak of the recession in 2008, issues surrounding community recovery are still ongoing.

State and local governments can play an important role in spurring reinvestment in struggling neighborhoods, but without additional resources to address the variety and costly impacts of foreclosures and vacant properties, cities cannot maintain or increase those activities to meet local needs. The federal government has provided funds for neighborhood stabilization, but such funds are limited in eligible uses and scope, and they are only available to a limited number of cities.

Contracts for deed have been used to successfully buy and sell thousands of homes around Minnesota. However, some property owners use contracts for deed as an alternative to a traditional lease, even though the purchaser has no intention of buying the home. Some communities have encountered a situation where a property owner is buying many homes in a community, then selling them on contract for deed. This can allow a person to essentially act as a landlord while evading a city's rental inspection and rental licensing process, while the buyers lose the traditional legal rights and protections as tenants. Many view it as a way to rent the property and may not be aware of it being a contract for deed.

Numerous problems arise for cities and neighborhoods when property owners are acting essentially as renters. It is difficult to determine who is responsible for maintaining the property or for paying utility bills and property taxes, and cities may not be able to inspect substandard properties if they are not subject to a lease agreement. In some situations, property owners may wish to have a renter be the responsible party for utility bills and utilize contract for deed arrangements to have the person living on the property be the responsible party. The property may also not be recorded at the county for homesteading purposes if the buyer is not aware of the formal change in ownership that results from a contract for deed.

In recent years, private equity companies have begun purchasing large numbers of single-family homes to convert to residential rental uses. The impacts of large a number of acquisitions by private equity companies on cities, housing stock, and the rental and home ownership market are not yet fully understood by local, state, and federal units of government. Possible issues that may need further exploration include proposed disposition strategies for such a large number of properties and how that may affect the local housing market.

Response: **The Legislature should:**

a) **Secure increased state and federal resources and provide financing tools to help cover city costs associated with foreclosed and /or vacant properties, community revitalization strategies, and community investment, including revenue sources for programs that support foreclosure mitigation, homeownership counseling, and expanded homeownership opportunities and are sustainable.**
b) **Allow cities to take actions necessary to protect foreclosed and/or vacant homes from damage and to help preserve property values in neighborhoods where concentrations of such conditions are present,**

including an expedited process to address nuisance properties.

c) **Reexamine the Contract for Deed statutes to determine whether additional protections are necessary to prevent property owners from evading responsibilities of a landlord, and provide local jurisdictions resources to allow for education of future buyers and sellers in contract for deed arrangements.**
d) **Support local authority for cities to collect all delinquent taxes, utility bills, liens, and assessments on foreclosed, vacant, boarded and/or tax forfeited properties.**
e) **Improve notification to cities, and consistency in the information available to cities, when a property is in the foreclosure process and vacated.**
f) **Support coordinated responses to prevent foreclosures, activate and guide private investment and home purchases, and support distressed neighborhoods.**
g) **Study and monitor the impacts on the housing market of single-family home acquisition by private equity companies.**
h) **Re-enact a program similar to "This Old House" to allow owners of qualifying single-family homes or multi-unit rental properties to defer the increase in tax capacity from repairs or improvements to their homestead property as an incentive for cities to maintain housing stock, including, but not limited to re-occupying and homesteading foreclosed and vacant homes. In order to provide potential opportunities in more communities, the program's age limit qualifications for a homestead property should be updated to include properties that are at least 30 years old.**
i) **Support programs that provide resources to cities for rehabilitation or new construction of single-family homes, such as the Community Impact Fund and the Community Fix Up Program currently administered through MN Housing Finance Agency (MHFA).**

LE-9. Housing Policy

Issue: Cities recognize that stable housing is essential to the health, safety, and welfare of residents. Since the Fair Housing Act of 1968, and more recently with the recognition that certain barriers to housing disparately impact certain members of our communities, local government has been obligated to promote and reduce barriers to fair housing and equal opportunity. For example, households with housing choice vouchers face many barriers to securing housing in the private rental market, especially when rental vacancy rates are low. Currently rental vacancy rates are at a historic low in much of the state. As a result, many families and individuals may be unable to use their housing choice vouchers and thus unable to secure safe, decent and affordable housing. Additionally, many renters and homeowners face challenges from housing displacement due to rising costs, uninhabitable housing, and eviction that exacerbates housing instability and homelessness.

Despite progress since the Fair Housing Act of 1968, households of color nevertheless experience a gap in homeownership rates compared with white households and face barriers to housing due to a history of housing policies and lending practices that disproportionately benefit white households (i.e., application of GI bill largely only to white soldiers returning from war, redlining, and restrictive covenants). According to the U.S. Census Bureau and American

Community Survey data, the homeownership rate non-Hispanic White Americans has held consistently above 71%. However, the homeownership rate for Black Americans remains the lowest of all racial groups nationally at 41.8 percent. Comparatively for Hispanic Americans, the homeownership rate is around 47% and for Asian Americans, it has hovered around 53%. According to the Minnesota Housing Finance Agency analysis of the 2018 U.S. Census Bureau's American Community Survey, Minnesota has one of the highest homeownership rates in the nation, but the state has the fourth largest disparity in homeownership rates between white/non-Hispanic households and households of color.

According to the 2018 U.S. Census Bureau's American Community Survey, households of color are also more likely to experience cost burden (paying more than 30% of their income on housing). In Minnesota, 40% of households of color experience cost burden as compared to 23% of white households. Project based and voucher based rental assistance that enable renters to pay no more than 30% of their income on housing are critical to reducing cost burden disparities. Nationally, according to data analysis provided by the Urban Institute, only 1 in 5 households who qualify for a Section 8 voucher receive this critical form of rental assistance. State rental assistance programs are underfunded and are only intended to serve as last resort efforts to prevent homelessness. As a result, low-income families often make tradeoffs to reduce housing costs. Families may choose or only be able to afford living in poor-quality, substandard housing or a long distance from work opportunities to reduce housing costs. The imbalance between the demand for affordable housing and the supply of low-cost rentals contributes to increasing housing costs. At the same time, wages have remained stagnant and not kept up with increased housing costs resulting in more and more families experiencing housing cost burden. Rent-burdened households have higher eviction rates, increased financial fragility, and wider use of social safety net programs, compared with other renters and homeowners. The rates and severity of rent burden, especially for households of color, have increased housing instability and resulted in fewer households transitioning from renters to homeowners.

Response: **The Legislature should:**

a) **Support resources and programs that seek to assist communities in their efforts to reduce barriers to housing and promote fair housing and equal opportunity and oppose any efforts by the federal government to roll back fair housing policies intended to protect people from housing discrimination.**
b) **Support housing stability for renters through policies that mitigate the impact of or reduce evictions filed.**
c) **Reduce racial disparities in homeownership in Minnesota and support policies and encourage innovative solutions that address structural barriers for people of color when it comes to accessing housing including policies that encourage fair lending and provide homebuyer education and funding for down payment assistance to low income households.**
d) **Support programs that reduce cost burden among renters and support policies that address barriers for people of color when accessing safe, healthy and decent affordable rental housing.**

LE-10. Resources for Affordable Housing

Issue: Cities, along with local housing officials, are concerned about the need for proactive commitment at the state level to aid cities to meet demand for affordable housing that is sensitive to local conditions, emerging trends, and changing demographics. This includes meeting the needs of lowest-income households as well as an aging population and ensuring a wide range of lifecycle housing options that allow seniors of all incomes to stay in their community, addressing racial disparity gaps in housing, and responding to emerging trends, such as the need to preserve federally subsidized housing and naturally occurring (unsubsidized) affordable housing. The League also recognizes that federal, state and local governments all have a role to play in meeting affordable housing needs, overcoming barriers to housing stability such as high market prices, eviction, and foreclosure, and responding to problems caused by vacant homes and the increase in rental properties that are the result of foreclosure.

A comprehensive report issued in 2018 by the then Governor's Task Force on Housing delineated 30 specific recommendations to help achieve six goals, including: commit to homes as a priority; preserve the homes we have; build more homes; increase home stability; link homes and services; and support and strengthen homeownership. The Task Force's recommendations were based upon input from various statewide stakeholders, local governments and residents and renters impacted by the lack of affordable housing in this State. These recommendations provide an important list of housing goals that should continue to be considered as cities work towards addressing affordable housing issues in their communities.

Response: **The Legislature should:**

a) Support the affordable housing priorities of the Minnesota Housing Finance Agency (MHFA), which include making resources and methods available to maintain and improve existing affordable homes, including publicly subsidized deeply affordable, and housing stock that is aging such as naturally occurring (unsubsidized) affordable housing.

b) Provide stable and long term funding, including but not limited to dedicated funding sources, for Minnesota Housing and other affordable housing programs, including those that encourage innovation and recognize regional markets, provides flexibility for cities to create partnerships and leverage resources with private and public entities, such as: capital investment funding for affordable and public housing, funding for supportive services and programs that address homelessness and reduce barriers to stable housing and homeownership, a tax credit contribution fund or a state low-income housing tax credit to help rebuild the state's partnership with local governments in the development of homeownership, and multi-family rental assistance and housing renovation programs.

c) Consider establishing a program to address immediate needs throughout the year to provide a match for new or existing city-supported affordable housing projects. This could include matching funds, issued on a timeline that is consistent with local budgeting processes, for local revenues allocated to a local affordable housing trust fund.

d) **Substantially increase long-term funding for the Economic Development & Challenge Fund to leverage local private and public resources to develop workforce rental and single-family homes.**
e) **Support legislation to provide sales, use, and transaction tax exemptions or reductions for development and production of affordable housing and use state bond proceeds for land banking and trusts as well as rehabilitation and construction of affordable housing.**
f) **Provide funding and financing tools to cities to create affordable senior housing for our aging population.**
g) **Provide funding and financing tools to cities to create affordable housing and prevent foreclosure for veterans.**
h) **Support for funding to reduce the racial gap in homeownership rates, such as targeted homeownership capacity building and homebuyer assistance.**
i) **Support additional funding for the housing choice voucher programs or other rental assistance programs and financial, tax, and/or other incentives for rental property owners to participate in these programs.**
j) **Support the current 4d Low-Income Rental Classification under Minn. Stat. § 273.128 that provides a class rate reduction in property taxes to qualifying low-income rental properties. Pass legislation that requires a full analysis of the program to study the impact of expanding or modifying the current program to understand the financial impact to residents, who will bear the responsibility of the redistributed taxes. Oppose any changes to the 4d Low-Income Rental Classification program that substantially increases the tax responsibility for residents and businesses or increases the tax benefit for landlords without including increased benefits for renters of 4d units including but not limited to deeper affordability or property reinvestment. Support the implementation of a reporting process for landlords and consider a sunset period for any changes made to the program to evaluate the range of impacts that expanding the program may have.**
k) **Support funding for infrastructure grants available to cities to assist with the cost of providing critical infrastructure and ensure that residential sites are shovel ready for development.**

LE-11. Greater Minnesota Housing

Issue: Cities in greater Minnesota share many of the same housing needs as metro communities. However, not unlike differing real estate markets within a city, greater Minnesota communities often have vastly different market conditions for housing that can necessitate priorities that vary from metropolitan areas. Greater Minnesota cities face unique challenges that affect the affordability, quality, and availability of housing. While local communities in greater Minnesota are focusing on local efforts to attract development and encourage growth, assistance is often needed from state and federal resources to construct and rehabilitate greater Minnesota housing stock and that assistance should better accommodate the varying realities of a diverse state and housing markets.

Like many metropolitan cities, greater Minnesota city housing studies often cite challenges at many levels of the economic spectrum that impact local economies and population growth. However, incomes

within exclusively rural and rural/town mix counties are well below average incomes in exclusively urban counties. The US Bureau of Economic Analysis demonstrates over a 62% earnings gap between entirely rural and entirely urban counties. With low wages impacting the availability at all levels of housing.

However, one of the most vexing difference in the housing continuum is the lack of production of market rate housing in rural communities. The lack of market rate production has led to aging housing stock in greater Minnesota cities that hinders economic growth. At least 25% of the housing stock in 34 of greater Minnesota's 80 counties was built before 1940 and only four counties in greater Minnesota have 5% or more of their housing stock constructed in 2010 or later. The aging owner-occupied and rental housing stock have low assessed values far below any reasonable cost of new construction and thereby translates to an environment where lenders and developers often shy away from new market rate developments because of these valuations or low prevailing rents.

The circumstances also mean that the few affordable housing projects that do make their way to greater Minnesota are often notably of higher quality than the average market rate housing stock if they were lucky enough to produce any. Many of these affordable units rent for 20-37% higher than what individuals would otherwise be able to afford in many greater Minnesota cities if they were buying a median valued home of significant age. Though numbers certainly differ, modest market rate units that have been attempted or in some instances advanced in our communities have a per unit cost of $140-$150,000 while a tax credit project with their added soft cost can often reach costs of $225,000 per unit or more. Project costs for workforce housing can also become prohibitive for many developers in greater Minnesota due to prevailing wage requirements. While greater Minnesota cities are looking to gain every advantage and stretch limited local resources for housing, more state assistance should be focused to allow rural communities to minimize the financial gap of market rate production.

Response: **The Legislature should:**

a) **Appropriate funding to state assistance programs serving greater Minnesota to account for the state imposed prevailing wage requirements.**
b) **Require a comprehensive analysis of the state's housing assistance programs to better determine the specific needs of greater Minnesota communities and adjust programs accordingly.**
c) **Change Tax Increment Financing rules to address specific housing challenges in greater Minnesota, including but not limited to, extending the timeframe for pooling redevelopment TIF projects from 5 to 10 years to allow more flexibility for rural communities to amass properties and finance projects while removing blight and allowing TIF to be used for workforce or market rate housing production in areas of low market rate production to provide parity at a 25-year duration.**
d) **Appropriate more state resources and establish grant and forgivable loan programs that support market rate and senior housing development proposals in greater Minnesota communities where production is extremely low.**
e) **Work to address the disconnect between communities that follow the Statewide Building Code and those**

areas that do not to ensure a level playing field while encouraging prudent health and safety measures. Furthermore, the building code should not be used to further disadvantage cities for the investments they have made in infrastructure to comply with regulatory and smart growth principles.

LE- 12. Energy Efficiency Improvement Requirements for Housing

Issue: Rising energy costs have brought attention to the poor energy efficiency of many private residences and multi-family properties, especially in older housing stock. The affordability of housing could be severely impacted by continued increases in home energy costs. Improvements in the energy efficiency of housing would improve the affordability of local housing options and would help achieve state energy demand and greenhouse gas emission reduction goals. The challenge is how best to achieve that result.

Legislative discussions have suggested that minimum energy efficiency improvements could be added as point of sale requirements, including energy use disclosure and basic renovations such as improved attic insulation levels, window caulking and other air sealing, or improved light fixtures.

While the goals of such a program are laudable, there are a number of concerns for how this would actually be accomplished in individual cities. Most cities do not, for example, have point of sale inspections. There will also be cases where the building could be structurally unable to meet high attic insulation requirements, such as with manufactured housing or with older houses with very little attic space. There are also concerns that the cost of meeting these energy requirements could result in homeowners being reluctant to sell their houses because of the expense of the improvements that would be required to meet new standards or property owners passing on the cost of upgrades to tenants.

Increased exposure to educational information, such as increased access to energy audits and more familiarity with and access to programs that finance energy efficiency projects could increase adoption of energy efficiency improvements. Electric utilities provide successful, cost-effective energy efficiency programs, have a customer relationship with homeowners, a regulatory requirement to meet energy demand reduction goals through conservation spending, and access to technical expertise that can take into account variations in building age and construction. Cities could, however, play a strong role in increasing public exposure to approved educational materials and providing incentives through the use of other local financing support options for property owners, such as grants, loans, a Property Assessed Clean Energy (P.A.C.E.) program, and other financing tools.

Response: **The League of Minnesota Cities agrees that there is a need to improve the energy efficiency of residential building stock to reduce energy consumption and improve the affordability and livability of housing. The state should focus its efforts on improving educational programs and on improving the use of the existing statewide Conservation Improvement Program (CIP) and similar programs, and provide property owners with technical and financial support for weatherization and energy efficiency improvements. Further, the state should**

work to make residential Property Assessed Clean Energy (P.A.C.E.) programs viable for local governments.

Cities should use their communication tools, such as newsletters, web sites, and staff communications to promote these efforts and to help link property owners to educational materials and program resources. Additionally, cities could be incentivized to adopt strategies to disclose energy usage data for building owners to identify options for cost-efficient energy improvements.

LE-13. In-Home Day Care Facilities

Issue: There are restrictions on the ability of a city to regulate licensed day care facilities. Minn. Stat. § 462.357, subd. 7, states that certain licensed residential facilities and day care facilities must be considered a permitted single-family use for zoning purposes. The restriction is designed to protect "in-home" daycare facilities, but the law applies even if the facility is not the primary residence of the day care provider. This creates a loophole for providers to use a single-family home as a commercial daycare facility, which might not otherwise be allowable under a city zoning ordinance.

Response: **The Legislature should amend Minn. Stat. § 462.357, subd. 7, to clarify that a licensed day care facility serving 12 or fewer persons is considered a permitted single-family use only if the license holder owns or rents and resides in the home.**

LE-14. Residential Programs

Issue: Minnesota's deinstitutionalization policy seeks to ensure that all people can live in housing that maximizes community integration. Minn. Stat. § 462.357, subd. 6a. states that "persons with disabilities should not be excluded by municipal zoning ordinance or other land use regulations from the benefits of normal residential surroundings." Minnesota cities support inclusion of people with and without disabilities in their communities, but these policies are best implemented with minimal encroachments on municipal zoning authority and positive working relationships between cities, care providers, and the state.

On one hand, treating persons with disabilities differently generally raises questionable issues of disparate treatment with the Federal Fair Housing Act. On the other hand, without some regulation, cities are powerless to protect individuals with disabilities from a clustering of residential programs within one neighborhood. As the Department of Justice has stated, while density regulations are generally suspect, "if a neighborhood came to be composed largely of group homes, that could adversely affect individuals with disabilities and would be inconsistent with the objective of integrating persons with disabilities into the community." (*Joint Statement of the Department of Justice and the Department of Housing and Urban Development*.)

To this end, and in upholding a state and local dispersal requirement, the Eighth Circuit Court of Appeals stated that the requirement was designed to ensure that people with disabilities "needing residential treatment will not be forced into enclaves of treatment facilities that would replicate and thus perpetuate the isolation resulting from institutionalization." *Familystyle of St. Paul, Inc. v. St. Paul*, 923 F.2d 91, 95 (8th Cir. 1991).

City authority to regulate the locations of residential programs is limited by state statute and the federal Fair Housing Act (FHA), although Minn. Stat. § 245A.11, subd. 4, prohibits the Commissioner of

Human Services from granting an initial license to a residential program of six or fewer people within 1,320 feet of an existing residential program in cities of the first class.

In 2015, Minn. Stat. § 245A.11, subd. 4, was amended to clarify that the Commissioner of Human Services is required to approve licenses for "community residential settings" within 1,320 feet of existing residential programs. A "community residential setting" is commonly known as adult foster care. While this was the original intent of the legislature, statutory terms changed over the years; this amendment was to make various statutory references consistent.

Sufficient funding and oversight are needed to ensure that residents living in residential programs have appropriate care and supervision, and that neighborhoods and residents of residential programs are not negatively impacted by high concentrations of these types of programs. As it stands now, there is nothing preventing clustering of residential programs in most cities in the state. Cities want to be part of the solution, and more than anything cities desire to be, and should be, partners in serving the policies of deinstitutionalization. Cities have an interest in, and are in the best position, to preserve a balance in residential neighborhoods between residential programs and all other uses. Because Minnesota cities are committed to inclusion of all individuals, it is in the best interest of the state, care providers, and those individuals served, that all parties include cities as partners before opening a residential program to best plan for community integration.

Response: **Cities should maintain the statutory authority to require agencies, as well as licensed and registered providers that operate residential programs, to notify the city before properties are operated. Cities should be provided with the necessary contact information after a residential program is licensed or registered. Providers applying to operate residential programs should be required to contact the city to be informed of applicable local regulations. Finally, licensing or registering authorities must be responsible for removing any residents incapable of living in such an environment, particularly if they become a danger to themselves or others.**

LE-15. Inclusionary Housing

Issue: Provisions in current state statute (Minn. Stat. § 462.358, subd. 11) allowing cities to enter into development agreements for the inclusion of a portion of the units in the development to be affordable for low- or moderate-income families have been a source of conflict between cities and housing developers.

Cities are concerned builders that view this statute as a restriction on local authority to adopt policies that promote availability of housing affordable to those who are unable to purchase or rent housing at price points that the market alone provides.

Response: **The Legislature should:**

a) **Strengthen and clarify cities' authority to carry out policies that offer developers a range of incentives in return for including a designated number of affordable units in their projects.**

b) **Identify strategies to ensure long-term affordability of rental and owner-occupied housing produced as a result of such policies and practices.**
c) **Focus state housing policy to support for local assessment of housing needs and direct additional state resources**

and the full exercise of local authority to increase development of affordable rental units and access to entry-level, owner-occupied housing.

d) **Support voluntary measures to encourage cities to adopt and carry out land-use plans, activities, and subdivision regulations aimed at providing for construction and marketing of housing where a portion of all new units are affordable to lower-income households.**

LE-16. Community Land Trusts

Issue: The increasing price of land available for housing development, particularly for retaining affordability of housing for lower-income households, is a concern throughout the state. Creating more permanently affordable, owner-occupied housing depends heavily on maximizing the cost-effectiveness of taxpayer investments. The Legislature has previously appropriated funding and granted the Minnesota Housing Finance Agency authority to assist cities with funding community land trusts (CLTs) for affordable housing.

Response: **The Legislature should support continuation of the land trust capacity-building program and provide capital start-up funds so community land trusts can continue to offer gap financing, interest rate write-downs, predevelopment financing, and financial underwriting. The Legislature should also support efforts by the Minnesota Community Land Trust Coalition to develop property tax valuation to lower property taxes for sales-price-restricted properties enrolled in CLT programs.**

LE-17. Telecommunications and Information Technology

Issue: Telecommunications and information technology is essential public infrastructure for the efficient, equitable, and affordable delivery of local government services to residents and businesses. Telecommunications includes voice, video, data, and services delivered over cable, telephone, fiber-optic, wireless, and all other platforms.

Response: **The League of Minnesota Cities supports a balanced approach to telecommunications policy that allows new technologies to flourish while preserving local regulatory authority. Regulations and oversight of telecommunications services are important prerogatives for local government to advance and balance community interests, including ensuring public safety, ensuring equitable access, maintaining high quality basic services that meet local needs, spurring economic development, and providing affordable rates to all consumers. Policies should strengthen and not diminish local authority to manage public rights-of-way including public and private infrastructure, to zone, to collect reimbursement of costs and reasonable compensation for the use of public assets, or to work cooperatively with the private sector. The League opposes the adoption of state and federal policies that restrict cities' ability to finance, construct, and operate telecommunications networks.**

LE-18. Broadband

Issue: High-speed Internet is essential infrastructure needed by cities to compete in a global economy. Yet many communities do not have access to broadband at

affordable prices. High fixed costs, low density, and short-term return-on-investment thresholds for private sector providers contribute to the lack of broadband across the state. Investing in universal broadband access has substantial local and regional economic benefits for communities of all sizes. Cities and other local units of government are facilitating the deployment of broadband services to increase connectivity, reliability, availability, and affordability for residents and businesses through a variety of models, including municipal broadband and public-private partnerships. However, attempts have been made to restrict cities from providing telecommunications services, particularly in unserved or underserved areas. Recent court cases have overturned interpretation by the Federal Communications Commission (FCC) that states may not limit the extension of municipal broadband services from one city to another.

Due to the high costs of broadband infrastructure, the state has expanded its role to identify and formulate tools to expand broadband access. The Office of Broadband Development within the Department of Employment and Economic Development (DEED) created in 2013 formally established a partnership between the state and local communities to deploy high-speed Internet in unserved and underserved areas. The Office supports broadband expansion through broadband mapping and managing the state's broadband grant program. Additional state action occurred during the 2016 legislative session when the legislature reestablished state speed and adoption goals under Minn. Stat. § 237.012. In addition to the state's focus on extending broadband to unserved areas, Minnesota must also be on the cutting edge for next-generation broadband investments.

Response: **To promote economic development and achieve state broadband goals, the Legislature, Governor's office, and state agencies should:**

a) Identify and implement actions for the state to reach and maintain a position in the top five states for broadband speed that is universally accessible to residents and businesses;
b) Make significant investments to the Border-to-Border Broadband Grant Program and continue to encourage public/private sector collaboration including options that use technologies such as wireless that are scalable to meet statutory speed goals and are consistent with LE-19 to cost-effectively expand broadband service access;
c) Support measures to authorize and encourage cities and other local units of government to play a direct role in providing broadband infrastructure and/or services;
d) Remove barriers to the exercise of local authority to provide such services, including repeal of Minn. Stat. § 237.19, that requires a supermajority voter approval for the provision of local phone service by a local unit of government;
e) Offer incentives to private sector service providers to respond to local or regional needs and to collaborate with cities and other public entities to deploy broadband infrastructure capable of delivering sufficient bandwidth and capacity to meet immediate and future local needs;
f) Adopt policies which seek to position Minnesota as a state of choice for testing next-generation broadband technologies;
g) Affirm that cities have the authority to partner with private entities to finance

broadband infrastructure using city bonding authority;

h) Remove barriers, restrict anti-competitive practices, and prevent predatory action that prevent or impede cities, municipal utilities, schools, libraries, and other public sector entities from collaborating and deploying broadband infrastructure and services at the local and regional level;

i) Continuously update and verify comprehensive statewide street-level mapping of broadband services to identify underserved areas and connectivity issues. Discuss how well the FCC and state broadband maps document actual broadband coverage across Minnesota including wireless options. These maps are used by funders to determine grant program eligibility so that overstatement of available services is highly consequential and negatively impacts rural places; and

j) Recognize the crucial role of local government in the work of the Governor's Broadband Task Force and f Fund the Office of Broadband Development (OBD) through the base budget at levels sufficient for it to meet its statutory mandates.

k) Support the creation of an OBD operating fund to advance and promote programs and projects that improve broadband adoption, achieve significantly higher broadband speeds, and support efforts to improve digital inclusion by ensuring that robust and affordable internet connectivity is widely available all Minnesotans.

On the federal level, the League urges Congress to adopt laws restoring the ability of municipalities to extend beyond their borders to serve unserved and underserved areas.

LE-19. Competitive Cable Franchising Authority

Issue: Despite claims made by some in the cable industry, studies and evidence to date do not support that state franchising is the solution for competition, lower consumer rates, and improved customer service. Unlike the exercise of local franchising authority, state franchising models frequently make no provision for staffing at the state level or for effective resolution of consumer complaints.

Cable service provided by a cable communications system that uses infrastructure located in the public right-of-way to transmit video signals remains subject to local franchising authority. Maintaining local franchising most effectively creates and preserves agreements that guarantee broad access to services throughout the community, ensuring there is no digital divide for access to available additional services such as access to IP voice and high-speed Internet via infrastructure that also delivers video programming services.

Response: **State policy should maintain local cable franchise authority and oversight of the public rights-of-way, as well as ensure franchise agreements reflect new technology, and are reasonably tailored to the technical and operational differences among providers and communities. Independent studies clearly demonstrate that statewide franchising does not increase direct competition to incumbent cable franchisees.**

The Legislature, Federal Communications Commission (FCC), and

Congress should also continue to recognize, support and maintain the exercise of local franchising authority to encourage increased competition between incumbent cable system operators and new wireline competitive video service providers including:

a) **Maintaining provisions in Minn. Stat. ch. 238 that establish and uphold local franchising authority, including the authority to receive a franchise fee based on gross revenues irrespective of any in-kind contributions;**
b) **Refraining from adopting any FCC rule changes that would further restrict existing local authority to charge for and control access to public rights-of-way by all video and cable service providers;**
c) **Maintaining local authority to charge fees on providers to ensure the provision of public, educational, and governmental (PEG) programming, to require the provision of video channels and video streaming for PEG programming with video and audio quality/channel location equivalent to that of the local broadcast stations, and ensuring programming is accessible and searchable by all residents of the local authority through detailed Electronic Programming Guide listings that are equivalent to that of local broadcast stations;**
d) **Ensuring continued cost-effective local government access to capacity on institutional networks (I-Nets) provided by local cable system operators for public safety communications, libraries, schools, and other public institutions to use state-of-the-art network applications; and**
e) **Strengthening local authority to enforce customer service standards and transparency in pricing**.

LE-20. Public Right-of-Way Management

Issue: Cities hold local rights-of-way in trust for the public as an increasingly scarce and valuable asset. As demand increases for use of public rights-of-way (PROW), cities must coordinate the use of this resource among competing uses and to manage the use of the PROW for delivery of essential municipal utility services. Cities continue to experience increased demand for space in the PROW including the siting of underground wired and overhead wireless facilities and sites for wireless communications. Additionally, technology located in the public right-of-way will continue to support the increase of new modes of mobility and delivery methods including Connected Autonomous Vehicles (CAV) that may also operate in the public right-of-way. While local management responsibilities vary and are site specific, the increased demand for utilizing space in the public right-of way underscores the necessity for maintaining local authority.

Minnesota's Telecommunications Right-of-Way User Law was amended during the 2017 Session with legislation creating a separate permitting system for placement of small wireless facilities on city-owned structures in the public right-of-way. The change in law clarified that wireless providers are telecommunications right-of-way users and maintained cities' right-of-way management authority, but limitations were imposed on cities' compensation through rent and timelines for processing small wireless facilities permits.

Response: **Minn. Stat. §§ 237.162-.163 worked well for many years, but**

Minnesota was a part of a nationwide effort by wireless providers to pass laws providing them with easier access to public rights-of-way and city-owned infrastructure. While Minnesota's law maintains more local control than those passed in many other states, the League of Minnesota Cities opposes efforts to further restrict local government authority over the public right-of-way. Furthermore, the Federal Communications Commission is undergoing review of Telecommunications Act rules and policies related to local government regulatory authority. State and federal policymakers and regulators should:

a) **Uphold local authority to manage and protect public rights-of-way, including reasonable zoning and subdivision regulation, reasonable regulations of structures in the public right-of-way, and the exercise of local police powers;**
b) **Recognize that cities have a paramount role in developing, locating, siting, and enforcing utility construction and safety standards;**
c) **Support local authority to require reimbursement and compensation from service providers for managing use of public rights-of-way;**
d) **Maintain city authority to franchise gas, electric, open video systems and cable services, and expand city ability to collect compensation for other services utilizing the PROW including but not limited to telecommunications and broadband services, and all other wireline programming platforms and services to support maintenance and management of the traveled portion of the PROW and other public services of importance to communities;**
e) **Encourage a collaborative process with stakeholders, including cities, to determine any revised standards if needed;**
f) **Recognize that as rights-of-way become more crowded, the costs of disrupting critical infrastructure become evident and the exercise of local authority to manage competing demands and ensure public safety in the PROWs becomes increasingly important;**
g) **Ensure the removal of abandoned equipment and accompanying support structures by the service providers from the public right-of-way;**
h) **Maintain the courts as the primary forum for resolving disputes over the exercise of such authority; and**
i) **Maintain existing local authority to review and approve or deny plans for installation or relocation of additional wires or cables on in-place utility poles. In the alternative, cities should have broader authority to require the underground placement of new and/or existing services at the cost of the utility or telecommunications provider.**
j) **Support the collaboration with local units of government as the state explores efforts to expand infrastructure in the public right-of-way to provide for increased connectivity for Connected Autonomous Vehicles (CAV).**

LE-21. Wireless Infrastructure and Equipment Siting

Issue: Demand for wireless communication service has increased requests by private and public sector providers to site additional towers, antennas, small cells and other facilities in cities. It is anticipated that applications to install small cell wireless facilities and distributed antenna systems (DAS) will continue to grow as technology

evolves over time. Despite changes made to Minn. Stat. § 237.163 that created a special process for the siting of small wireless facilities, maintaining cities' local zoning authority and police power to manage and coordinate the siting of these facilities continue is necessary and appropriate.

Response: **Cities must continue to exercise full authority to consider public health, safety, and welfare concerns in responding to requests to site, upgrade or alter wireless facilities. The Legislature, Federal Communications Commission (FCC), and Congress should not place further restrictions on city authority to manage the siting of wireless facilities in the public right-of-way nor enact compensation restrictions that would result in local government subsidization of wireless providers. Furthermore, cities must have recourse to require removal by the provider of equipment deemed abandoned.**

LE-22. County Economic Development Authorities

Issue: The 2005 Legislature authorized all counties outside the metropolitan area to establish county economic development authorities (EDAs). Minn. Stat. § 469.1082 provides specificity on certain process and limitations issues, including the ability of cities to prohibit the county EDA from operating within the city as well as within an agreed-upon urban service area or within a distance approved during the formation of the county EDA. County EDA activity in areas surrounding cities will directly impact the adjacent city in terms of service provision and taxes.

Response: **The Legislature should require city approval for proposed county EDA activities within two miles of a city.**

LE-23. Local Appropriations to Economic Development Organizations

Issue: Cities and towns are allowed to appropriate up to $50,000 per year from general fund revenue to an incorporated development society or organization for "promoting, advertising, improving, or developing the economic and agricultural resources" of the city or town. The $50,000 cap has been in place since 1989 and places unnecessary restrictions on a city's ability to work with non-profit development corporations. Local governments should have the flexibility to work with outside organizations if local elected officials believe it is in the best interest of their communities to do so. Such appropriations are subject to the same budgetary oversight as other government expenditures, and local elected officials are ultimately responsible to the voters for how local tax dollars are spent.

Response: **The Legislature should amend Minn. Stat. § 469.191 to eliminate or increase the cap on appropriations to incorporated development societies or organizations.**

LE-24. Workforce Readiness

Issue: It is critical for the future of our economy to prepare for new demographic trends. While population rates among communities of color are projected to increase, the unemployment rate for communities of color exceed the unemployment rate for white Minnesotans. For example, data from the Bureau of Labor Statistics (BLS) indicate that black unemployment rates are consistently two to three times higher than the unemployment rates of white Minnesotans and studies indicate that hiring bias is a substantial

factor for this disparity in unemployment rates. In addition, while early work experience is a leading predictor of future success in a workplace, recent statistics from BLS show that the youth unemployment rate for 16-19 year olds is three times that of the unemployment rate for the state as a whole.

Incumbent worker training and education must be an important component of Minnesota's efforts to improve workforce readiness. By making firms and employees more competitive, incumbent worker training can increase wages, increase employment opportunities, fill skilled worker gaps, and keep jobs and employers in their communities. The Minnesota Job Skills Partnership is one proven tool that provides training to thousands of incumbent workers each year.

Response: **The Legislature should:**

a) **Fully fund the Minnesota Job Skills Partnership and other workforce training programs administered by the Department of Employment and Economic Development, the Department of Human Services, and the various education agencies;**
b) **Provide additional flexible funding to local workforce councils, including governments and educational facilities, for the purpose of upgrading the skills and productivity of the workforce, and pursue additional creative programming and funding to prepare and place underemployed and unemployed Minnesotans, as well as address the issue of those phasing out of the workplace and retiring;**
c) **Provide additional funding for programs specifically designed to address youth employment such as career and workforce readiness programs, and employment disparities; and**
d) **Continue to support cities that provide workforce programs that are coordinated with and complement state and regional efforts by seeking municipal approval before making any changes to those service areas.**

LE-25. Business Development Programs

Issue: Programs such as the Minnesota Investment Fund (MIF), the Job Creation Fund (JCF), the Redevelopment Program, and contaminated site clean-up grants provide funding opportunities for communities and businesses to develop their local and regional economies. These well-utilized programs create infrastructure, revitalize property, and help businesses generate and expand jobs. Cities are key facilitators in the implementation of economic development strategies through land use and other policies.

Response: **The League of Minnesota Cities supports continued and sustainable funding for the Minnesota Investment Fund and the Job Creation Fund to assist local communities and businesses in creating, growing, and retaining jobs.**

DEED should solicit input from cities about how best to implement the Fund, and make adjustments to the administration of the program as necessary. The League supports Department of Employment and Economic Development (DEED) studying and making recommendations on methods to improve the geographic balance of recipients, by allowing the use of additional evaluation criteria beyond the current job creation goal such as providing higher-wage jobs or achieving racial equity policy goals. that would allow all regions of the state to better prosper.

LE-26. Remediation and Redevelopment

Issue: Communities across Minnesota are faced with expensive barriers to re-using property. These roadblocks include deteriorating, obsolete, and vacant structures, and contaminated land.

Larger scale redevelopment projects often require the purchase and assembly of multiple, smaller parcels of land that are not suitable for development on their own. Cities and development authorities may need to purchase land over a period of years and hold them for later development, reducing the effectiveness of traditional financing tools that require immediate development.

Such barriers pose significant problems for cities seeking to re-use existing infrastructure, maintain and improve property tax base, provide jobs and housing opportunities, and preserve historic structures. Land remediation activities are particularly costly because significant remediation must occur before private-sector interest can be generated. Exacerbating this situation, the land remediation programs administered by the Department of Employment and Economic Development (DEED) and the Metropolitan Council programs continue to be underfunded.

Response: **In recognition of the unique needs of land remediation projects statewide, the Legislature should increase funding for the statewide redevelopment account. The League of Minnesota Cities would also support the creation of a land assembly grant or loan program to assist cities and economic development authorities assemble small parcels for redevelopment. The League supports competitive programs administered by DEED with that distribute the funds equitably between greater Minnesota and the metro area. The Legislature should continue its support and increase funding levels for state and regional programs to assist in contamination cleanup and brownfields remediation efforts.**

The State should recognize that the rehabilitation of land due to obsolescence or incompatible land uses is a component of redevelopment. The Legislature should amend the definition of redevelopment district in Minn. Stat. 469.174, subd. 10, to include the obsolescence and incompatible land uses included in a renewal and renovation district (Minn. Stat. § 469.174, subd. 10a), thereby providing cities with more flexible tools to address land remediation and redevelopment.

The Legislature should also revive a program similar to "This Old Shop" (Minn. Stat. § 273.11, subd. 19), which would allow cities greater flexibility in targeting commercial development and redevelopment. The Legislature should consider enacting authority that would provide a tax deferral on improvements to commercial buildings, including those located in designated rehabilitation or historic preservation districts. The program's age limit qualifications under Minn. Stat 273.11, subd. 19, should be modified to include properties that are at least 30 years old.

LE-27. Development Authority Levy Limits

Issue: Under Minn. Stat. § 469.107, § 469.033, and § 469.053, Economic Development Authorities (EDAs), Housing and Redevelopment Authorities (HRAs) and port authority levies for economic development activities are capped. These

limits can hinder the planning of future development.

Response: **The Legislature should increase or repeal levy limits or increase the levying authority for EDA, HRA, and port authority activities in Minn. Stat. ch. 469.**

LE-28. Tax Increment Financing (TIF)

Issue: TIF is the most important tool available to fund community development and redevelopment efforts. Over time, the TIF law has become increasingly complex as the Legislature seeks to provide cities with the resources to grow the state's economy while maintaining limits on the use of property taxes. Cities need greater flexibility to use TIF for community and economic development that support a city's residents and businesses. Further restrictions of TIF would render the tool less effective and will hinder local efforts to support job creation, housing, redevelopment and remediation.

The need for flexibility has been accentuated due to the pandemic economic downturn which has dramatically slowed existing projects that must continue to comply with statutory timelines. Many projects will have difficulty meeting time-line requirements such as the five-year rule without special legislation authorization.

Further restrictions of TIF would render the tool less effective and will hinder local efforts to support job creation, housing, redevelopment and remediation.

Response: **The Legislature should not enact future TIF law restrictions, rather the Legislature should:**

a) **Amend Minn. Stat. § 469.1763, subd. 4, to clarify that tax increment pooling limitations are calculated on a cumulative basis.**
b) **Modify Minn. Stat. 469.174, subd. 10, to allow a redevelopment district to be established where only 50 percent of the buildings are required to be structurally substandard to a degree requiring substantial renovation or clearance.**
c) **Clarify that expenditures for the necessary maintenance of properties within TIF districts are an allowable use of tax increment under Minn. Stat. § 469.176, subd. 4;**
d) **Allow term extensions for redevelopment districts which are taking longer to develop;**
e) **Amend Minn. Stat. § 469.1763, subd. 3, to eliminate the "Five-year Rule" for districts that are taking longer to develop;**
f) **Amend Minn. Stat. § 469.174, subd. 25, to provide time limits on the "deemed increment" created by land sales, leases and loans, and allow authorities greater flexibility in the use of lease revenues to fund ongoing operations;**
g) **Expand the use of TIF to assist in the development of technological infrastructure and products, biotechnology, research, multi-modal transportation and transit-oriented development, restoration of designated historic structures, non-retail commercial projects, and non-wetland areas where unstable/non-buildable soils exist;**
h) **Increase the ability of TIF to facilitate redevelopment and housing activities;**
i) **Modify the housing district income qualification level requirements to allow the levels to vary according to individual communities;**

j) Encourage compact development and consider reauthorization of compact development TIF districts with modifications to increase their effectiveness;
k) Discourage any statutory mechanisms that directly or indirectly decrease the impact of city redevelopment and economic development projects;
l) Simplify the substandard building test to resolve ambiguities and reduce the continued threats of litigation;
m) Create an exception to the interfund loan resolution requirement in Minn. Stat. 469.178, subd. 7, to authorize the development authority to delegate to a staff person the ability to set the terms and conditions of an interfund loan.
n) Amend the definition of redevelopment district under the TIF Act to include the obsolescence and incompatible land uses included in a renewal and renovation district, thereby providing cities with more flexible tools to address land remediation and redevelopment.
o) Amend Minn. Stat. 469.1763 subd. 2 to provide development authorities greater flexibility to address local housing needs by removing section 42 requirement for housing projects outside the district.

LE-29. Property Tax Abatement Authority

Issue: In an effort to increase the number of development tools available, the 1997 Legislature authorized local units of government to grant property tax abatements. Although tax increment financing (TIF) continues to be the primary financing mechanism for local development projects, tax abatements provide cities with an important, additional economic development tool. Recognizing the need for municipal development tools, the 2008 Legislature expanded the abatement authority by converting the limit on abatements from ten percent of the current tax levy to ten percent of net tax capacity. In order to provide maximum benefits and recognize local decision-making, tax abatements should have less restrictive funding caps, financing terms, and authorized uses.

The tax abatement law requires that a political subdivision may only approve an abatement after holding a public meeting with a minimum of 10 days published public notice. When more than one political subdivision abates property taxes for a development project, there must be separate notices and hearings for each subdivision. This requirement can be particularly burdensome for programs designed to develop multiple properties over an extended period of time. If one political subdivision could be designated as the lead entity for purposes of the notice and hearing requirements, such projects could be made more efficient without sacrificing public transparency.

Property tax abatements should not be considered a replacement for TIF.

Response: **In light of current economic conditions existing property tax abatement authority should be strengthened. The Legislature should:**

a) Expand the abatement authority to allow abatement revenues to be used for economic development activities such as workforce readiness and assistance programs, and technology infrastructure improvements;

b) Develop a state fund to facilitate state participation in abatement projects by

allowing the state property tax to be abated;

c) **Increase funding caps under Minn. Stat. § 469.1813, subd. 8 and duration limits under Minn. Stat. § 469.1813, subd. 6; and**
d) **Amend Minn. Stat. § 469.1813, subd. 5, to create a streamlined notice and hearing requirement for multi-jurisdictional tax abatement projects.**

LE-30. Opportunity Zones

Issue: The Opportunity Zones program is a new community development program established by Congress in the Tax Cuts and Jobs Act of 2017 to encourage long-term investments in low-income urban and rural communities nationwide. The Opportunity Zones program provides a tax incentive for investors to re-invest their unrealized capital gains into Opportunity Funds that are dedicated to investing into Opportunity Zones as designated by the chief executives of every state and territory in the United States. The tax incentive is available for up to ten years.

As the chief executive of the state of Minnesota, Governor Mark Dayton designated 128 census tracts across the state as Opportunity Zones, but beyond the responsibility for this designation the state does not have an additional role in the implementation of the Act. The United States Treasury released rules on April 17, 2019 which provide guidance and clarification for investors and fund managers. It is anticipated that the Act may be a useful tool in spurring development in low-income communities and could help with business development and jobs; there are also questions about what impact the Act will have on the residents that live and businesses that operate, in these communities today. For example, while development may have positive impacts such as increasing tax base or job opportunities, robust development could have unintended consequences such as displacement of current residents and businesses.

Response: **The League of Minnesota Cities urges the federal government to seek regular input from communities that are designated as Opportunity Zones regarding how the tool is being used, whether the tool is encouraging new development opportunities, and how community members who live in the Zones are impacted, such as through a local advisory board made up of residents, businesses, and other stakeholders located in the designated census tracts. The Federal Government should seek input from local communities throughout the implementation of the rules and regulations and consider necessary amendments and adjustments as needed in response to potential questions or concerns raised by the communities whose residents, workers, and businesses will be experiencing the changes that ensue in the Zones.**

The State of Minnesota should utilize community development resources to stimulate investment in Opportunity Zones and adopt policies that ensure that local residents, workers and businesses benefit from the investments.

LE-31. Revisions to the OSA Audit Function

Issue: Pursuant to Minn. Stat. § 469.1771, the Office of the State Auditor (OSA) is responsible for tax increment financing (TIF) oversight. As part of its review of TIF districts, the OSA identifies alleged violations of the TIF laws and issues noncompliance notices to TIF authorities. In recent years, a number of cities have

received letters of inquiry from the OSA that raise questions about practices long accepted by the OSA or limit statutory definitions that have not been amended by the legislature for over a decade. The audit power in Minn. Stat. § 469.1771 is necessary to ensure that individual cities comply with the TIF statutes, but is not effective in clarifying the legislative intent of the TIF statutes.

In addition, the TIF statute requires that authorities respond to noncompliance notices within 60-days of receiving the notification. There is no deadline for the OSA to respond, and authorities often do not receive timely responses on the matter from the OSA. Government agencies typically have response-time deadlines, and it is appropriate for the OSA to respond by a time certain to provide finality to the audit process. Any final disposition notice must be clear about the final disposition of the matter.

Finally, the statutory audit enforcement process does not create an environment where these policy questions can be fairly and sufficiently resolved. County attorneys lack the resources to prioritize TIF disputes and lack the subject matter expertise needed to analyze the merits of the OSA's audit findings. This results in excessive deference granted to the OSA's original audit findings. Faced with the potential loss of increment, payment of attorney fees, and small likelihood of success on the merits, cities often acquiesce to the OSA to save time and money.

Response: **The League of Minnesota Cities believes there should be a more defined process to establish rules or guidelines for TIF authorities with adequate input from local government officials and public finance professionals prior to their adoption.**

In the event that the OSA determines to issue a final noncompliance notice to a TIF authority, the Legislature should require the OSA to issue the notice within 60 days of receiving the authority's response. Any final noncompliance notice should contain the OSA's final position on the matter, the date upon which it forwarded the matter to the county attorney, and the next steps that are required to be taken according to state law. Upon expiration of the 60-day period, the authority should be deemed to be in compliance with the TIF laws if no final noncompliance notice is received.

In order to ensure a fair process to resolve disputes over TIF findings of the OSA, the Legislature should consider whether the authority to resolve such disputes should be shifted from county attorneys to the Office of Administrative Hearings.

LE-32. OSA Time Limitations

Issue: The Office of the State Auditor (OSA) has the authority to issue noncompliance notices for every existing tax increment financing (TIF) district in the state for alleged violations of the TIF laws. This authority extends retroactively to the inception of the district. Accordingly, TIF authorities can receive noncompliance notices for alleged violations that occurred 20 or more years ago. Often, staff and record-keeping procedures have changed, and TIF authorities find it difficult to reconstruct the past in order to identify and remedy these situations. Similarly, the OSA claims the authority, based on the state's records retention schedule, to audit TIF districts for up to 10 years after decertification, which requires cities to expend staff resources to maintain files and a working knowledge of old districts for an unreasonable period of time.

Response: **A reasonable timeframe within which alleged violations are identified should be established. The Legislature should reasonably restrict the OSA's ability to issue noncompliance notices to the six-year period prior to the notice's issuance date. The Legislature should also require the OSA to conduct any audits on decertified districts within one year of decertification.**

LE-33. Workforce Housing

Issue: Job creation is one of the fundamental goals of economic development. When employers create new jobs through expansion or relocation there must be sufficient housing in the host community for the new workers and their families to live. In rural communities, a lack of housing stock for new workers can prevent a planned expansion or relocation, hampering job growth and economic development. The economics of building a housing development in greater Minnesota communities makes private development difficult, and workers with higher paying jobs do not qualify for traditional affordable housing. This housing gap can bring development and job growth in a community to a halt.

In 2014, at the urging of cities through Minnesota, the Legislature created a workforce housing pilot program for three cities in Roseau and Pennington Counties. In 2015 the Legislature passed League-sponsored legislation that created the workforce housing development program and appropriated $4 million to the Department of Employment and Economic Development (DEED) to administer the program. Once grant awards from DEED were made, prevailing wage requirements, construction costs, and land prices have shown to lessen the effectiveness of creating more workforce housing units. It is important to ensure the appropriate resources and process exist for the Department of Labor and Industry (DLI) to determine representative and accurate prevailing wage amounts in different areas across the state.

The 2017 Legislature approved funding for the Workforce Housing Grant Program at $2 million each year. The program was moved from DEED to be administered by MN Housing Finance Agency (MHFA) in Minn. Stat. 469A.39 with a change in qualifications that gives preference to cities under 30,000 population (rather than 18,000 previously).

The 2017 Legislature also approved a new use of TIF authority for workforce housing (Minn. Stat. § 469.174-176). In addition to requirements under Minn. State. 469.175, subd. 3, county and school boards must approve the TIF plan before it is enacted and the authority sunsets in 2027. These additional requirements specific to workforce housing TIF districts put additional barriers on workforce housing development and does not fully recognize the role of cities as the typical lead government entity on housing projects. Minn. Stat. § 469.175, subd. 2, currently requires cities to provide the county auditor and clerk of the school board with the proposed TIF plan and an estimate of the fiscal and economic implications of the proposed TIF district at least 30 days before the public hearing required by Minn. Stat. § 469.175, subd. 3. The county auditor and school board shall provide copies of these TIF plan materials to members of their boards. These current requirements provide sufficient notice to taxpayers and other government entities about proposed TIF districts.

Response: **The League of Minnesota Cities supports additional tools for local**

communities to develop workforce housing:

a) **MHFA should solicit input from local communities to ensure that the goals of the Workforce Housing Grant program are met, and MHFA should award funds to eligible projects as quickly and efficiently as possible;**
b) **The Legislature should increase funding to the Housing and Job Growth Initiative to aid housing in support of job growth, and amend Minn. Stat. § 462A.33 to eliminate or increase the maximum income levels for participation in the program; and**
c) **The Minnesota Housing Finance Agency should make administrative changes to the Housing Challenge Grant program to streamline the application process, reduce the per-unit cost of constructing affordable housing, and increase the construction of affordable rental units at 80% of median income and owner-occupied units at 115% of median income, as currently allowed by state and federal law; and**
d) **The Legislature should pass legislation creating a workforce housing tax credit to spur development of workforce housing.**
e) **The Legislature should scale the workforce housing grant program to account for the additional cost associated with the prevailing wage requirements.**
f) **The Legislature should eliminate the provision in Minn. Stat. § 469.175, subd. 3, that requires the county board and school board to approve a workforce housing TIF plan before it is enacted and the Legislature should also eliminate the sunset of the workforce housing TIF authority.**

LE-34. Development Along Transit Corridors

Issue: While the establishment of transit lines and corridors provide the impetus for economic development, there are limits to existing development tools that hinder full development of transit corridors. For example, acquisition of land outside of the line but within the corridor can be difficult, and current tools are not well-suited for the creation of public spaces, enhancement of infrastructure, and investments such as parking ramps that are necessary components of a transit-oriented development plan.

In 2008 the Department of Employment and Economic Development (DEED) was authorized to establish Transit Improvement Areas, which should complement long-term transportation planning initiatives such as MAP-21 and Minnesota GO. Transit Improvement Areas include parcels of land that are located in part within one-half mile of a transit station. A transit station is defined as a physical structure or designated area which supports the interconnection of various transportation modes, including light rail, commuter rail and bus rapid transit, and which promotes and achieves the loading, discharging and transporting of people. The commissioner of DEED may designate a Transit Improvement Area if it will increase the effectiveness of a mass transit project by incorporating one or more modes of public transportation with commercial and housing development, as well as providing a clean and pleasant place for pedestrian use. DEED has designated over 50 Transit Improvement Areas; all but two are located in the seven-county metropolitan area. Although the language passed and was signed into law by the governor (Minn. Stat. § 469.35), there was no funding put into place to implement the new program.

Response: **The League of Minnesota Cities urges the Legislature to increase the ability of traditional economic development tools, including tax increment financing, tax abatement, and special service districts, to address the needs of transit-oriented development. The League encourages the Legislature to appropriate bonding and general fund dollars for revolving loans and grants to fund the TIA program. Additionally, the Legislature should consider adding park and ride facilities to the list of qualifying transportation modes, as defined in Minn. Stat. § 469.351. Because the majority of the DEED-designated Transit Improvement Areas are currently located in the seven-county metropolitan area, increased funding for this program will not be balanced between greater Minnesota and the metro area. Additional funding for this program should not change the overall balance of state funding between greater Minnesota and the seven-county metropolitan area.**

LE-35. Public Infrastructure Utilities

Issue: Successful economic development efforts and community stability are dependent upon a city's ability to make infrastructure investments. Current infrastructure funding options available to cities are inadequate and unsustainable. Funding pressures have been exacerbated by levy limits, unallotment and reductions in the local government aid and market value homestead credit programs. The existing special assessment law, Minn. Stat. ch. 429, does not meet cities' financing needs because of the special benefit requirement. The law also requires a bond election unless a minimum of 20 percent of such a project can be specially assessed against affected properties due to the increase in fair market value or "benefit" from the project. In practice, however, proof of increased property value to this degree of benefit can rarely be proven from regular repair or replacement of existing infrastructure such as streets or sidewalks. Alternatives to the Minn. Stat. ch. 429 methods for financing infrastructure improvements are nearly nonexistent.

The Legislature has given cities the authority to operate utilities for waterworks, sanitary sewers, and storm sewers. The storm sewer authority, established in 1983, set the precedent for a workable process of charging a use fee on a utility bill for a city service infrastructure that is of value to everyone in a city. Similar to the storm sewer authority, a transportation or sidewalk utility would use technical, well-founded measurements and would equitably distribute the costs of local infrastructure services.

Response: **The Legislature should authorize cities to create, as a local option, additional utilities such as a transportation or sidewalk utility, that ensure funding for the maintenance of these public amenities. Additionally, whether established as a new chapter of law or added to the list of service charges in Minn. Stat. § 429.101, cities should be able to impose service charges against property to ensure the maintenance and safety of the right of way for all Minnesotans without having to prove an increase in fair market value or having to determine whether those contributing to the utility fund are taxable or tax-exempt. Such authority would acknowledge the effects of repeated levy limits and the general funding shift from the state to local governments for building and maintaining necessary infrastructure; the benefits to all taxpayers of a properly maintained public infrastructure; and,**

the limitations of existing special assessment authority.

LE-36. Adequate Funding for Transportation

Issue: A well-coordinated state transportation policy utilizing all modes of transportation in moving passengers and freight will enhance the state economic development of new and expanding business as well as foster additional tourism opportunities.

Response: **More resources must be dedicated to all components of the state's transportation system, and local units of government must have access to resources and funding tools to meet growing needs. The League of Minnesota Cities supports:**

a) **Development of a comprehensive state transportation policy which provides an environment where all modes of transportation (motor, rail, air, water and pipeline) complement each other in moving passengers and freight within the state.**
b) **A dedicated and sustainable state revenue source for non-municipal state aid city streets.**
c) **The Statewide Transportation Plan 2009-2028 developed by the Minnesota Department of Transportation (MnDOT).**
d) **MVST distribution of 60 percent for roads and bridges and 40 percent for transit.**
e) **A permanent increase in the gas tax.**
f) **Indexing of the gas tax, provided there is a limit on how much the tax can be increased for inflation in a given amount of time.**
g) **Increases in vehicle registration taxes (tab fees).**
h) **Trunk highway bonding provided the Legislature implements reasonable restrictions on the amount of debt service the state will incur, and provided the Legislature appropriates funding to assist with local costs related to projects funded with trunk highway bonds.**
i) **General obligation bonding for local roads and bridges, particularly for routes of regional significance.**
j) **A sales tax increase dedicated to transportation.**
k) **Funding to assist cities burdened by cost participation responsibilities imposed by improvement projects on the state's principal arterial system and on the county state aid highway (CSAH) system.**
l) **Funding for transportation components of economic development and redevelopment projects.**
m) **Full funding for all components of state highway projects, including related stormwater management systems, through state sources.**
n) **Establishment of a "Mainstreets Fund" to assist cities with non-transportation related components of trunk highway projects such as utility upgrades and improvements that contribute to economic development.**
o) **Funding to build roads to standards that can accommodate the year-round transport of heavy loads.**
p) **A sales tax exemption for materials purchased for state and local road, bridge, sidewalk, trail and transit construction projects.**
q) **Authority for cities to impose development impact fees for transportation infrastructure.**
r) **Local funding options that would allow cities to raise revenues for roads, bridges, sidewalks, trails, and transit.**
s) **Expanded use of alternative revenue sources such as MnPASS and other**

tolling mechanisms for funding of maintenance and construction (where feasibility studies indicate the program is appropriate).

LE-37. Turnbacks of County and State Roads

Issue: As road funding becomes increasingly inadequate, more roads are being "turned back" to cities from counties and the state.

Response: **Turnbacks should not occur without direct funding or transfer of a funding source. A process of negotiation and mediation should govern the timing, funding, and condition of turned-back roads. Agreements should be negotiated and finalized before work on a project requiring a turnback begins. City taxpayers should receive the same treatment as township taxpayers. The requirement for a public hearing, standards about the conditions of turnbacks, and temporary maintenance funding should also apply to county turnbacks to cities. At a minimum, roads that are proposed to be turned back to a city government should be brought up to the standards of the receiving government, or that city should be compensated with a direct payment. Direct funding should be provided for smaller cities that are not provided with turnback financing through the municipal state aid system.**

LE-38. MnDOT Rights-of-Way Maintenance

Issue: Maintenance of property, including government property and facilities, is important to public safety and to the image of Minnesota cities. Cities are acutely aware of the responsibility they have for enforcing property maintenance codes pertaining to grass mowing, noxious weed abatement, the placement of trash in yards and fence maintenance.

Minnesota has many miles of highways that run through cities. In recent years, the Minnesota Department of Transportation (MnDOT) has cut a substantial percentage of its rights-of-way management staff. The cuts have resulted in reduced maintenance along some corridors and on parcels acquired by MnDOT for transportation purposes. Specifically, MnDOT has reduced the frequency of mowing, litter collection, noxious weed abatement, graffiti abatement and repair of fences and guard rails. This maintenance reduction has created public safety concerns, undermined efforts to keep corridors attractive and presented challenges for communities working to promote economic development.

Response: **MnDOT must maintain state rights-of-way and parcels acquired by MnDOT for transportation purposes located within city limits in a manner consistent with local ordinances governing the upkeep of private property when requested by the city. Alternatively, MnDOT should reimburse Minnesota cities for the labor, supplies, and equipment necessary to maintain state rights-of-way to meet city standards and/or minimize public safety hazards. The Legislature must provide MnDOT with adequate funds to maintain state rights-of-way.**

LE-39. Funding for Non-Municipal State Aid City Streets

Issue: Minnesota has over 141,000 miles of roadway, and more than 22,500 miles—or 16 percent--are owned and maintained by Minnesota's 853 cities.

The Minnesota Constitution limits eligibility for dedicated Highway User Tax Distribution Fund dollars to up to twenty percent of streets in cities with populations over 5,000 (147 of 853 cities). This means almost 85 percent of municipal streets are ineligible for municipal state aid (MSA) funds and must be paid for with property taxes and special assessments. Funding challenges are compounded by city cost participation requirements in state and county highway projects, which divert resources from city-owned streets.

Recognizing the unique street funding needs in cities under 5,000 population, the 2015 legislature created the Small Cities Assistance Account (Minn. Stat. § 162.145). Funds in the account are distributed through a formula to all cities under 5,000 population for street maintenance and reconstruction. Unfortunately, funding for the account has only been provided for three times. Because Small Cities Assistance funding has been provided so inconsistently, small cities have had difficulty using the revenue stream as a tool to maximize pavement management and street improvement planning.

Maintenance costs increase as road systems age, and no city--large or small—is spending enough on roadway capital improvements to maintain a 50-year lifecycle. For every one dollar spent on maintenance, a road authority--and therefore taxpayers--save seven dollars in repairs. According to a report released in late 2012 by the governor's Transportation Finance Advisory Committee, cities collectively need an additional $400 million per year to bring city streets up to an economically competitive standard.

Response: **City streets are a separate but integral piece of the network of roads supporting movement of people and goods. Cities need greater resources and flexible policies in order to meet growing demands for street improvements and maintenance. The League of Minnesota Cities supports:**

a) **A dedicated and sustainable state funding source for non-MSA city streets in large and small cities statewide;**
b) **enabling legislation that would allow cities to create street improvement districts (similar to sidewalk improvement districts already allowed under Minn. Stat. § 435.44); and**
c) **the creation of a new fund within the Local Road Improvement Program that would provide grants to cities burdened by cost participation requirements related to trunk highway and county state-aid projects.**

LE-40. Authority to Allow Amenities in MnDOT Rights-of-Way

Issue: Cities served by the state's trunk highway system frequently request features on the highway right-of-way (ROW) that would improve the aesthetics of the highway or provide public amenities exceeding components the Minnesota Dept. of Transportation (MnDOT) may include. Minn. Stat. §161.20, Subd. 2(b), gives the MnDOT commissioner authority to make agreements with and cooperate with any governmental authority relating to trunk highway construction and improvements; however, Minn. Stat. §161.434 provides that arrangements and agreements must be "for highway purposes".

These restrictions are problematic in cities where a downtown commercial area exists along a trunk highway. Some of these cities desire amenities that would make

commercial areas adjacent to trunk highways more vibrant by allowing outdoor dining, landscaping, decorative lighting or other aesthetic improvements that do not serve a highway purpose. Under current law, the city cannot approve amenities that encroach on the ROW.

Response: **The League of Minnesota Cities supports authorizing cities, by ordinance, to allow amenities that do not serve highway purposes on trunk highway ROW within their jurisdictions. The League also supports a requirement that MnDOT develop and approve rules related to local ordinances.**

LE-**41. Complete Streets**

Issue: There is increasing public support for the reform of local street design policies to make streets safer for pedestrians, cyclists and neighborhood residents.

Response: **The League of Minnesota Cities supports reforms in state design guidelines for local streets that would give cities greater flexibility to safely accommodate all modes of travel, including walking and biking. The state should also provide incentives such as grants to local units of government working to advance complete street projects. Crosswalks and Safe Routes to School projects should be eligible for incentives.**

The League opposes state imposed unfunded mandates that would increase the costs of building streets in contexts where facilities for cyclists and pedestrians are unnecessary or inappropriate.

LE-42. Infrastructure Fees

Issue: New development and the resulting growth create an increased demand for public infrastructure and other public facilities. Severe constraints on local fiscal resources and dramatic forecasts for population growth have prompted cities to reconsider ways to pay for the inevitable costs associated with new development.

Traditional financing methods tend to subsidize new development at the expense of the existing community, discourage sound land-use planning, place inefficient pressures on public facilities, and allow under-utilization of existing infrastructure. Consequently, local communities are exploring methods to ensure new development pays its fair share of the true costs of growth.

In *Harstad v. City of Woodbury*, 916 N.W.2d 540 (Minn. 2018), the Minnesota Supreme Court recently clarified that state statute does not provide the authority for cities to impose infrastructure fees to fund future road improvements when approving subdivision applications under Minn. Stat. § 462.358, subd. 2a. Given the existing authorization to impose fees on new development of other infrastructure, such as water, sanitary and storm sewer, and for park purposes, it is reasonable to extend the concept to additional public infrastructure and facilities improvement also necessitated by new development.

Response: **The Legislature should authorize local units of government to impose infrastructure fees so new development pays its fair share of the off-site, as well as the on-site, costs of public infrastructure and other public facilities needed to adequately serve new development.**

LE-43. Safe Routes to School Grants Management

Issue: The Safe Routes to School (SRTS) Program provides funding support for capital projects that promote and encourage more students to walk or bicycle to school by making the school routes safer and more accessible.

The following are some types of SRTS infrastructure improvement grants that are provided by the state and offered through the Minnesota Dept. of Transportation (MnDOT):

a) School site improvements: secure bicycle parking facilities, traffic diversion improvements, and Americans with Disabilities Act (ADA) improvements;
b) Pedestrian facilities: new sidewalk, sidewalk gap closures, and related ADA improvements;
c) Bicycle facilities: bicycle trails, separated multi-use or shared paths and related ADA improvements; and
d) Traffic calming and crossing improvements: curb extensions, speed humps, median refuges, enhanced crosswalk markings, timed on/off beacons, vehicle feedback signs (dynamic speed signs), and other traffic control devices.

Cities that receive municipal state aid (MSA)--those with populations above 5,000--may apply for and administer their own SRTS grants. Non-MSA cities, even those with a city engineer on staff or contract, must rely on the county to manage any grant funds secured as well as to approve the project design. In some cities, this requirement has led to project delays and disputes with counties over project design and delivery.

Response: **The League of Minnesota Cities supports changes to MnDOT rules to allow small cities that have the capacity to manage SRTS grants and projects to do so without county approval.**

LE-44. Railroads

Issue: Railroads impose far-reaching and long-term impacts on communities. The impact of railroads on communities has become more pronounced in Minnesota as the number and length of trains have increased due to frac sand and crude oil entering the state by rail to and from North Dakota. While railroads often support economic activity and can relieve pressure on roadway and bridge infrastructure, they also bring noise, environmental impacts and safety challenges. Below are some of the concerns cities have raised about railroads:

a) Local public safety personnel are underequipped to respond to a potential derailment of a train carrying hazardous materials such as crude oil or nuclear products.
b) The cost-share ratio related to roadway crossing improvements is borne disproportionately by the public sector. Some estimates are 80 percent public to 20 percent private funding, regardless of the public entity's ability to pay or whether service is provided within the community. Funding has not kept pace with the growing need for grade separations.
c) Legislation brought by the railroad industry that would exempt railroads from stormwater fees and assessments and shift the cost of complying with stormwater management to other property owners.
d) The financial burden is faced by the public sector to deal with mitigation improvements, a cost that the Surface

Transportation Board (STB) is not requiring the private sector to pay.
e) At-grade crossings are blocked by both long moving trains and by trains that stop and remain stopped, sometimes for hours at a time. Blocked crossings delay motorists and sometimes prevent passage of emergency vehicles.
f) Difficulty and expense of imposing and enforcing whistleblowing ordinances.
g) Unabated graffiti on railroad cars and structures.
h) Negative impacts of long- and short-term storage of rail cars on adjacent properties.
i) Pre-emption of local and state authority to regulate railroad activities.

Response: **The League of Minnesota Cities opposes legislation and policies that disproportionately shift authority, costs and/or liability away from railroad companies and onto other entities. The railroad industry, along with state and federal government, must:**

a) Adequately mitigate the negative impacts of railroads on communities;
b) Allow local governments to enforce the existing state and federal laws regarding the maximum time a crossing may be blocked, and provide a mechanism to do so;
c) Provide that timely notice to the impacted municipality is required in advance when a crossing or crossings will be blocked by a stopped train;
d) Require railroad companies to provide a direct emergency response telephone number for city first responders (police, fire, ambulance or other designated official) to call when an at-grade crossing is blocked, and the emergency services need this crossing immediately unblocked to continue their response;
e) Allow local governments to enforce whistle-free zones;
f) Impose and implement safety standards that are in the best interest of the public, including requiring every train that is carrying freight to be operated with a crew of at least two crewmembers;
g) Equip and train local public safety officials to respond to potential catastrophic rail incidents;
h) Develop plans and identify funding sources for more grade separations between railways and roadways; and
i) Fund and implement improvements to rail car storage facilities.

The public sector should not incur the costs of improvements sought by the private sector, and cities should not be required to fund most of the cost of crossing repairs or improvements. The federal government must exercise greater oversight of the STB to ensure fair and equitable solutions are reached when dealing with cities in Minnesota. Finally, the Minnesota Department of Transportation's (MnDOT's) Office of Freight and Passenger Rail should advocate on behalf of local communities when conflicts between cities and railroad entities arise.

LE-45. Airport Planning and Funding

Issue: Airports are an essential component of Minnesota's transportation infrastructure. Airports in the State of Minnesota serve important gateway to the region, the nation, and global markets. They serve as a primary access point to our national airport system. The Minneapolis St. Paul International Airport (MSP) is critical to the movement of people and goods in and out of the state and even with all the planned improvements, it

will eventually reach its capacity. The state needs to implement a long-term strategy to make better use of other airport facilities and existing resources, reduce environmental impacts, and achieve sound and sustainable economic growth throughout the state.

Aviation planning is a multi-layered effort with different levels of responsibilities. Currently, the State Airports System Plan is put together by MnDOT with individual pieces developed by the Federal Aviation Agency (FAA), Metropolitan Council (MC), and Metropolitan Airports Commission (MAC). Aviation planning could be improved by a more unified statewide effort and coordination of the various aviation strategies through creation of an oversight body.

Minn. Stat. § 360.017 establishes the State Airport Fund and authorizes the Minnesota Department of Transportation (MnDOT) Office of Aeronautics to support cities, counties and townships in the planning, development, maintenance and safe operation of public airports. In recent years, in order to help balance the state's budget, the Legislature transferred funds from the State Airport Fund to the General Fund. Although the borrowed funds were eventually repaid in full, efforts to preserve and improve the quality of airports throughout the state were hindered by the unavailability of these revenues.

The Minnesota Council of Airports (MCOA), a membership organization for airport authorities and municipal entities who own airports, has led efforts to bring stakeholders together. Most recently, the MCOA established the State Airports Fund Committee to work with the MnDOT Office of Aeronautics to discuss and advise future management practices of the State Airport Fund.

Response: The state needs a higher degree of integration of agencies (FAA, MnDOT, MC, and MAC) and communities related to aviation planning. The League of Minnesota Cities supports the collaborative efforts initiated by the MCOA and supports the development of a statewide airport advisory board, which could provide input, review and make recommendations to assist in development of a comprehensive statewide State Airports System Plan.

The state needs to make planning and investment decisions that will maximize the potential for airports to become economic development centers that provide access to domestic and global marketplaces. Investments in airports allow existing businesses to remain and grow, help attract new businesses, increase employment, and lower product and service costs for the benefit of the region.

Finally, the Legislature should not authorize shifting of dedicated State Airports Fund dollars to resolve general fund deficits.

LE-46. Airport Safety Zones

Issue: The field of aeronautics is regulated generally by Minn. Stat. ch. 360 and Chapter 8800 of the Minnesota Rules. Land use safety zones and other public airport zoning standards are established in Minnesota Rules Chapter 8800.2400, and are adopted by local airport zoning regulations that are submitted to the Minnesota Department of Transportation (MnDOT) commissioner for review and approval before adoption. Airport safety zones are intended to restrict land uses that may be hazardous to the operational safety of aircraft using the public airport, and to protect the safety and

property of people on the ground in the area near the public airport.

While some of the provisions included in the Minnesota Rules are required by the Federal Aviation Administration (FAA), other provisions go well beyond the federal requirements. In some cases, the Minnesota Rules do not make sense for the community served by a public airport.

Finally, in some cases airports cross multiple municipal jurisdictions. Neither state law nor Minnesota Rules provide powers for joint airport zoning boards. These boards could be useful in resolving interjurisdictional issues involving airport planning, development, funding and zoning.

Response: **The League of Minnesota Cities supports efforts to protect the safety and property of people living and working near public airports. The League also recognizes that the Minnesota Rules related to public airport zoning standards exceed the FAA's and other states' standards and, thus, needlessly infringe on local control. The League supports changes to Minnesota Rules pertaining to airport zoning standards that will more closely align Minnesota's Rules with those in other states, while at the same time retaining local authority to be more restrictive than the Minnesota Rules. The League also supports changes to Minnesota Statutes and Minnesota Rules that would authorize powers for joint airport zoning boards so issues related to funding, staffing, and authority to enforce ordinances can be resolved at the local level.**

LE-47. Development Responses to the Pandemic

Issue: The economic fallout of the pandemic has dramatically slowed development projects across the state. The tax increment financing tool includes many rigid timeline restrictions that do not anticipate the effects of severe economic disruptions.

Response: **The League of Minnesota Cities supports:**

a) **A universal extension of the five-year rule to accommodate the impacts of the pandemic economic recession similar to the temporary authorization enacted during the Great Recession;**
b) **Amending MS469.174 subd 10 (d) to extend the three-year deadline for parcels formerly occupied by substandard buildings to be included in a redevelopment TIF district.**
c) **Providing tools for development authorities to offset losses in increment revenues caused by the unanticipated economic disruptions of the pandemic.**
d) **Providing tools for development authorities to assist with costs associated with pandemic-necessitated improvements.**
e) **Clearly authorize cities to use federal funds from the Coronavirus Relief Fund to provide assistance grants to individual persons, private businesses, non-profit entities and any other entity authorized under Public Law 116-136.**

HUMAN RESOURCES & DATA PRACTICES

HR-1. Personnel Mandates and Limits on Local Control

Issue: Many state laws increase the cost of providing city services to residents by requiring city governments to provide certain levels of compensation or benefits to public employees, by specifying certain working conditions, or by limiting city governments' ability to effectively manage their personnel resources. For instance, existing state laws limit governments' ability to effectively address incompetence or misconduct of city employees by specifying certain procedures or standards of conduct that cities must follow. Several laws are potentially contradictory and force local governments to choose which one to follow.

Response: **Any new legislation and changes to existing legislation should meet the following goals:**

a) **Recognize the need for local decision-making authority by local elected officials with regard to the terms and conditions of employment for local government employees (e.g., allow local elected officials to determine employee compensation, employee recognition, and to make employee benefit decisions.**
b) **Provide funding that pays the full costs of any mandated employment-related expenditures.**
c) **Avoid and eliminate expensive and time-consuming duplicative legal protections and processes for public employees.**
d) **Eliminate contradictory existing laws regarding public employment.**
e) **Eliminate mandates for local government employers that are not imposed upon the state as an employer.**
f) **Use the collective bargaining process established by state law, rather than legal mandates, to determine benefits for employees covered by collective bargaining agreements.**

HR-2. Earned Sick and Safe Time

Issue: In recent years, there have been legislative proposals to require employers to provide "earned sick and safe time" affording employees one hour of sick and safe time for every 30 hours worked. Cities recognize their employees for their dedication to public service and currently provide a wide variety of excellent benefits to their employees and prioritize the health and well-being of staff. Benefits include paid time off for most staff who are required to be enrolled in the Public Employee Retirement Association (PERA) (Minn. Stat. § 353.01, subds. 2a, 2b). In developing leave and benefit policies, cities must be mindful of the cost to citizens for programs, much of which are driven by staff compensation and benefits.

Response: **To avoid significant cost increases and to provide clarity, the Legislature should use the same eligibility requirements for public employees outlined in state statute for PERA participation if a mandatory sick and sick and safe time program is enacted by the Legislature.**

HR-3. Pay Equity Compliance

Issue: In 1984, the Legislature passed the Local Government Pay Equity Act to eliminate sex-based wage disparities in public employment. The Act requires each

local government to submit reports of its pay structure to the state's Pay Equity Compliance Coordinator within the Department of Management and Budget. The data is then subject to analysis to determine if there are inequities in the city's pay structure. Since its passage, the administrative rules implementing the Act have not substantively changed.

Response: **The League of Minnesota Cities supports the Local Government Pay Equity Act, and seeks to partner with the Legislature and the state's Pay Equity Compliance Coordinator to update and improve the current system so that cities can more efficiently and effectively fulfill the mandated reporting requirements. Local governments and the state should:**

a) **Explore and document problems individual local governments are experiencing, and evaluate whether the problems are widespread and if they can be resolved administratively;**
b) **Evaluate the reporting process, and make recommendations for improvement as needed;**
c) **Review the methodology for analyzing pay equity data; and**
d) **Evaluate the process by which cities receive notification of reporting requirements and compliance issues and make recommendations for improvement as needed.**

HR-4. Public Employment Labor Relations Act (PELRA)

Issue: The League of Minnesota Cities supports the purpose of the Public Employment Labor Relations Act (PELRA) to balance the rights and interests of public employees, public employers, and the general public. However, certain changes are necessary to assist public employers in implementing this law. For example, current definitions of "public employee" are confusing and difficult to manage. In addition, the arbitration process has produced decisions that are contrary to the interests of the public, and the legal standard for overturning arbitration decisions is very difficult to meet. Also, recent interpretations of Minn. Stat. § 179A.25 (independent review of non-union employee grievances) has created uncertainty and confusion in the longstanding judicial process used by courts to review city council administrative decisions, particularly employment termination decisions of non-union employees.

Response: **Minn. Stat. ch. 179A should be modified to:**

a) **Change the definition of "public employee" under PELRA by removing the existing 14-hour/67-day requirement and replace it with a definition in which employees must work an annual average of 20 hours or more per week.**
b) **Exclude temporary or seasonal employees, as well as unpaid volunteers, from the PELRA definition of public employee in Minn. Stat. ch. 179A.**
c) **Provide different options for accessing arbitrators and utilizing the arbitration process in order to "address inequities" between union and management representatives.**
d) **Allow public employers to bypass mandatory arbitration required under PELRA and directly access the district court or Office of Administrative Hearings system in situations where an employee is being terminated for gross misconduct (e.g., excessive use of force, sexual harassment, sexual abuse, theft or a felony conviction) that is related to the employee's position with the public**

employer, including establishment of a standard that defers to the public employer's decision on termination if it has met a standard of reasonableness.

e) **Repeal Minn. Stat. § 179A.25 or, in lieu of repeal, exclude employment terminations from Minn. Stat. § 179A.25; require a 60-day timeframe for filing a petition for review of a grievance under Minn. Stat. § 179A.25; and clarify that decisions of Bureau of Mediation Services (BMS) under this section are non-binding and merely advisory.**

HR-5. Implications of Janus v. AFSCME

Issue: Historically, both members and non-members of public sector unions could opt out of paying the portion of dues that explicitly go to the union's political activities. But, until recently, non-members were still required to pay what was called a "fair share" fee, allegedly because even non-members receive the benefits of union representation. Union dues are deducted from employee paychecks by employers based on notification of membership provided by labor unions.

Overruling decades of precedent, in June 2018, the U.S. Supreme Court ruled it is unconstitutional for public employees who object to belonging to a union to be required to pay a fair share fee. (Janus v. AFSCME). Specifically, the Supreme Court held that laws compelling fair share dues from unwilling members violated the First Amendment by requiring these employees to, in effect, pay for speech with which they do not agree, and that affirmative, voluntary consent is required for dues deduction. Given the degree of uncertainty about the implications of the ruling, public employees are seeking information about their constitutional rights regarding labor union membership and associated dues. The Minnesota Public Employment Labor Relations Act defines unfair labor practices ("ULPs") to include dominating or interfering with the formation, existence, or administration of union membership. To avoid a potential allegation that they have engaged in unfair labor practices, if employees seek information about union membership from their employers, employers often refer their employees to union representatives for additional information. The Minnesota Bureau of Mediation Services (BMS) is the state agency charged with providing technical training and information on collective bargaining for the public sector in Minnesota. BMS would be an ideal resource for employees to find critical information about labor union membership, particularly in the wake of the recent Supreme Court ruling.

Additionally, as public sector unions are examining methods to compensate for fair share revenue that may now be lost, laws have been proposed in states outside of Minnesota, which preempt the bargaining process and impose new requirements on public employers. Some of the proposed requirements are designed to help unions market their services to their members or to require the public employers to pay the costs of collective bargaining.

Response: **To ensure that both public employers and public employees successfully navigate the current unknowns following the Janus decision, the League of Minnesota Cities urges BMS to provide and disseminate information to employees about union membership across the state. The League also urges the Legislature to act to protect public employers against:**

a) **ULP charges when providing factual information to employees about union membership;**
b) **ULP charges when requiring unions to provide original documentation of voluntary consent to dues deduction; and**
c) **being forced to pay the direct cost of employee representation by unions.**

HR-6. Public Employment Relations Board

Issue: Dating back to the 1970's, Minnesota had a Public Employment Relations Board (PERB) in place, but over time, its responsibilities were changed and reassigned to another bureau. Until the reemergence of the PERB in 2014, unfair labor practices (ULPs) actions could be brought in Minnesota District Courts through injunctive relief. In 2014, the Legislature recreated PERB to hear ULPs filed by employees, employers and labor unions under the Public Employment Labor Relations Act (PELRA). The board was created in Minn. Stat. ch. 179A and after receiving initial funding, the board has yet to be fully funded or operational. Much of the current statutory language regarding implementation should be amended to ensure the PERB operates successfully and efficiently for both public employees and employers.

Response: **The League of Minnesota Cities supports the structure and process to address ULPs that was utilized before the reestablishment of the PERB in 2014. If the PERB is implemented fully and funded sufficiently, the League of Minnesota Cities encourages the Legislature to make the following changes:**

a) **Create statutory authority for the PERB to establish a fee-based structure for filing ULPs and to pay for hearing officers, with costs to be shared by employers and authorized representatives;**
b) **Allow the PERB to defer to the decisions made by an arbitrator to prevent duplicative litigation on the same issue; and**
c) **Amend the Minnesota Government Data Practices Act and the Open Meeting Law to properly maintain the integrity of the hearing process.**

HR-7. Payment of Arbitration Fees

Issue: Like other employers, cities must sometimes make difficult employment decisions and uphold certain principles in order to best serve the public. In a union environment, grievance arbitration is generally used as a "last-resort" remedy when a difficult employment decision must be made or to uphold an important principle. Legislation has been introduced in the past that would require a city or the union to pay arbitration fees if a reasonable settlement is offered and refused in a grievance situation, and the arbitrator ultimately decides on a less favorable remedy. The legislation would have the impact of discouraging cities from using the grievance arbitration process in a manner that best serves the public good.

Response: **The League of Minnesota Cities opposes legislation that would undermine the grievance arbitration process and discourage cities from using the process in the manner intended. Specifically, the League opposes any legislation that proposes payment of grievance arbitration fees when a settlement is offered and declined.**

HR-8. Essential Employees

Issue: Cities must balance the health, welfare, and safety of the public with the costs to taxpayers. Essential employee status

removes the right to strike, but gives the right to mandatory binding arbitration. This status can result in arbitration awards that exceed the city's budget or conflict with the city's compensation policy.

Response: **The Legislature should carefully examine requests from interest groups seeking essential employee status under Minn. Stat. ch. 179A (PELRA). The League of Minnesota Cities opposes legislation that mandates arbitration that increases costs and removes local decision-making authority.**

The League supports a mandate for Final Offer/Total Package arbitration for all essential groups on a trial basis. The League also supports a change in the PELRA law that would strengthen existing language (Minn. Stat. § 179A.16, subd. 7) requiring arbitrators to consider a public employer's obligation to efficiently manage their operations. Specifically, the statute should be amended to require arbitrators to take into consideration any wage adjustments already given to or negotiated with other groups – both union and non-union for the same employer in the same contract year.

HR-9. Re-employment Benefits

Issue: Cities are often required to help pay the benefits of workers who have initially been denied benefits through their employment with the city but later been re-employed by a different employer; sometimes this occurs when the employee has been found to have committee gross misconduct while employed by the city.

Additionally, employers are prohibited from entering into agreements with employees not to contest or appeal payment of unemployment benefits as part of a settlement agreement at termination of employment. Because most cities are "reimbursement employers," the majority of the cost of benefits paid to the employee are at the direct expense of the city. The ability to enter into such an agreement can greatly aid a city in reaching a settlement at a relatively low-cost to the city's taxpayers.

Response: **Cities should not be forced to pay benefits as bae wage employers if the employee is determined to have committed gross misconduct during their employment with the city, even if the employee voluntarily resigns. In addition, cities (as reimbursement employers) should be allowed to enter into agreements with employees to not contest a determination of eligibility for unemployment benefits where the employer and employee mutually agree to this as a term of separation.**

HR-10. Public Employee Defined Benefit Pension Plans

Issue: Public pensions are an important employee benefit that can help cities attract and retain employees. However, unlike salary and other employee benefits that are established by each city, the pension contribution rates and benefit levels are set by the state legislature. Benefit levels and plan costs must be carefully balanced to assure long-term sustainability of the pension plans and affordability to employers and employees. Despite ongoing funding issues, the Legislature and Governor had been unable to reach agreement on sustainability changes to the Public Employees Retirement Association plans.

In 2018, the Legislature enacted a major pension reform package to improve the long-term financial status of the PERA pension plans. The legislation included benefit reductions for active employees,

contribution increases for Police and Fire Plan employers and active employees and a modified cost of living adjustment (COLA) for retirees.

Recent adjustments to balance PERA plan costs have largely focused on contribution increases rather than benefit adjustments. On January 1, 2015, the employer and employee contribution rates for the PERA General Plan each increased by 0.25% of salary, resulting in the current employer rate of 7.5 percent of salary and an employee rate of 6.5 percent of salary. For PERA Police and Fire (P&F) employees, the employer contribution was increased to 16.95% and the employee contribution was increased to 11.3% beginning January 1, 2019 and then the employer contribution was increased to 17.7% and the employee contribution was increased to 11.8% beginning January 1, 2020.

For the PERA General Plan, an additional one percent employer contribution is required under Minn. Stat. § 353.27, subd. 3a, which will continue until the actuarial value of the plan assets equal or exceed the liabilities. Employees do not have a similar obligation to help the General Plan reach full funding. When the additional employer contribution was increased to 0.43 percent in 1997, the state instituted a PERA aid program (Minn. Stat. § 273.1385) for employers to partially offset the cost of increased employer contributions. However, the PERA aid payment rate is frozen at 1999 levels, while the additional employer contribution has since increased from .43% to 1.0%.

Response: **The League of Minnesota Cities supports the sustainability modifications enacted by the legislature in 2018 and continues to oppose any benefit improvements for retirees or active employees until the financial health of the General Plan and the Police and Fire Plan is restored.**

For the PERA General Plan, any further increases in employer contributions should only be considered by the Legislature after other measures have been considered, including:

a) An increase in employee contributions so that employees and employers truly bear the same responsibility to bring the pension plans to full funding; or
b) The removal of the cap on PERA Pension Aid payments under Minn. Stat. § 273.1385 and the extension of the aid program after FY2020, so the state equalizes the contributions of employees and employers.

The League also supports:

a) Modifications to the PERA eligibility guidelines to take into account temporary, seasonal, unique part-time, and student employment situations in cities, particularly in recreational operations. These modifications should include the use of pro-rated service credit, which would make PERA consistent with the other major Minnesota pension plans.
b) A comprehensive review of exclusions from pension participation with the goal of simplifying current eligibility guidelines. Such a review should also include a possible revision of current penalties for employers that fail to report covered employees to ensure that these penalties are not overly harsh and punitive.
c) The transfer of all school district employees out of the PERA General Plan and into another fund that is more appropriate for school district employees as long as the change would

not negatively impact the financial health of the pension funds nor result in employer contribution increases. The continued authority of cities to effectively use retirees in reemployment situations. The League supports policy changes which would include an increase in the earnings threshold for such retirees and supports keeping the required break in service at 30 days and opposes suspending payments to retirees.

For PERA Police and Fire, any further increases in employer contributions should only be considered by the Legislature after other measures have been considered, including:

a) An initial increase in the employee contribution of at least 1.0% of salary with subsequent increases split evenly between employee and employer so that the contribution ratio moves toward a more equitable split between employees and employers; or
b) An additional state general fund appropriation to fund the deficiency in police and fire pension aid payments so that the state equalizes the contributions of employers and employees.
c) Increasing the minimum and full retirement ages for new PERA Police and Fire plan participants.
d) Implementing a contribution-based benefit formula that would align benefits payable with contributions made on behalf of an employee in order to address high-five spiking issues.

The League also supports:

a) Maintaining the statutory changes made to Minn. Stat. § 353.01 in 2007 that separate injuries resulting from "hazardous duties" from injuries resulting from "non-hazardous duties" for purposes of police and fire disability retirement benefits.
b) A thorough study by PERA of the current effects of overtime accumulation and outside employment compensation on individual pension benefits and the overall funding of the plan. The study should also include recommendations on whether the overtime or outside employment should be factored into or excluded from high five average wage calculations.
c) Allowing cities, including cities with combination (full-time and paid-on call staff) fire departments, to work with their fire relief associations to determine the best application of fire state aid.

For PERA Corrections Plan the League supports:

a) Maintaining the current definition of covered employees for the PERA corrections plan, which does not include dispatchers due to the substantial differences between the dispatchers and the existing corrections positions covered by this plan.

For all PERA defined benefit plans the League supports:

a) Adjustments to the benefits for active members and retirees to reduce the cost of the plans.
b) Requiring special legislation for individual employee pension benefit increases be initiated or approved by the city council of the impacted city unless the cost of the benefit increase is fully covered by the individual or

the legislation addresses a clerical or administrative error.

c) **Requiring PERA to collect and consider all employer-provided information, including independent medical examinations and other relevant personnel data and to broaden the basis for appealing disability determination decisions.**

HR-11. State Paid Police and Fire Medical Insurance

Issue: Minn. Stat. § 299A.465 requires public employers to continue health insurance benefits for firefighters and peace officers injured in the line of duty. When the law was enacted in 1997, it contained a provision requiring the Department of Public Safety (DPS) to reimburse employers for the full amount of administering this benefit.

By 2002, the fund created to provide this benefit became deficient. Instead of increasing the fund, the 2003 Legislature amended the law to pro-rate reimbursements to cities based on the amount available and the number of eligible applicants. The 2003 law change triggered a significant and unanticipated cost to cities. The cost has increased every year for cities, and the funding for the account has never been increased. Even if the health insurance benefit was discontinued entirely, the costs for existing recipients will substantially increase well into the future due to the growing cost of health insurance.

In 2015, the Legislature expanded the health insurance benefit to include survivors of volunteer firefighters who die in the line of duty. This change increased the number of firefighters eligible for this benefit from 2,000 to 20,000—without increasing funding for the reimbursement account.

Response: **The League of Minnesota Cities supports the following legislative actions to address the funding deficiency in this program:**

a) **The state must fully fund programs that pay for health insurance for police and fire employees injured in the line of duty and dependents of police and fire employees killed in the line of duty as originally required under Minn. Stat. § 299A.465.**

b) **The Legislature must avoid further expansion of eligibility for benefits under Minn. Stat. § 299A.465 unless 1) full funding for benefits is provided by the state; and 2) beneficiaries can be enrolled in a state health insurance plan such as the Public Employees Insurance Program (PEIP).**

c) **Cumulative injuries that occur over time in the job should not qualify a police officer or firefighter for benefits under Minn. Stat. § 299A.465 since these types of cumulative injuries are not unique to the dangers of police officer and firefighter duties.**

d) **The Legislature must clarify that the amount of an employer's contribution under Minn. Stat. § 299A.465 is no greater than that given to active employees in the same job class.**

e) **The Legislature must establish the minimum criteria used to determine ability to work, and set a percentage threshold of disability for eligibility into this program. At a minimum, the Legislature must identify that a workers' compensation determination as to whether the injury is work-related is necessary in order to receive the**

benefits under Minn. Stat. § 299A.465.

f) **Employees who receive a police and fire disability retirement benefit and accept another job that offers them group health benefits should be required to pay for their group health benefits with the city should they decide to continue them. The Legislature must amend Minn. Stat. § 299A.465 to reflect that employees are required to inform the city when they become eligible for coverage under another group plan and that failure to do so is grounds for termination from the benefits granted under Minn. Stat. § 299A.465.**

g) **The legislature should establish a task force to study the long-term costs of this program, including funding for an actuarial consultant, and make recommendations on changes to make it more financially feasible for Minnesota taxpayers.**

HR-12. Health Care Insurance Programs

Issue: Cities, like other employers in the state, are struggling with the rising costs of health care insurance for their employees. In addition, cities must cope with unfunded mandates imposed on them by the Legislature such as the requirement to pool early retirees with active employees and the requirement to bargain over changes in the "aggregate value" of benefits, even when the city's contribution has not changed.

Response: **The League of Minnesota Cities supports legislative efforts to control health insurance costs while maintaining quality health care services. However, cities have differing local needs and circumstances and must retain the flexibility to provide unique and creative solutions to the rising costs of health care insurance for their employees. The League:**

a) **Opposes legislative action that undermines local flexibility to manage rising health care costs.**

b) **Encourages the Legislature to carefully examine the costs and administrative impacts of any new, mandated insurance-related benefit before imposing it upon city employers.**

c) **Supports changes to Minn. Stat. § 471.6161, subd. 5, that would clarify the intent of the subdivision is to address changes in cost vs. changes in value (e.g., changes in provider networks, changes in benefit levels required by an incumbent insurance carrier, changes required for compliance with state and federal laws, including those needed to avoid incurring the federal excise tax known as the "Cadillac Tax".**

d) **Supports changes to Minn. Stat. § 471.61 so that the requirement for cities to offer retiree coverage begins on the date the retiree and/or dependents become eligible for federal Medicare coverage.**

e) **Supports a clarification to Minn. Stat § 471.61 and to Minn. Stat. § 471.617 to explicitly alleviate a city's responsibility to comply with group health benefits mandated by state law when the city's employees are covered under a union plan authorized by federal statutes.**

f) **Supports statutory authorization for cities to collect up to a two percent administrative fee from retirees receiving post-retirement health insurance benefits.**

g) **Opposes any mandatory, centralized, statewide health insurance option for active or retired city employees.**
h) **Supports changing Minn. Stat. § 62A.21 to place reasonable limits on health care continuation for former spouses, similar to the Federal COBRA law.**

HR-13. Workers' Compensation

Issue: Rising medical costs are an increasingly serious problem for all employers and insurers, and now represent over half of all loss costs within the workers' compensation system. Medical costs will be a major driver of future workers' compensation premium increases. In addition, the 2013 legislature added post-traumatic stress disorder (PTSD) as a compensable injury and in 2014, a Minnesota Supreme Court decision found that provisions in the Workers' Compensation statute which allow workers compensation benefits for permanent and total disabilities to be offset by disability benefits and pension benefits such as Social Security does not apply to retirement benefits of the Public Employees Retirement Association. In 2018, the Legislature modified Minn. Stat. § 176.011 subd. 15, which defines an occupational disease to add a rebuttable presumption to a diagnosis of PTSD in certain public safety and related personnel. In 2020, the legislature modified Minn. Stat. § 176.011, subd. 15 to temporarily add a diagnosis of COVID-19 for peace officers, firefighters, paramedics and other defined employee classes as a presumed occupational disease covered by the workers' compensation system. The Minnesota Legislature also regularly considered proposals to expand the heart, lung and infectious disease presumptions for public safety workers, and to make the presumptions more conclusive and difficult to rebut. These types of benefit expansions would further increase municipal workers' compensation costs.

Response: **Legislative action is necessary to address increasing workers' compensation costs, particularly rising medical costs. The League of Minnesota Cities supports:**

a) **Use of the Workers Compensation Advisory Council (WCAC) system to consider proposals for changes to the workers' compensation law, and urges the WCAC and the Legislature to approve medical cost containment reforms.**
b) **Filling an existing WCAC employer vacancy with a public-sector employer representative or adding a designated public-sector employer representative to the WCAC.**
c) **Continuing the WCRA as the mandatory workers' compensation reinsurer for insurers and self-insurers in Minnesota and supports modifying state statutes to treat PTSD events involving several affected parties as one occurrence for retention purposes, thereby reducing the exposure of self-insured entities and the statewide insurance pools. Such a change would not have any effect on the benefit an individual employee would receive.**
d) **Legislation that would disallow the "stacking" of PERA retirement benefits and Workers Compensation benefits due to the fact that some injured employees could receive total compensation from workers' compensation and PERA retirement benefits that would be well above the salary that they had been earning and the fact that the costs would ultimately be passed on to cities and their taxpayers.**

e) **Extending the time limit on denials of liability for PTSD injuries from the current 14 days days in order to allow diagnosis in accordance with the requirements contained in the Diagnostic and Statistical Manual of Mental Disorders (DSM) which guides the diagnosis of PTSD under Minnesota Law (Minn. Stat. §176.011, subd. 15).**
f) **Policies that provide opportunities for employees diagnosed with PTSD to receive treatment for PTSD that could result in continued employment with the local government.**
g) **State funding to assist with the potential extraordinary costs of the COVID-19 workers' compensation occupational disease presumption enacted in Session Laws 2020, Regular Session Chapter 72**

The League opposes expansion of workers' compensation and related health insurance benefits because of the potential for dramatically increasing costs to cities. Specifically, the League opposes expansion of the heart, lung and infectious disease and PTSD presumptions as well as any expansion of the law that would require payment of health insurance premiums.

HR-14. Drug and Alcohol Testing in the Workplace

Issue: Employer testing of job applicants is governed by Minn. Stat. § 181.950 – 181.957 and is known as the Drug and Alcohol Testing in the Workplace Act (DATWA). It applies to all employers with one or more employees, including cities. The DATWA has not been amended for many years to reflect various and significant changes in drug-testing technology nor policy changes at the federal level.

The DATWA prohibits an employer from terminating an employee for a positive controlled substance test without first providing the employee a chance for rehabilitation and treatment. This law applies to probationary employees as well as those who have completed probation.

Currently, breathalyzer use and saliva swabs are permitted for alcohol testing under federal commercial driver testing laws though Minnesota does not allow for the use of breathalyzers in testing. Use of breathalyzers for employee alcohol testing is a less invasive, less expensive method. In addition, federal commercial driver testing laws address a number of outcomes other than a positive test result, including but not limited to tampering with a sample, providing a substitute sample, providing a sample that is not human urine, providing a sample that is not capable of being tested, etc. State law is silent on these outcomes.

Response: **The League of Minnesota Cities supports the following changes to the DATWA:**

a) **Updates to reflect new issues, such as adding new definitions as needed to reflect current practices;**

b) **Clarification that a positive controlled substance test during probation does not require the employer to provide an employee who has not completed probation a chance for rehabilitation and treatment; and**
c) **Permitting the use of breathalyzers and saliva swabs as acceptable technology for determining alcohol use.**

HR-15. Veterans Preference

Issue: Cities have a long history of recruiting and hiring veterans as they are a

natural fit in city government. Across the state, cities are partners in working with and ensuring veterans have a variety of opportunities afforded to them given their sacrifice and service. The purpose of the Minnesota Veteran's Preference Act (VPA) is to facilitate the transition of veterans from the military to civilian life and to help compensate veterans for their sacrifices of health and time to the community, state and nation. The VPA grants veterans limited preference over nonveterans in hiring and promotion for most state and local government employment to recognize the training and experience they received as a result of serving in the military. It also provides local government employees who are veterans some protection against unfair demotions and dismissals. These preferences and protections are commonly referred to as "veteran's preference" and are codified in Minn. Stat. §§ 43A.11, 197.455, 197.46, 197.48, and 197.481.

Once a veteran has completed an initial probationary period upon hire, they cannot be removed from their position or employment, except for incompetency or misconduct shown after a properly noticed hearing. Currently, a veteran can only be placed on probation upon hire but not following a promotion. It is common practice to place employees on probation following employee promotion making this restriction inconsistent with current practice and procedure.

Termination hearings are held before the local civil service commission or before an arbitrator and Minn. Stat. § 197.46 allows a veteran to choose a hearing before the local civil service commission, or an arbitrator. Members of civil service commissions are chosen for their expertise and experience with employment law. Hiring an arbitrator for a hearing instead of utilizing an established civil service commission is inefficient.

Response: **The League of Minnesota Cities recognizes the important contributions veterans have made and supports giving veterans limited preference in employment. To strengthen and improve the VPA, the legislature should:**

a) **Allow cities to place veterans on probationary periods upon promotion as they do with other employees; and**
b) **Restore the language in Minn. Stat. § 197.46 requiring a hearing to be held before a local civil service commission where one exists.**

HR-16. Military Leave Reimbursement

Issue: Minn. Stat. § 192.26 subd. 1, requires local units of government to provide 15 days of compensation per year to employees who are members of the military for military leave. State laws give preference to hiring veterans for public sector jobs, and, citizen soldiers are a natural fit to also serve as public safety personnel. As such, many public safety personnel are often also members of the military and are required to conduct training and military duties throughout the year.

In addition to providing compensation for mandatory military leave, cities must also ensure that these temporary vacancies are adequately filled by public safety personnel whose training and qualifications are unique to providing public safety. This can result in added overtime costs and may impact public safety service levels.

Government employers honor and recognize the importance of ensuring members of the military are able to fulfill their duties and

participate in mandatory training, while also aiming to ensure that public safety service in their community is efficient, seamless, and cost-effective. In response to this issue, there have been recent legislative proposals to reimburse local units of government for military leave paid to public safety personnel.

Response: **The League of Minnesota Cities supports state funding to ensure that local units of government can maintain quality and cost-effective public safety services in their communities and for their taxpayers while also offering full support for employees who are members of the military. Such state funding could include reimbursement of costs incurred to local units of government related to compensating personnel on military leave as well as reimbursement for costs related to ensuring these temporary vacancies are adequately filled.**

HR-17. Background Checks

Issue: Current law allows criminal justice background checks on active employees (as opposed to applicants for employment) only when such employees are firefighters or work with children. The law governing criminal history background checks on police and other city employees does not specifically allow such checks on active employees. Cities need the ability to be able to conduct criminal history background checks on active employees as well as applicants for employment using the BCA or the BCA database access.

Response: **Cities should be able to conduct, but not be required to conduct, criminal history background checks on active employees using the BCA database. The laws governing background checks for all city employees should be amended to allow for this practice. For those cities that choose to use the BCA to run the criminal history employment background check for them, the fee should be the same as that charged to non-profit organizations.**

HR-18. Tele-health Exams

Issue: Technology improvements are creating new ways to approach many city functions. Specifically, the increased acceptance of the use of tele-health (audio and video, web-based) exams creates an opportunity for cities to access and use psychologists with specific expertise in public safety as part of the hiring process for police officers. However, the Peace Officers Standards and Training (POST) Board has adopted a position prohibiting the use of tele-health exams for the required psychological oral interview/evaluation prior to hiring.

Response: **The League of Minnesota Cities supports the use of tele-health (audio and video, web-based) exams to meet the requirements of the POST Board for a psychological oral interview/evaluation prior to hiring a police officer candidate.**

Data Practices

DP-1. Data Practices Compliance Costs

Issue: The purpose of the Minnesota Government Data Practices Act (MGDPA) is to protect personal information from indiscriminate disclosure while balancing the right of the public to know what the government is doing. The Act also attempts to balance these rights within a context of effective government operation. The League of Minnesota Cities supports the public policy behind the MGDPA while acknowledging that compliance with the law

imposes costs on local taxpayers. Smaller cities struggle with limited staff and resources while larger cities struggle with larger complex databases. The MGDPA must balance the right of citizens to access public data with the cost to municipalities of complying with certain types of data requests.

In 2014, the Legislature imposed additional security requirements on political subdivisions in an attempt to prevent unauthorized individuals from accessing private data. Adequate security measures are important, but they make compliance with the MGDPA more difficult and costly. Although the Legislature has made compliance with the MGDPA a priority, funding for the Data Practices Office of the Department of Administration, the department charged with overseeing the MGDPA, does not reflect the increased need for local government assistance.

Cities continue to receive repetitive, overly broad and far-reaching data requests that require significant staff time to locate government records, redact private data or data unrelated to the request, and assemble documents to be provided in order to comply with requirements to provide access to public government data. Cities are experiencing significant increases in wide-ranging data requests, often utilizing specific word searches through multiple databases. "Word search" requests typically result in a voluminous quantity of data that must be reviewed and redacted, with significant staff cost. Because word searches retrieve even incidental references to the searched term, the search results often contain a significant volume of data that has little informational value. If the requestor does not request copies, the search costs cannot be recovered – even though the requestor dictated the specifics of the search.

Furthermore, in some situations, as with overly broad data requests related to "applicant" lists, staff time and costs are significantly increased and not recoverable for very limited public benefit. The MGDPA also limits the ability of cities to be reimbursed for responding to requests.

Cities are limited to charging only 25-cents per page for copies of police motor vehicle incident reports, which does not cover the city cost for copying, while the Commissioner of Public Safety is exempt from this restriction—thereby permitting the Department of Public Safety to continue to charge $5 for incident reports that cities are required to submit to the department.

Response: **As the cost of complying with the MGDPA increases, the League supports:**

a) Providing additional state funding to assist political subdivisions with meeting the increasing complexity of managing government data.
b) Providing state funding for statewide data practices training.
c) Allowing political subdivisions to charge for the staff time that is required to comply with wide-ranging data requests regardless of whether copies of the data are requested or allowing political subdivisions to charge for actual costs for collection of data when the requestor makes his or her own copy of the data by taking a photo, bringing a copy device, etc.
d) Providing a mechanism that would permit cities to challenge whether a data request is reasonable and made in good faith.
e) Creating and funding an ombudsperson position in the Data Practices Office to determine reasonableness and proportionality of data practices requests.

f) **Providing funding and authority to the Data Practices Office to engage in the rulemaking process to establish standards and procedures related to requests and responses to data practices requests that impose significant burdens on government entities.**
g) **Amending the MGDPA to limit what is considered public applicant data to better balance the value of public data with the cost related to data practices compliance.**
h) **Allowing political subdivisions to charge the same amount for copies of motor vehicle incident reports issued by local police and fire departments as the commissioner of public safety.**

The League of Minnesota Cities opposes:

a) **Further increasing the maximum exemplary damages that courts may impose against government entities, including cities, found to have violated the MGDPA; further increasing the maximum civil penalty that may be imposed when a court order is issued to compel a government entity to comply with MGDPA; or any statutory change that would make it a mandatory civil penalty to compel compliance under the MGDPA.**

b) **Repealing of the administrative remedies provisions adopted by the 2010 Legislature to address disputes regarding MGDPA compliance issues.**

DP-2. Records Retention Compliance Costs

Issue: The Official Records Act requires government entities to "make and preserve all records necessary to a full and accurate knowledge of their official activities." In accordance, cities must establish a records retention schedule, and maintain and destroy official records according to this schedule. There are rigorous requirements for any changes to a city's records retention schedule, including getting approval from the statutorily-created Records Disposition Panel, which strikes an appropriate balance between the government entity's decision-making role in determining retention and disposition of official records with the public's right to know the government entity's official activities.

Response: **As the cost of complying with the records management laws increases, the League supports providing additional state funding to assist political subdivisions with meeting the increasing complexity of managing government records.**

The League of Minnesota Cities opposes changing the current record management requirements and statutory definitions. If changes are needed, subject matter experts should make recommendations through the records retention schedule process.

DP-3. Updating the Minnesota Government Data Practices Act

Issue: The Minnesota Government Data Practices Act (MGDPA) was first enacted in 1979. Almost 40 years later, times have changed dramatically. In particular, there has been exponential change in technology. In 1979, cities were largely maintaining data in paper form, computers had just become viable for home users, word processing had just become a reality, the first point-and-shoot, autofocus camera came on the market, and the internet was still about a decade on the horizon.

While the MGDPA was originally drafted to be future thinking by contemplating the

various forms data could be held – including the concept of storage media – the legislators of the time could not have imagined where technology would be today. For example, the originally-drafted MGDPA made reference to photostatic, microphotographic, or microfilmed records. Minn. Stat. § 13.03, subd. 1. The current law still refers to these same mediums of data, despite few cities maintaining data in this manner.

Technology has exploded, and the type of data collected by this new technology has multiplied. In our current reality, the public and government have been frustrated by how best to access government data. In Webster v. Hennepin County, 910 N.W. 2d 420 (Minn. 2018), the County was asked to conduct a computer-aided search of all its email accounts over multiple years for 20 separate search terms related to biometrics and facial recognition. The Minnesota Supreme Court found that the County failed to establish procedures to ensure appropriate and prompt compliance with data requests but did not find that the County failed to keep its records in an arrangement and condition to make them easily accessible for convenient use. The Court also did not address if a term search was a valid data practices request or if a request could be unduly burdensome. The lack of direction from the Court on these issues leaves a void.

There are also other advances in technology that are not comprehensively addressed by the MGDPA. While the Legislature has attempted to address technological advancements as they come, it has been in piecemeal ways.

Response: **The Legislature should update the MGDPA to comprehensively address technological changes since the Act was first enacted. Because the MGDPA is a complicated area of law, the Legislature should make changes based on the recommendations from subject matter experts from all levels of government and interested stakeholders, including recommendations on what constitutes reasonable data practices request and when a data practices request is unduly burdensome.**

DP-4. Maintaining Government Data in Large Databases

Issue: The Minnesota Department of Administration Advisory Opinion 10-016 issued in June 2010 maintains that the Minnesota Government Data Practices Act (MGDPA) requires cities to keep records containing public government data so that they can be easily accessible and convenient to use, regardless of how they are kept. Cities maintain that the application of this advisory opinion to large databases in which records are kept in an electronic format forces cities to risk the daily threat of allegations of noncompliance or leaves local government officials confused regarding how to apply the requirement for access to data in circumstances where information technology is utilized to facilitate the management and organization of records and information which often includes public, private, and nonpublic data within individual data sets.

In addition, large databases today contain different forms of data, including video, audio, images, and social media. In responding to data practices requests, responsive data could be stored in multiple data bases. Further, with the advent of cloud-based information systems provided by the private sector, newer databases are not typically designed to be controlled by cities to easily separate public from non-public data.

Response: **The state of current technology requires cities to maintain large databases that are designed to provide secure data storage and maintenance. Those databases are already burdensome and expensive for cities to maintain, but are not available in a form in which public and private data can be easily separated. Requiring cities to design such databases to accommodate extensive data requests under MGDPA is both financially and technologically challenging to achieve.**

The Legislature should address the growing and costly impact on cities of providing access to specific public data housed in large electronic databases. Cities also require discretion in determining that the release of certain incident data could identify an individual whose identity must be protected.

DP-5. Sharing of Student Data with Local Law Enforcement in Emergencies

Issue: Minn. Stat. § 13.32, subd. 3(l), defines education data as private data that must not be disclosed except to the juvenile justice system in cases where information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals. In addition, the federal Family Education Rights & Privacy Act (FERPA) bars schools from disclosing information on student educational records that contains personally identifiable information without consent of a parent or eligible student, with only limited exceptions.

Minn. Stat. § 13.32 does not adequately define who is responsible for making the determination that an emergency or risk of harm exists. As a result, school district officials have interpreted the statute in conjunction with the restrictions in FERPA to require that the determination be made solely by school officials.

Local police officials are often frustrated in their efforts to investigate allegations of criminal or other illegal activity when school officials refuse, under Minn. Stat. § 13.32, subd. 3(l), and FERPA, to provide information to follow up such complaints or to assist local police in solving crimes that have already taken place.

School boards are responsible to have policies in place that require school officials to report a student who possesses an unlawful firearm to law enforcement or the juvenile justice system. But schools are not allowed to release the name of a student in dangerous weapon reports involving use or possession of such weapons that are made to the Minnesota Department of Education.

Response: **Minn. Stat. § 13.32 should be clarified to allow local law enforcement agencies to work with school officials to jointly make the determination that an emergency or risk of harm exists in order to enable police enforcement actions to be taken in a timely manner.**

DP-6. Disclosure of Victim Data

Issue: Under the Minnesota Government Data Practices Act (MGDPA), the name and address of a victim or casualty of an accident or incident to which a law enforcement agency responds is public government data. In addition, the name and location of the health care facility to which victims or casualties are taken is public government data. The MGDPA allows a victim or witness to prevent the disclosure of public data unless the law enforcement agency determines that revealing the identity

will not threaten the victim or witness's personal safety or property. However, victims and their families can be traumatized by the events that caused their injuries, even when their safety or property is not threatened. Publicly disclosing their identities and the location where they are receiving medical care places a burden on families and victims who may be questioned by reporters, solicited by lawyers, and contacted by other members of the community. While there are legitimate public policy reasons to make this information public, the MGDPA provides no discretion for city officials and law enforcement to temporarily withhold victim data when releasing it is not in the best interest of the victims. This not only makes the initial period of recovery more difficult for victims, but erodes the trust between victims and state and local government.

Response: **The Legislature should amend Minn. Stat. § 13.82 to allow law enforcement agencies to temporarily withhold the disclosure of data that identifies victims and casualties and the medical facilities to which they are taken if the agency reasonably determines that access to the data would cause emotional harm to the individual or otherwise impede the individual's recovery. The Legislature should also amend Minn. Stat. 13.82 to clearly and permanently prohibit the disclosure of traffic accident victim identity, similar to the protections for crime victims.**

DP-7. Challenges to the Accuracy of Data

Issue: The Minnesota Government Data Practices Act (MGDPA) allows the subject of government data to challenge the accuracy or completeness of data maintained by the government entity. If the government entity denies the challenge, the Act allows the data subject to appeal that determination through a contested case proceeding under the Administrative Procedures Act (APA).

In the human resources context, a performance evaluation is a tool used to document and evaluate employee job performance. Performance evaluations are not discipline; however, some jurisdictions and some union contracts have appeal processes to challenge a performance evaluation. Performance evaluations are normally conducted once a year.

The Minnesota Supreme Court has held that a public employee could use the MGDPA to challenge the accuracy of certain information contained in the employee's performance evaluation. *Schwanke v. Minn. Dept. of Admin.*, 851 N.W. 2d 591 (Minn. 2014). While the Court held that "dissatisfaction with a subjective judgment or opinion cannot support a challenge under the [MGDPA]," a data subject can still challenge data that supports the subjective judgment. There is currently no limitation on when a performance evaluation challenge may be brought. Often there is no retention period for the underlying data because it is rarely an official record. Furthermore, the more time that passes, the less likely those with the knowledge of a given performance evaluation may be still employed by the city. It is to everyone's benefit to have the challenge to accuracy of data conducted as soon as possible.

Under *Schwanke*, an invalid challenge to a subjective opinion can no longer be dismissed by the Department of Administration; it can only be dismissed in a contested-case proceeding. In even a frivolous challenge the data subject will have the right to submit evidence and call witnesses at taxpayer expense.

This right of review is in addition to any union grievance process, and can be exercised by an employee before or after such a grievance is undertaken. This process can result in conflicting decisions and has the potential to create a heavy burden on all levels of government, and impose significant costs on taxpayers.

Response: **In light of the *Schwanke* decision, the Legislature should modify the data challenge provision of Minn. Stat. § 13.04, subd. 4, to balance the rights of data subjects to challenge the accuracy and completeness of data with the administrative and financial burdens on local governments and taxpayers.**

DP-8. Law Enforcement Technologies

Issue: To aid law enforcement in work, law enforcement agencies need the flexibility to effectively use all available tools, including technology, in a manner that balances privacy interests of citizens, transparency of their work, and costs related to these technologies. The Legislature has balanced these concerns in the recent License Plate Readers law and the Police-Worn Body Camera law.

License Plate Readers (LPRs) are an important tool that assist law enforcement agencies in locating wanted individuals, recover stolen vehicles, and many other types of investigations. Nevertheless, the use of this technology raises legitimate privacy concerns. In 2015, the Legislature passed compromise legislation regulating the use of LPRs, the classification of LPR data, and the retention period for LPR data that struck a fair balance between the need for robust law enforcement and individual privacy rights.

Police-worn body cameras (or portable recording systems) provide invaluable evidence when investigating crimes and prosecuting criminals, and strengthened trust of citizens in law enforcement by increasing the accountability between peace officers and the public. Different than other kinds of data, body camera data use involves the unique complexities of the sensitive nature in its use in private homes as well as the sheer volume of data in daily use. In 2016, the Legislature contemplated all of these issues and passed compromise legislation regulating use of body cameras, classification of body camera data, retention period for body camera data, release of body camera data, audit requirements, and written policy requirements.

Response: **Cities and/or law enforcement agencies should be allowed to decide whether to utilize technology and be given the flexibility to decide how they are used in the field. The League supports the continued use of License Plate Readers under the terms of the 2015 legislation, and opposes any further restrictions on their use or any reduction in the current 60-day retention period.**

The League supports the continued use of Police-Worn Body Cameras under the terms of the 2016 legislation, and opposes any further restrictions on their use, data classification, retention period, or written policy requirements.

DP-9. Open Meeting Law

Issue: The Open Meeting Laws allows certain meetings to be held using interactive television provided that: all members of the body can hear and see one another and all discussion and testimony; members of the public can see and hear all discussion, testimony, and votes; at least one member of the body is physically present at the regular meeting location; and each remote location is open and accessible to the public. The

Minnesota Department of Administration issued an advisory opinion (13-009) that allowed a city's use of Skype to conduct a remote meeting under Minn. Stat. § 13.02, subd. 1. A "common sense" approach was applied to technology questions, which recognizes the difficulty cities must face when interpreting the Open Meeting Law in light of ever-changing technology.

The Open Meeting Law and other statutes also allows certain state bodies to conduct meetings via telephone and other electronic means, pursuant to Minn. Stat. § 13D.015. This useful tool should be expanded to local government to assure that members can attend meetings remotely in this ever-evolving virtual world using current and future technology.

Technology has outpaced the Open Meeting Law. Recent city response to COVID-19 has illustrated that remote participation for meetings can allow for meaningful interaction among the city council and with the public. While the legislature recently changed the law to allow for greater participation by interactive television when a state of emergency has been declared, this change was for a limited amount of time. It is unknown how long the effects of this health pandemic will last beyond any declared state of emergency. Cities are in need of greater flexibility now to utilize technology for meetings to protect the health of elected officials, city staff, and the public. Cities also need to keep pace with the virtual world by having discretion to use remote technology in the future, similar to the current discretion of the State of Minnesota.

The use of Facebook, Twitter, and other social media creates opportunities for cities to reach more constituents and to share more information faster than ever before. Social media creates new opportunities for citizen participation, and citizens increasingly expect that their elected officials will provide them with information via the internet and social media sites. This expectation is not always consistent with laws that require citizens to attend a meeting in order to participate in local government. The use of social media by elected officials raises issues of compliance with laws that were drafted before social media existed, and increases the likelihood of unintentional violations. In recognition of these issues, the 2014 Legislature created a social media exemption to the Open Meeting Law, Minn. Stat. § 13D.065, which states that the use of social media by members of a public body does not violate the law so long as the use is limited to exchanges with all members of the general public.

Response: **The League of Minnesota Cities supports the Department of Administration's interpretation of the interactive television provision of the Open Meeting Law, and encourages the Legislature to authorize cities to conduct official meetings by telephone or other electronic means, as allowed by Minn. Stat. § 13D.015,**

The League supports the 2014 change to the Open Meeting Law, which grants cities and elected officials reasonable flexibility to use social media to communicate with citizens while maintaining the protections of the Open Meeting Law.

The League opposes any change to the open meeting law that would expand the award of attorney's fees to unintentional violations.

DP-10. Exceptions to the Open Meeting Law

Issue: The purpose of the Open Meeting Law generally requires that all meetings of

public bodies must be open to the public. This presumption of openness serves three vital purposes: it prohibits actions from being taken at secret meetings, to assure the public's right to be fully informed, and to afford the public an opportunity to present views to the public body. The League of Minnesota Cities supports the Open Meeting Law, and recognizes the important role it plays in maintaining the public trust and the accountability of elected officials.

The Open Meeting Law must, however, balance the need for public information and the need to protect privacy rights and certain negotiation strategies to protect the use of public resources. Currently, there are seven exceptions to the open meeting laws that authorize the closure of meeting to the public. Under these exceptions, some meetings may be closed at the discretion of the governing body and some must be closed. Three challenges exist with current law.

The first concern is the hiring process for management level positions. While existing law allows a governing body to close a meeting to evaluate the performance of an individual subject to its authority, the statute doesn't grant the same level of privacy for the city council and prospective applicants. The statute should allow a governing body to close a meeting to interview applicants for employment if there is a quorum present; and, to allow a governing body to close a meeting to discuss the terms of an employment agreement to offer to a candidate to whom a job offer has been extended. This would be consistent with the existing authority for the governing body to close a meeting to discuss labor negotiations strategy. Allowing a closed meeting so that a council can discuss the results of an interview process for a management-level position will allow council members to express opinions or ask questions they may have concerns about discussing in a public meeting, and preserves the integrity of the interview process of subsequent candidates.

The second concern with existing law is the inability for public bodies to conduct strategic negotiations. Current law allows the public body to close a meeting to discuss the purchase or sale of property and labor negotiations but does not allow the public body to close a meeting to discuss negotiation strategies for an agreement with private parties, non-profit organizations, and/or public entities. The ability for public bodies to close meetings in these situations provides public bodies the opportunity to form strategies in the best financial interest of the community, which is consistent with the importance of negotiation regarding purchase or sale of property and labor contracts.

The third concern is how to include city councilmembers wanting to remotely participate in city council meetings as may be needed. While cities want elected officials to participate in city decision-making to their fullest extent, it is also important to protect the public's right to see how government makes decisions. Currently under the interactive television exception to the Open Meeting Law in Minn. Stat. § 13D.02, subd. 1, city councilmembers can remotely participate in city council meetings if they meet certain requirements: (1) all councilmembers, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented; (2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of the members of the body; (3) at least one member of the city council is physically present at the regular meeting location; and (4) each location at which a city councilmember is present is open and

accessible to the public. The current law allows an exemption from this requirement if a city councilmember (1) is in the military and deployed and (2) has been medically advised not to be in a public place for medical reasons when a state of emergency has been declared. On occasion, city councilmembers want to remotely attend city council meetings, but there is no meaningful reason to make their location "open and accessible to the public" as city councilmembers made their remote location "open and accessible" but no city resident shows up at the remote location. COVID-19 has taught us that remote participation can allow for meaningful remote participation and public interaction. However, a city councilmember may want to fulfill their responsibility despite medical reasons outside of a state of emergency, travel due to work, or personal travel. Removing this last requirement still preserves the public's ability to hear and see all discussion, testimony, and voting by all participating councilmembers while allowing willing councilmembers to participate in city decision-making.

Response: **The Legislature should amend the Open Meeting Law:**

a) **To allow a governing body or a committee created by a governing body to close a meeting to interview candidates for management-level positions such as city manager, administrator, clerk-treasurer, city attorney, superintendent, or department head, and to close a meeting to evaluate and discuss the candidates, and discuss salary and benefit negotiations.**
b) **To allow a governing body to close a meeting to discuss negotiation strategies for proposed contracts and/or agreements with private parties, non-profit organizations, and/or public entities.**
c) **To allow city councilmembers to participate in city council meetings without making their remote location open and accessible to the public as otherwise required under Minn. Stat. § 13D.02, subd. 1.**

Such closed meetings should follow the same or similar procedures for conducting closed meetings currently required under the Open Meeting Law.

Federal Employment Law

FED-1. Consolidated Omnibus Budget Reconciliation Act (COBRA)

Issue: The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) law, which requires employers to offer continued health and dental insurance group benefits after an employee terminates, has been interpreted to apply to Employee Assistance Programs (EAPs). The application of COBRA benefits to these programs results in unlikely and impractical outcomes.

Response: **Congress should clarify the intended benefits to which COBRA law should apply, excluding EAP programs.**

FED-2. Flexible Spending Accounts

Issue: Health care costs are rising dramatically and employees need financial relief. Flexible spending accounts provide some relief, but the current "use it or lose it" provision for medical spending discourages employees from participating in this program. In addition, the $5000 annual maximum limit on dependent care accounts has not increased substantially since the program's inception in 1986 and childcare costs continue to rise significantly.

According to 2012 data from the Pew Research Center, Minnesota has one of the highest childcare costs in the country with an average cost of $12,000 to $15,000 for infant care per year.

Response: **The League of Minnesota Cities supports legislation that would allow employees to roll unused funds over to the next plan year, or into a tax-qualified retirement plan, or a 457 plan. The League of Minnesota Cities also supports an increase in the annual maximum allowed for dependent care accounts, with a cost of living inflationary increase each year after the initial adjustment.**

FED-3. IRS Regulations on Death Benefits

Issue: Current IRS regulations do not allow any type of death benefit to be included in a health reimbursement arrangement (HRA) or tax-free, account-based group health plans. If a participant of the HRA or account-based group health plan dies, they cannot leave the remaining funds to a designated beneficiary unless the beneficiary is a spouse or dependent child. If the employee does not have a spouse or dependent child, the funds are typically redistributed among plan participants. A death benefit provision is an attractive feature for many employee groups. In 2008, Section 105 of the Internal Revenue Code was amended, with a further amendment in 2015, to include limited exceptions to this general rule but not all city plans meet the requirements of these limited exceptions.

Response: **Congress should amend Section 105 of the Internal Revenue Code to allow all HRAs and account-based health plans for both active employees and retirees to include a provision that allows the employee to designate beneficiaries other than spouses and dependents. Such beneficiaries should be able to, at a minimum, receive reimbursement for their medical expenses from the inherited account.**

FED-4. Federal Public Safety Collective Bargaining Bill

Issue: Congress is considering a bill that would require all states to establish collective bargaining procedures for all public safety employees. The bill directs the Federal Labor Relations Authority (FLRA) to determine, state by state, whether it meets the bill's requirements with regard to collective bargaining rights for public safety employees. While it appears Minnesota is likely to pass the tests set out by the bill, federal public sector lobbyists have expressed serious concern that the bill is very much open to interpretation. In addition, the bill directs the FLRA to "consider and give weight, to the maximum extent practicable, to the opinion of affected employee organizations."

Response: **The League of Minnesota Cities opposes the federal collective bargaining bill for public sector employees. Public sector collective bargaining should be left to the determination of each state.**

FED-5. Federal Health Care Reform

Issue: Certain provisions of the Patient Protection and Affordable Care Act (commonly referred to as the federal health care reform law or Affordable Care Act (ACA)) are problematic for cities. These issues range from administratively difficult to very costly. Tracking employee hours, particularly hours of seasonal and temporary employees and council members, is

burdensome and will require significant administrative time and effort. Because most of these employees will not qualify for coverage under the ACA, the effort does not result in a worthwhile outcome. There are also situations where employees who are currently working more than 30 hours per week in a city will now be eligible for health care coverage by that city, which will drive up city costs significantly, particularly for cities using the "duty crew" concept at fire stations to ensure adequate daytime response. Finally, there are provisions which require the city to offer coverage to full-time students who are already covered by their parents' insurance and do not need the coverage through the city, which results in wasted effort. Furthermore, cities that

provide health insurance coverage to their employees should not be subject to the federal excise or so-called Cadillac Tax when effective in 2022, which will result in substantial costs to Minnesota taxpayers.

Response: **The League of Minnesota Cities supports the intent of the ACA to provide affordable health care coverage to all Minnesota residents. However, prior to implementation, Congress should:**

a) **Exempt employees under age 26 who are covered by their parents' insurance;**
b) **Exempt (from coverage requirements) employees who work in recreational facilities and programs owned and operated by governmental entities;**
c) **Exempt elected officials from being counted as "employees" for the purposes of the ACA; and**
Revise the provisions of the federal excise "Cadillac Tax" so that it does not penalize employers and instead provides incentives to strengthen wellness and disease prevention effort.

FED-**6. Amended Internal Revenue Code Regarding 403(b) Retirement Plans**

Issue: Section 403(b)(1)(A)(ii) of the Internal Revenue Code allows an employer that is a State, a political subdivision of a State, or an agency or instrumentality of a State or a political subdivision of a State to establish a 403(b) retirement plan for employees who perform services for educational organizations as described in Section 170(b)(1)(A)(ii) of the Internal Revenue Code. This provision of the Internal Revenue Code allows employees to defer substantially more income for retirement savings than their city government employee counterparts. While government employees who do not perform services for an educational organization may participant in a 457(b) deferred compensation plan, they may not participate in a 403(b) retirement plan. Government employees who perform services for an educational organization are able to participate in both a 403(b) plan and a 457(b) deferred compensation plan. Furthermore, as a result of the amendment to Section 457(c) of the Internal Revenue Code by the Economic Growth and Tax Relief Reconciliation Act of 2001, deferrals to a 457(b) plan are not coordinated with elective deferrals made to a 403(b) plan for purposes of complying with the limit on pre-tax contributions to either plan. Both employee groups serve the public and should be treated similarly under the Internal Revenue Code for purposes of tax-deferred retirement savings plans."

Response: **Congress should amend Section 403(b)(1)(A)(ii) of the Internal Revenue Code to allow an employer that is a State, a political subdivision of a State, or an agency or instrumentality of a State or political subdivision to establish a**

403(b) plan for all of its employees, regardless of whether they perform services for an educational organization.

FED-7. Amended Internal Revenue Code Regarding Health Savings Account Eligibility and Medicare Enrollment

Issue: Section 223(b)(7) of the Internal Revenue Code provides that the monthly limitation on contributions to a health savings account (HSA) is zero starting with the first month in which an individual is entitled to Medicare benefits. A person becomes entitled to Medicare benefits when their Medicare coverage becomes effective. In many cases, Medicare coverage is effective on a retroactive basis. Specifically, when an individual is required to submit an application for Medicare coverage, the Medicare coverage will be effective retroactively up to six months before the month in which the application is filed (depending on the date on which the individual first become eligible for Medicare coverage) as described in 42 CFR §406.6(d). The IRS has indicated that the monthly limitation on HSA contributions included in Section 223(b)(7) applies during any retroactive period of Medicare coverage. This rule is confusing to employees, employers, and benefit administrators and may lead to unintended and unexpected tax consequences for employees and employers who may not be aware at the time an HSA contribution is made that the monthly limitation for that month will be zero if the employee applies for Medicare within the following six months and the coverage is effective retroactively under this rule. Furthermore, if an employer provides contributions to an HSA as part of its benefit package, then the rule may limit the benefits an active employee can receive from their employer.

Response: **Congress should amend Section 223(b)(7) of the Internal Revenue Code to provide that the limitation on contributions to a health savings account for any month with respect to any individual shall be zero for each month beginning with the later of (i) the first month in which such individual is entitled to benefits under title XVIII of the Social Security Act or (ii) the month in which such individual submits a valid application for benefits under title XVIII of the Social Security Act.**

IMPROVING FISCAL FUTURES

FF-1. State-Local Fiscal Relations

Issue: Since the 1970s, services provided by Minnesota cities have been largely funded through a combination of property taxes, state aids, and state property tax relief programs. This system of municipal finance has evolved to ensure that municipal services can be funded without excessive local tax burdens.

Over the past decade, the state-local partnership has vacillated with the state budget, challenging the ability of city officials to plan for the future fiscal needs of their communities.

Response: **The League of Minnesota Cities supports a strong state-local fiscal partnership. The state-local fiscal system, and any future modifications, should be consistent with the following principles:**

Accountability. **Cities believe a viable partnership with the state requires cities and the state to communicate effectively with each other and with the public about their roles and responsibilities. Cities and the state must also exercise sound financial stewardship, including maximizing efficiencies in service delivery and other means of cost containment whenever possible.**

Certainty. **Cities need to have more certainty and predictability in all of their available revenue sources, including the property tax, the amount of funding they receive from local government aid and similar programs and from other sources of revenue. The past practice of retroactive adjustments to local government aid (LGA) and similar programs, unallotments of the appropriation and the imposition of levy limits do not facilitate prudent financial planning and decisions. In addition, during a past state government shutdown the Department of Revenue indicated that despite the standing LGA appropriation, the shutdown of many state government operations would prevent the distribution of the LGA.**

Adequacy. **The revenue sources available to cities and the state must raise adequate funds to meet city needs, to fund mandates, and to maintain Minnesota's long-term competitiveness.**

Flexibility. **As cities become increasingly diverse in their characteristics and as existing aid and credit programs have eroded, a "one-size-fits-all" system that limits all cities to the property tax as the major, non-state aid revenue source is increasingly unworkable. Some cities have sufficient property tax base to sustain an adequate service level, but many do not. Cities should have greater access to other tax and revenue sources than currently permitted.**

Equity. **All citizens should receive adequate levels of municipal services at relatively similar levels of taxation. This means that the state should provide financial assistance to cities that have high costs, including costs related to overburden created by non-resident users of city services, low fiscal capacity, or both. State financial assistance should also reduce tax burden disparities among communities and between cities and surrounding areas.**

FF-2. Economic Contributions by Cities

Issue: Cities provide and maintain the physical infrastructure as well as the social and economic infrastructure necessary to support a large share of the state's economic activity. In addition, cities play a major role in statewide economic development activities that assist businesses with expansion and job creation. The importance of cities to the overall vitality of the state's economy is frequently overlooked in state policy discussions.

Response: **To provide lawmakers with information on the economic activity occurring within cities, the Department of Revenue should annually collect and compile information on major state tax collections within each city, in addition to county and regional reports.**

FF-3. State Budget Stability

Issue: Legislative actions to address past state budget deficits have included permanent reductions in funding to local units of government for programs such as local government aid as well as the full elimination of programs such as the market value homestead credit. In addition, the Legislature has frequently relied on short-term solutions that have only shifted a large share of the deficit problem into the next biennium without permanently addressing the state budget problems.

The legislature has taken steps to reduce state budget volatility. As required under state law, 33 percent of any state general fund budget surplus identified in the November state budget forecast must be directed to the state budget reserve until the account reaches a targeted level.

Response: **To increase the stability of the state budget and avoid or reduce the impact of future state budget deficits, the Legislature:**

a) Must consider all budget stabilizing options, including revenue increases, with a particular focus on changes that improve the stability of the state's revenue stream;
b) Must not further reduce funding for property tax relief programs to cities and taxpayers;
c) Must not accelerate the remittance of sales tax collections by retailers including municipal liquor operations, and should make steps to reverse past accelerations;
d) Must consider the aggregate impact on Minnesota taxpayers of previous budget cuts and tax increases;
e) Must reinstate estimates of inflationary increases to expenditure estimates;
f) Should continue to build at a minimum, a five-percent budget reserve and should establish state budget stability as a state priority.;
g) Should modify the unallotment statute to place a reasonable statutory limit on the percentage and timing of the state's budget that can be unallotted during a biennium without legislative approval; and
h) Must emphasize long-term budget solutions and budget stability and the continuation of both state and local government operations.
i) The League of Minnesota Cities supports the principle of representative democracy and opposes limiting the Legislature's flexibility in making financial decisions through new Constitutional amendments.

FF-4. Funding Local Government Aid

Issue: Local government aid (LGA) is an important component in the state's property tax relief system, and a critical tool to help equalize tax base to ensure needs for public services can be met. To avoid undue pressure on the property tax, funding for LGA must keep pace with inflationary pressures. For 2021, the total unmet formula need (the difference between need and ability to raise revenue) is $776.4 million, leaving the current appropriation $212.0 million below the total unmet need.

During the 2017-18 biennium, several bills were introduced that would have, for example, created offsets to a city's LGA distribution if the city imposed a local sales tax, spent funds for activities related to lobbying or a World's Fair, or would have reduced or eliminated LGA if the city enacted ordinances to ban plastic bags, impose certain local labor laws, ordinances, or policies that restrict city employees from enforcing immigration laws, unauthorized ordinances related to diversion programs. Such changes would have been a significant deviation from the practice of using the formula to distribute LGA and could have jeopardized the long-term stability of the program.

For 2019 only, the 2017 Legislature included a one-time payment acceleration that will distribute 14.6 percent of each city's 2019 LGA by June 15, with a second payment of 35.4 percent on July 20 and a final payment of 50 percent on December 26. For 2020 and beyond, LGA payments will again be made to cities in two equal installments on July 20 and December 26 each year. This distribution occurs late in the city fiscal year and can create short-term cash flow challenges for some cities.

Response: **In order to reduce pressure on the property tax, and to equalize property tax bases, the League of Minnesota Cities continues to support the existing LGA formula as the appropriate mechanism to distribute LGA resources and opposes artificial limits on any city or group of cities. In addition, the League supports regular increases in the LGA appropriation as well as the restoration of the annual inflation adjustment to the LGA program to move toward funding the total unmet need of all cities. The League also supports a permanent acceleration of the annual LGA payment schedule to assist cities with cash flow needs. The League opposes targeted reductions to specific cities as well as reductions or offsets for local policy or expenditure decisions.**

The legislature should avoid creating side-pots or special appropriations through the LGA (Minn. Stat. ch. 477A) program. If special circumstances such as a natural disaster warrant additional state assistance to specific cities, the criteria for the additional aid should be specifically enumerated and the appropriation should be separate and in addition to the appropriation through the general LGA formula.

FF-5. State Charges for Administrative Services

Issue: Currently, some state agencies have wide discretion in setting the fees for special services they provide to local governments.

Response: **State agencies should be required to justify their service fees or for increases in existing service fees and not charge more than what is fair, reasonable, and proportionate to the cost of service. Agencies should give adequate notice of increases to allow local governments to**

budget for the increases. State agencies should set administrative service fees as close as possible to the marginal cost of providing the service. Local government should be given the option to self-administer or contract with the private sector for the service if the state cannot provide the service at a reasonable cost.

FF-6. Reporting Requirements

Issue: Budget and financial reporting requirements imposed on cities by the state often result in duplication and additional costs. In addition to the state mandated annual audits under Minn. Stat. §§ 471.697-.698, cities are required to prepare and submit or publish numerous other budget and financial reports including but not limited to:

a) Summary budget reports (Minn. Stat. § 6.745);
b) Treasurers report to the city clerk (Minn. Stat. § 412.141);
c) Statement of tax collections and other income by clerk to the city council (Minn. Stat. § 471.69);
d) Report on outstanding obligations and the purpose for each issue filed with the county auditor (Minn. Stat. § 471.70);
e) Publication of summary budget statement (Minn. Stat. § 471.6965);
f) Publication of statement of liquor store operations (Minn. Stat. § 477A.017);
g) Liquor store audited financial statements (Minn. Stat. § 471.6985);
h) TIF district plan and amendments (Minn. Stat. § 469.175, subd. 4a);
i) TIF district annual disclosure (Minn. Stat. § 469.175, subd. 5);
j) TIF district annual financial report (Minn. Stat. § 469.175, subd. 6);
k) Business subsidy reporting (Minn. Stat. §§ 116J.993-.995);
l) State required financial activity reports (Minn. Stat. § 6.74);
m) Local improvement requirements (Minn. Stat. § 429.031);
n) Development and permit fees report (Minn. Stat. § 326B.145);
o) Utility annual financial statements (Minn. Stat. § 412.381);
p) Housing and redevelopment authority annual financial report (Minn. Stat. § 469.013); and
q) Federal single audit or a program-specific audit (31 U.S.C. § 7502 (a)(1)).
r) A temporary reporting requirement for the federal CARES Act distributions.

Many cities have expanded the availability of information on their web sites in response to citizen requests and some cities have begun using new tools to assist citizens in understanding the city budget. Expanding state mandated financial reporting requirements could force cities to redirect scarce resources to the state mandate and stifle innovative ways to communicate with citizens.

Response: **Requirements for reporting and advertising financial and budget information should be carefully weighed to balance the need for information with the administrative costs of compiling and submitting this information. In addition, the legislature should direct all state agencies to review existing local government reporting mandates and eliminate redundant or superfluous requirements. To this point, the legislature should consolidate municipal government financial reporting requirements in the Office of State Auditor, include an electronic submission alternative to any remaining paper filing requirements and authorize the use of web publication where newspaper publication is currently required.**

Finally, the legislature must not increase reporting burdens for local units of

government. Any new reporting requirement should have a clearly defined statement of purpose and public need not currently met with existing reports, a sunset date to facilitate a future discussion of the usefulness of the requirement as well as full state funding for the costs associated with a new reporting mandate.

FF-7. Direct Property Tax Relief Programs

Issue: In 2013, the legislature expanded the homeowner property tax refund (PTR) program and renamed it the Homestead Credit Refund program. As a direct taxpayer relief program, the Homestead Credit Refund avoids the problems with the former Market Value Homestead Credit system where the state provided a credit on the homeowner's property tax statement but did not always reimburse cities and counties for the amount of the credit.

Response: **The League of Minnesota Cities supports providing additional, direct property tax relief through an expansion of the Homestead Credit Refund program, the renters' refund program, the targeting program or other programs that provide property tax relief directly from the state to taxpayers. In addition, the League supports the 2013 legislation that requires the Department of Revenue to notify potentially eligible homeowners of the program and would also support legislative modifications to these programs to eliminate the taxpayer filing requirement thereby making the tax relief payments automatic.**

The League opposes property tax credit programs that reimburse local units of government for reduced tax burden such as the former market value homestead credit system due to the fact that the reimbursements to local units of government can be cut while the credit to the taxpayer remains on the property tax statement. In addition, the League opposes reinstituting Limited Market Value, a program that reduces the taxable value of individual properties based on assessor's valuation increase. Limited Market Value creates inequities between similar properties based solely on the valuation increase determined by the assessor.

FF-8. Sales Tax on Local Government Purchases

Issue: The local government sales tax exemption enacted in 2013 and expanded in 2014 does not apply to all city purchases. Some purchases for municipal enterprise operations, such as liquor stores and golf courses are excluded from the exemption. In addition, in order to receive the sales tax exemption on construction materials under current law, cities must bid labor and materials separately and also designate a contractor to be a purchasing agent on behalf of the city. The existing Department of Revenue rules (Minnesota Rules 8130.1200, subp. 3) are complex and the implementation can be so complicated that it can cost cities more money to implement than they will save on the tax exemption. Finally, although cities currently do not pay the motor vehicle sales tax on marked police vehicles or firefighting vehicles, other city vehicles are not exempt from the motor vehicle sales tax.

Response: **In order to ensure that taxpayers receive the full benefit of the local government sales tax exemption:**

a) **The exemption should apply to all purchases made by local units of government;**

b) The process to receive the exemption for construction materials should be simplified or converted into a refund process; and
c) The exemption should be extended to all local government purchases that would otherwise be subject to the motor vehicle sales tax in Minn. Stat. ch. 297B.

FF-9. Taxation of Electronic Commerce

Issue: The 2018 U.S. Supreme Court decision [*South Dakota v. Wayfair, Inc.*, 585 U.S. ___ (2018)] overturned two earlier Supreme Court decisions [*Quill Corp. v. North Dakota*, 504 U.S. 298 (1992) and *National Bellas Hess v. Department of Revenue,* 386 U.S. 753 (1967)] that had prevented states from requiring retailers without a physical presence from collecting state and local sales taxes on purchases made by state residents and businesses.

A group of 23 states participating in the Streamlined Sales Tax Project have worked together for more than 18 years to simplify the administration of state and local sales taxes and reduce the administrative burden on retailers. The success of this project was referenced in the Wayfair decision.

Despite the Supreme Court's *Wayfair* decision, new legal challenges could be filed by remote retailers or Congress could intervene to address remaining sales tax administration issues including the fact that more than 20 states with sales taxes have not adopted the SSUTP standards.

Response: **Federal tax policy should not place main street businesses at a competitive disadvantage to electronic retailers, must not jeopardize repayment of bonds backed by state and local sales tax revenues, and should ensure stability in state and local revenues. To address the challenges created by the growth of electronic commerce, the League of Minnesota Cities continues to support the multi-state effort to develop a streamlined sales tax system.**

Should Congress intervene, the League would support nation-wide sales tax administration standards based on the model developed by the Streamlined Sales Tax Project. The League will oppose Congressional efforts to reverse remote retailer collection requirements.

FF-10. Local Lodging Taxes

Issue: In 2011, the legislature amended Minn. Stat. § 297A.61 to define accommodation intermediaries and clarified that their services are subject to the state sales tax as part of the tax imposed on lodging. Local lodging taxes collected by the state for local units of government under Minn. Stat. § 469.190, subd. 7, also clearly apply to services provided by these accommodation intermediaries since these taxes are required under Minn. Stat. § 270C.171 to use the definition for tax base contained in the general sales tax statute.

Since 2011, some accommodation intermediaries have not been collecting and remitting locally-administered lodging taxes based on the full cost of the accommodation plus the accommodation intermediary services. There are currently 120 cities and towns that individually or jointly impose lodging taxes for tourism purposes under Minn. Stat. § 469.190. Another five cities impose a lodging tax that is administered locally under special law. Four local lodging taxes are currently administered by the state.

Response: **The League of Minnesota Cities supports legislation that will clarify that all lodging taxes, whether**

administered by the state or administered locally, apply to the total charges to the customer, including charges for services provided by accommodation intermediaries.

FF-11. Taxation of Electric Generation Personal Property

Issue: Investor-owned utilities (IOUs) have a longstanding relationship with Minnesota cities. IOUs site baseload power plants in host communities, and in exchange pay personal property tax on attached generation machinery to the cities, counties and school districts hosting the plants. These plants bring jobs to our communities, but they also create nuisances such as air pollution, nuclear waste, noise, vibration, and coal train traffic. They also create security risks and take up land that could be used for other, less disruptive commercial and industrial development. Cities believe personal property taxes paid by IOUs are a fair compensation for the environmental and economic costs of hosting baseload power plants.

IOUs argue that personal property tax relief is important to pass along to their shareholders and ratepayers. However, only a few IOU shareholders and ratepayers actually live in the communities hosting baseload power plants. Further, almost all new power plants receive personal property tax exemptions from the Legislature, while host communities with existing, non-exempt baseload plants will continue to have them for decades to come.

Currently the taxation of electric generation personal property represents the best method for reimbursing host communities for the cost of hosting IOUs. However, a 2015 MN Department of Revenue study on electric generation taxation has generated proposals to change the state system of taxing electric generation which raise equal or greater revenues for host cities.

Response: **Personal property taxes on attached electric generation machinery are a fair way to spread the environmental and economic costs of electric generation power plants among all IOU shareholders and ratepayers. The League of Minnesota Cities supports the continuation of personal property taxes paid by IOUs to host communities for existing and new facilities or a tax system which generates equal or greater revenue for host communities. As the Department of Revenue analyzes methods of utility taxation in its Study of Electric Energy Producing Systems (Session Law 2014, Chapter 308), the League supports the inclusion of these environmental and economic costs in assessing the appropriate property taxes paid to host cities by electric generation facilities.**

FF-12. Electric Generation Taxation Reform

Issue: Currently, electric utilities are subject to a personal property tax on personal property which is part of an electric generating, transmission, or distribution system. This tax has a number of exemptions and exclusions which make a patchwork of taxation statewide. The Department of Revenue issued a report on February 15, 2015 which laid out the details of this tax system, stating, “The utility tax base comprised of these energy producing facilities is not predictable. The unpredictability is a result of law and rule changes that determine the amount of utility tax base available for host communities.”

Cities which host Investor Owned Utility base load power plants have faced unpredictability in tax base from both changes to state law regarding the personal

property tax on electric generation equipment and from changes in valuation due to the upgrade/depreciation cycle of equipment.

The Minnesota Legislature has introduced a reform to the system of taxing electric generation. It repeals the personal property tax and all of its exclusions and exemptions, and replaces it with an "electric generation tax base" which is subject to local property taxes. This proposal also repeals the personal property tax on transmission and distribution and creates a "Valuation for Electric Transmission Line Tax Base," a "Valuation for Electric Substation Tax Base" and an "Electric Distribution Line Tax Base."

The proposal defines the tax base for electric generation in a new way for electric generation plants which use coal, oil, natural gas, nuclear fission, biomass and flowing water to generate electricity. Under the proposal, the Department of Revenue would annually assess the tax base of electric generation machinery under a set of statutory formulas. The new valuation which replaces the value of electric generating equipment is based on a combination of an individual facility's nameplate capacity, average energy production and amount of nuclear waste storage.

The proposal also replaces the taxable value of electric transmission and distribution with statutory formulas. The Department of Revenue would assess the value of the "electric transmission line tax base" according to the number of miles of electric transmission within the taxing jurisdiction, the value of the "electric substation tax base according to the sum of the capacity of a substation, and the value of the "electric distribution line tax base" according to the number of customers in the taxing jurisdiction that receives an electric distribution.

These new tax bases define the value for purposes of the ad valorem tax of hosting jurisdictions.

Factors such as inflation affect the expenses of host cities, so any proposal to change the system of taxing electric generation should account for changes in value over time, using an independently reported adjustment factor for changing values over time.

Statutory changes to the system of electric generation taxation should not adversely affect host city tax revenues. Any proposal to change the system must include some form of replacement aid which compensates cities for adverse effects due to changing state law on electric generation taxation.

Response: **The personal property tax on electric generation equipment as well as the exemptions, exclusions and sliding scales to that tax represent a patchwork of taxation rules statewide. Changes to state law which replace the personal property tax on electric generation equipment with a tax base valuation based on electric generation capacity, production, nuclear storage, transmission, and distribution will benefit IOU host cities so long as the change comes with a factor to increase the tax base valuation over time and reimbursement to cities for revenues lost due to a change in state law.**

FF-13. Support for Transitioning Communities

Issue: **Technological advancements and market forces are rapidly changing the electric generation industry. Investor-owned utilities (IOUs) in Minnesota are increasing the share of their electric generation portfolios that are made up of**

renewable generation sources like wind and solar, while planning to decrease the share of electric generation that is derived from baseload power plants that produce energy from coal or nuclear sources. Due to the deep and longstanding relationship IOUs have with some Minnesota cities, the possible retirement of these power plants stands to have a significant disruptive effect on these cities.

Cities that host baseload power plants make significant investments to support those plants, including infrastructure, public safety, and disaster preparedness. To compensate for this, IOUs pay personal property tax on electric generation machinery. For some cities, these revenues can account for over 50% of the city's annual budget. Moreover, IOUs have other significant direct and indirect impacts on host communities. IOUs tend to employ significant numbers of employees at baseload power plants. Those employees are likely to live, work, attend school, and shop in and around the local community. Therefore, the of the retirement of these plants would have significant negative impacts on these communities.

While the power that is generated at these facilities goes to support the entire state of Minnesota, the impacts of hosting these plants is felt most acutely in these local communities. Therefore, state lawmakers should partner with these communities and support their transition in the event that these baseload power plants are retired by the IOUs.

Response: **The League of Minnesota Cities recognizes that the energy landscape is rapidly changing, and supports state policies to replace tax base in communities facing the closure of a baseload power plant, as well as other policies or programs to help those communities replace their local tax base through economic development. The League of Minnesota Cities also support efforts by the state legislature to study, analyze, and design policy solutions to address the unique challenges these communities face.**

FF-14. Taxation of Municipal Bond Interest

Issue: The federal and state laws that grant a tax exemption to bondholders for municipal bond interest lowers borrowing costs for cities and reduces property tax levies. Recent proposed Internal Revenue Service rules would potentially restrict some local government entities such as housing and redevelopment authorities, economic development authorities and port authorities from issuing tax exempt bonds.

Response: **Congress and the state should maintain the tax exemption for municipal bond interest income. Congress should also clarify the law to supersede proposed IRS rules and thereby continue to allow housing and redevelopment authorities, economic development authorities and port authorities to issue tax exempt debt.**

FF-15. Pollution Control Exemption

Issue: Minnesota grants electric utilities and several other industries a property tax exemption for personal and real property that is primarily used for pollution control. Minnesota adopted the property tax exemption that now extends to electrical generation systems, agricultural operations, and wastewater treatment facilities in 1967, before water and air pollution were heavily regulated by the Environmental Protection Agency and the Minnesota Pollution Control

Agency. The language and the purpose of these statutes have evolved through the years. When states first began adopting these tax incentives in the 1960s, they hoped to encourage utilities, industrial plants, and others to install pollution control equipment. Gradually, as regulation increased, states adopted the exemptions to help companies offset the cost of the equipment.

This tax benefit erodes local tax bases. In 2013, more than $1.8 billion of personal and real property for electrical generation was exempted from the market value of utilities. The incentive value of this benefit is low because utility companies are required to install the equipment anyway. In addition, these companies frequently recover the cost of the equipment through rate riders granted by the Public Utilities Commission. Allowing the pollution control equipment exemption places the cost of this equipment on the citizens of the host community, rather than the purchasers of electricity.

Response: **The pollution control exemption places an undue burden on host communities without incentivizing the environmentally responsible behavior that it was originally created to encourage. The League of Minnesota Cities supports narrowing or eliminating the pollution control equipment exemption for investor owned electric generation facilities. The League would also support allowing utilities to continue to recover their costs relating to the pollution control equipment by spreading those costs to electricity users.**

FF-16. Local Elected Officials Authority to Establish Local Budgets

Issue: In 2015, the House omnibus tax bill included a reverse referendum provision that would allow a small number of voters (ten percent of those voting in the last general election) to petition for a referendum on a general city property tax levy increase. The outcome of the election could reverse the decision of the local elected officials on the local budget and property tax levy after months of planning and public hearings.

As recently as the 2013 legislative session, the legislature imposed levy limits on cities over 2,500 population for one year. Levy limits replace local accountability with a state judgment about the appropriate level of local taxation and local services. Additionally, state restrictions on local budgets can have a negative effect on a city's bond rating due to the restriction on revenue flexibility.

Levy limits also fail to account for the decertification of tax increment financing districts. Upon decertification, the property taxes that were formerly collected and used to support the public improvements in the TIF district can no longer be collected at the same rate and used to support ongoing general city operations.

Response: **Local elected officials are elected to make decisions about local budgets and meeting community needs. The League finds that it is inappropriate for the Legislature to undermine local elected officials decision-making and accountability through the continued imposition of levy limits or by enacting proposals such as a reverse referendum requirement or the "taxpayers' bill of rights." The League of Minnesota Cities supports the principle of representative democracy that allows local elected officials to formulate local budgets without state or other restrictions.**

FF-17. Tax Hearing and Notification Process

Issue: Cities must set a preliminary levy by September 30, which is the levy used to compute the parcel-specific property tax notification forms. With only a few limited exemptions (e.g., voter-approved levies, levies for natural disasters and levies for certain tort judgments), this preliminary levy, by law, becomes the maximum that cities can levy the following year. As a result, cities may be unable to budget for unforeseen needs that arise after September 30.

The 2009 Legislature eliminated the separate tax hearing requirement and replaced it with a requirement that the public be allowed to speak at a regularly scheduled meeting on the budget and tax levy. These changes erroneously repealed an exception to the tax hearing and notification process for cities adopting their levies at or less than the current rate of inflation.

City officials have found it difficult to explain to local taxpayers not only the effects of their budget and levy decisions but also the separate effects of the actions of the state Legislature.

Response: **Cities should have the authority to increase the final levy from the preliminary levy with the approval of the commissioner of the Department of Revenue, to meet additional, unforeseen and uncontrollable needs, including arbitrator awards resulting from labor negotiations, the impact of new and existing federal or state mandates including administrative rules, or other non-discretionary budget factors.**

The tax hearing and notification law should be carefully reviewed to assure that the legislative intent is reflected in the statutes.

Specifically, the League of Minnesota Cities supports the following:

a) **Modifying Minn. Stat. § 275.065 to clearly and fully exclude cities of population 500 and under from the budget and levy hearing requirements;**
b) **Reinstating the exception to the tax hearing and notification requirements for cities with more than 500 residents with a proposed levy increase below the implicit price deflator (IPD); and**

In order to assist local officials with the challenge of explaining legislative changes to the property tax system, legislators should attend and be encouraged to participate in local government budget hearings in their districts.

FF-18. General Election Requirement for Ballot Questions

Issue: Under current state law, when cities are required to seek voter approval on a ballot question or where statutes allow voters to petition for an election on a council action (reverse referendum), these referenda can generally be held at a general or special election. This flexibility allows cities to respond to local circumstances in a timely manner.

Response: **Cities should be allowed to conduct elections on ballot questions at a date and time set by the city council and that complies with existing election notification statutes.**

FF-19. City Fund Balances

Issue: As a component of a prudent financial management plan, cities maintain a

fund balance composed of cash flow funds, savings for projects, and rainy-day reserves to maintain high level bond ratings and to minimize borrowing costs. Although the size of a city's fund balance should be determined through local financial needs and local preferences, some cities are being criticized for maintaining "excessive" reserves. As the recent pandemic unfolded, there were calls to delay tax payments by property owners, citing city fund balances as evidence that cities could absorb cash flow delays.

The Office of the State Auditor (OSA) report measures city fund balances on December 31, shortly after the city receives its largest sources of revenue from the property tax and state aid distributions. Measuring at this time, however, yields a picture of a high fund balance even though the city will spend down these funds to cash flow the next five to six months of its operations.

Response: **The state should respect local decisions on adequacy of local fund balances. The League of Minnesota Cities opposes any attempt to divert local reserves to benefit the state budget or use reserves as a rationale for state aid cuts or property tax payment delays.**

FF-20. Local Option Sales Tax and City Revenue Diversification

Issue: Under current state law, the property tax is the only generally accessible form of local tax revenue for cities. Allowing cities to diversify their revenue stream would help prevent rapid additional future reliance on the property tax.

The basic public finance rationale for diversification of local tax systems is rooted in the fact that economists generally agree that there is no perfect tax. Each tax has unique strengths and weaknesses and the more intensively any single tax type is used, the more obvious its shortcomings become. For example, the property tax is generally regarded as being very stable throughout the economic cycle and it is considered to be a relatively easy tax to administer and enforce. However, when property tax burdens become too high, there may be negative consequences for other public policy objectives such as business development and home ownership.

In addition to avoiding the problems created by excessive reliance on any single tax, a balanced and diversified revenue system for Minnesota cities may create a more favorable business climate and provide for greater stability of revenues to the recipient government unit throughout the course of the economic cycle.

Under Minn. Stat. § 297A.99, the Legislature has created a set of local sales tax rules and a defined process by which cities and other political subdivisions can impose a general local option sales tax. Although the statutory process requires the city council to adopt a resolution supporting the local sales tax, the process continues to require the authorization of the local sales tax by the Legislature through the passage of a special law before finally seeking voter approval at a general election.

City requests for sales tax authority continue to increase. In 2019, the legislature granted local sales tax authority to an additional 16 cities and in 2020, 20 cities sought new or expanded local sales taxes, however, despite following the revised process enacted in 2019, the legislature did not include any of the local proposals in the tax bills advanced in the House and Senate.

Response: **Cities should be able to diversify their sources of revenues. The**

League of Minnesota Cities continues to support a statutory change to generally allow a city to enact a local sales tax for public improvements and capital replacement costs, including but not limited to those specified in the 2019 legislation:

a) Convention or civic centers;
b) Public libraries;
c) Parks, trails, and recreational facilities;
d) Overpasses, arterial and collector roads, or bridges, on, adjacent to, or connecting to a Minnesota state highway;
e) Railroad overpasses or crossing safety improvements;
f) Transportation infrastructure improvements, including construction, repair of roadways, bridges and airports;
g) Flood control and protection;
h) Water quality projects to address groundwater and drinking water pollution problems;
i) Court facilities;
j) Fire, law enforcement, or public safety facilities; or
k) Municipal buildings.

Local sales taxes would follow the process outlined in Minn. Stat. § 297A.99 but without the need for the approval by the Legislature and governor through the passage of special legislation. The League supports allowing the referendum to be conducted at either a general or a special election.

State law should also be modified to generally authorize any city to impose other types of taxes such as a local payroll tax or an entertainment tax with the adoption of a supporting resolution by the city council and after approval by the voters at a general or special election.

In addition, Minn. Stat. § 469.190 should amended to allow cities to impose up to a five percent local lodging tax and to allow cities to modify the uses of their local lodging tax revenues to meet local needs. Cities should also have general authority to create utilities, similar to the storm sewer utility authority, in order to fund local services where benefit or usage of the service can be measured.

FF-21. City Franchise Authority

Issue: Under Minn. Stat. ch. 216B and Minn. Stat. § 301B.01, a city may require a public utility furnishing gas or electric utility services or occupying streets, highways or other public property within a municipality to obtain a franchise to operate within the community. In addition, cable system operators are required to obtain a franchise under Minn. Stat. ch. 238.

Under a franchise, the city may require the utility to pay a fee to the municipality to raise revenue or to defray increased municipal costs, such as maintenance and reconstruction costs, accruing as a result of utility operations, or both.

State law currently allows the franchise fee to be based upon gross operating revenues or gross earnings of the utility from its operations in the municipality. In this manner, all utility users within the municipality contribute to the public costs associated with the utility operation. In the absence of franchise fees, municipal costs resulting from utility operations are currently being funded by property tax payers.

Many cities also have policies related to utility company services and products that could be supported under conditions of a franchise agreement, such as local renewable energy and energy efficiency

programs. Current statutes do not explicitly provide city authority to include those types of performance conditions in a franchise agreement.

Under current law, cities are permitted to engage citizens when discussing a new or renewed franchise fee arrangement in the manner that best fits the community. A recent legislative proposal would have added a prescriptive notification and reverse referendum requirement to the process of imposing or renewing a franchise agreement with a gas or an electric utility.

Response: **Municipal authority to collect franchise fee revenues from utilities is an important and equitable mechanism to offset the costs of maintaining public right-of-way and to generate a return on a publicly held asset. Municipal franchise authority must be preserved and should be expanded to allow city policy priorities to be addressed through conditions in franchise agreements that have the cost covered by local ratepayers, where appropriate, and can be accomplished within the local franchise boundaries. The League opposes adding a one-size-fits-all notification requirement and a reverse referendum procedure to the gas and electric franchise fee process. In addition, in situations where a local provider decides to sell their operations, the city must have the right of first refusal to purchase the assets of the utility.**

FF-22. Utility Valuation Transition Aid

Issue: In 2007, the Minnesota Department of Revenue revised its rules regarding the valuation of electric and natural gas utility property. This change in the rules resulted in valuation changes for utility property that dramatically reduced the amount of revenue that local governments will collect in property tax from these utilities.

Recognizing that the communities that host these utilities bear extraordinary burdens connected with stress on local infrastructure, public safety, and public nuisance due to the presence of these facilities in their communities, the Legislature created the Utility Valuation Transition Aid program. This program compensates host communities that have lost more than 4 percent of their net tax capacity as a result of Department of Revenue's rule changes.

Currently the taxation of electric generation personal property represents the best method for reimbursing host communities for the cost of hosting IOUs. However, a 2015 MN Department of Revenue study on electric generation taxation has generated proposals to change the state system of taxing electric generation which raise equal or greater revenues for host cities.

Response: **The League of Minnesota Cities supports the continuation of the Utility Valuation Transition Aid program and opposes any efforts to change statutory language or to divert promised funds away from host communities for any purpose unless statutory language replaces promised funds with equal or greater revenue to host communities. If the Legislature does determine that it is necessary to re-allocate the funds in the Utility Valuation Transition Aid program for another purpose, the League supports other legislative efforts that would compensate the host communities for the economic and environmental costs of hosting these facilities through reimbursement from the investor owned utilities. These other efforts could include, but are not limited to, increasing the class rate on utility property to the**

extent that it would offset the negative effects of the utility valuation rule change.

FF-23. State Assistance for Property Tax Refunds for State-Assessed Property

Issue: State law requires certain property, including pipelines, railroad, utility property be assessed for property taxation purposes by the Minnesota Department of Revenue. When companies challenge the valuation of these properties, local units of government may be required to refund excess taxes, which in some cases, can create financial hardship for local units of government and their taxpayers.

Response: **The state should establish a program to provide financial compensation to all units of local government for court ordered property tax refunds where the state has determined values.**

FF-24. Transition for Property Acquired by Tax-Exempt Entities

Issue: When an existing taxable property is acquired by a tax-exempt entity other than a city or a city development authority or otherwise becomes tax exempt and removed from the tax base, the taxes formerly paid by the property owner are shifted to other, remaining taxable properties within the jurisdiction. When the acquired property is a large percentage of the tax base of a city or other local unit of government, the shift in taxes can be substantial.

Response: **To avoid immediate, large tax burden shifts when an existing taxable property is acquired by an entity qualifying for a Minnesota property tax exemption other than a city or a city development authority or overwise becomes tax exempt, state law should require the new owner to continue to pay the property taxes with a five-year phase-out of taxable value or the state legislature should create a program that provides a state-paid transition aid paid over a period of time to local units of government that experience tax exempt acquisitions, paid over a period of time.**

FF-25. Payments for Services to Tax-Exempt Property

Issue: Taxable property in many cities is being acquired by nonprofit and government entities. Converting the property to tax-exempt status can lead to serious tax base erosion without any corresponding reduction in the service needs created by the property.

In 2013, legislation was introduced that would have broadly exempted non-profit property from paying user fees or service charges for any service funded in part with property taxes over the previous five years. Under certain circumstances, this proposal could have potentially exempted non-profits from paying for even utility charges.

Response: **Cities should have the authority to collect payments from statutorily-exempt property owners to cover costs of service similar to the authority provided under the special assessment law. The League of Minnesota Cities opposes legislation that would exempt non-profits from paying for user fees and service charges that help fund services these organizations use.**

FF-26. Public Safety Protection Districts

Issue: Public Safety protection districts have the potential to reduce duplication of equipment purchases and services, and to improve uniformity of service delivery

throughout a region. One obstacle to establishing public safety protection districts is the absence of statutory authority to establish public safety taxing districts. The Legislature has granted authority for special taxing districts to provide services such as watershed management and emergency medical services. Despite growing funding and public safety protection staffing challenges, this authority does not currently exist for providing public safety protection services.

Public safety protection districts would create another option for funding fire, police, emergency management, and emergency medical services for local communities.

Response: **The League of Minnesota Cities recognizes that some regions of the state could sustain or improve public safety protection services if public safety protection districts were authorized. The League supports authority for local units of government to establish public safety protection districts provided that 1) participation in a district is a local decision, and 2) public safety taxing districts must be governed by elected officials representing the participating entities. With elected local official participation, state-imposed levy limits on public safety protection districts are unnecessary.**

FF-27. Housing Improvement Areas and Special Service Districts Petitioned by Business

Issue: In 1996, cities were granted general authority under Minn. Stat. §§ 428A.11-.21 to use Housing Improvement Areas (HIAs) in order to finance housing improvements for condominium and townhome complexes. Several cities around the state have used this tool, and found it to be a useful mechanism for maintaining older association homes.

The 2013 Legislature also granted HIA authority to a county Community Development Authority (CDA). As part of that authority, the CDA is required to gather local approval before creating an HIA.

In 1996, the Legislature also gave cities the general authority to create Special Service Districts (SSDs) under Minn. Stat. §§ 428A.01-.101. Cities around the state have used this tool to provide an increased level of service to commercial or industrial areas, commonly in areas of retail concentration. SSDs are established at the request of local businesses, who ultimately pay for and benefit from the increased level of service. A SSD may be established anywhere in a city but only business property (i.e. commercial, industrial, utility, or land zoned for commercial or industrial use) will be subject to the service charge. Some special services have included street and sidewalk cleaning, snow and ice removal, lighting, signage, parking, parking enforcement, marketing and promotion, landscaping, and security. A SSD may be established only by petition and the city adopts an ordinance to establish it. Minn. Stat. §§ 428A.09-10 establishes procedures for the business owners in the SSD to veto or end the SSD. The 2013 legislature extended the sunset for both tools for 15 years, making it set to expire on June 30, 2028. In 2017, the House considered legislation that was ultimately unsuccessful to repeal the general SSD authority for cities. There are currently over 15 cities that have established SSDs around the state.

As cities work to develop and/or redevelop commercial, industrial, and residential areas, new ways of paying for and providing increased levels of service should be available to local entities. Use of Special

Service Districts in mixed-use development is one tool that could be available for this purpose.

Response: **The Legislature should give cities permanent authority to create HIAs and SSDs. The League of Minnesota Cities supports the authority for cities to work with their business communities to establish SSDs and opposes efforts to restrict general authority of the tool.**

The League also supports the potential use of SSDs for mixed-use districts that include residential and commercial/industrial properties. The law should be reviewed to determine to what extent mixed-use properties can and should contribute to a Special Service District from which they will benefit. The League would support legislation that expands SSDs to include mixed-use development to the extent it balances the benefits and obligations of residential properties within the district.

If the Legislature grants multi-jurisdictional entities the authority to create HIAs, creation of an HIA must require local approval.

FF-28. Tax-Forfeited Properties and Local Special Assessments

Issue: Special assessments are a charge, authorized by the Legislature and state law, imposed on properties for a particular improvement that benefits those selected properties. Cities follow complex, time-consuming statutory special assessment procedures to specially assess the appropriate amount of the local infrastructure improvements to those properties.

If a property with validly attached special assessments goes into tax-forfeiture, the county auditor cancels all of the local special assessments due and remaining unpaid on each parcel, which is authorized in Minn. Stat. § 282.07. Therefore, the city loses the funds previously budgeted and planned for to pay for the local improvements. To underline this point, the funds have already been expended and if not collected, result in losses to the city.

When tax-forfeited land returns to private ownership, and the parcel benefitted from an improvement for which the city canceled special assessments because of the forfeiture, the city may assess or reassess the parcel. But cities must go through the same cumbersome notice and hearing procedures in order to re-attach the assessments.

Response: **The Legislature should remove cancellation of local special assessments from state law, allowing cities to receive the funding validly assessed and counted on to fund local infrastructure improvements.**

FF-29. Distribution of Proceeds from the Sale of Tax-Forfeit Property

Issue: When properties go into tax forfeiture all levels of government lose tax revenue that would otherwise support the services they provide. It is always in the best interest of taxpayers to return these properties to the tax rolls as quickly as possible.

Although the tax forfeiture process is controlled by the county, and counties have a legitimate need to be reimbursed for reasonable administrative costs, the city often has more at stake financially in terms of costs fronted to facilitate development (e.g., assessments for public infrastructure and unpaid development or utility fees). While the tax forfeit procedure provides a process for the repayment of special

assessments, it does not require the repayment of unpaid utility charges or unpaid building and development fees. Further, due to large assessments that some cities are left with, it may not be practical to sell a tax-forfeited property subject to a special assessment, and city taxpayers may be forced to absorb the sunk costs of a project in order to sell the property.

State statutes governing the apportionment of the proceeds from the sale of tax forfeit property allow counties to first recover administrative costs related to the tax forfeiture process before subsequent allocations are made for special assessments and hazardous waste cleanup associated with the property. State law is unclear whether the proceeds from a tax forfeiture transaction should be used to reimburse the county only for the expenses associated with the transacted parcel, or if the proceeds can be used to reimburse the county for administrative costs associated with other parcels that were not transacted. When the latter allocation method is employed by a county, the transaction proceeds can be disproportionately applied to county administrative costs resulting in a lower allocation of remaining proceeds to cover existing special assessments, hazardous waste cleanup costs and ultimately the final allocation of residual tax forfeit sale proceeds to cities.

In addition, counties are allowed to use 30 percent of the amount remaining after the deduction for administrative expenses and the repayment of special assessments for forest development projects and then 20 percent of any remaining proceeds for county parks and recreation projects. The structure of the distribution of the proceeds frequently results in cities receiving a very small percentage of the initial forfeit sale proceeds. As a result, cities may not recoup even a portion of the unpaid taxes or special assessments owed on a property.

In most cases, cities and counties work collaboratively to ensure that properties are returned to the tax rolls quickly to benefit all taxpayers. However, when consensus is not reached, the tax forfeiture statutes place cities at a disadvantage and can disproportionately burden the taxpayers of the city in which the properties are located.

Response: **The League of Minnesota Cities believes the tax forfeiture statutes should be reviewed and amended as necessary to ensure that the needs of city and county taxpayers are properly balanced. Specifically, the League supports changes in the distribution of the proceeds from the sale of tax forfeit property contained in Minn. Stat. § 282.08 to elevate the priority for repayment of unpaid charges for electricity, water and sewer charges certified pursuant to Minn. Stat. § 444.075 subd. 3(e), and any unpaid fees prescribed pursuant to Minn. Stat. § 462.353 subd. 4(a), to require those unpaid charges and fees to be repaid immediately after unpaid special assessments.**

The proceeds from the sale of a tax forfeited parcel should be used to pay the assessments and administrative and development costs for the transacted parcel. Minn. Stat. § 282.09 should be amended to prevent the proceeds from the sales of a tax forfeited parcel to be used to pay excessive administrative costs or the costs for other parcels in the county until the city is fairly reimbursed for unpaid assessments and development costs of the transacted parcel.

Before the final distribution of any remaining proceeds from the sale of tax

forfeited land are distributed to cities, counties, and school districts, Minn. Stat. § 282.08(4)(i) and (ii) give counties the right to take up to half of those proceeds for county forest development and county park and recreation areas. The League also supports the elimination of these separate statutory apportionments while allowing counties to use their designated 40 percent share of the remaining proceeds for these uses.

FF-30. State Hazard Mitigation and Response Support

Issue: Cities in Minnesota are exposed to extreme weather events such as winds, flooding, fires, and drought and are facing the severe financial consequences of the clean-up, repairs, and community social and economic recovery, even though damages may be deemed "not of such severity and magnitude" as to qualify for federal assistance.

Response: **The League of Minnesota Cities calls on our legislators and state executive agencies charged with hazard mitigation planning to address not only a response to extreme weather events but to also put into place a proactive strategy to minimize or mitigate the financial consequences. At a minimum, this effort should offer a reasonable loan funding program that is easily accessible by cities, businesses and homeowners to financially recover and rebuild, with the ultimate goal of preserving jobs, industries, and communities.**

The state response should allow for the use of new technology and best management practices for any reconstruction of infrastructure to lessen the impact of future disasters and to mitigate the effects of disasters resulting from future extreme weather events.

FF- 31. Library Funding

Issue: State law requires that local governments maintain a minimum level of funding for public library services. This is collectively known as "state-certified levels of library support," or more commonly known as, "maintenance of effort (MOE)" and is described in Minn. Stat. § 134.34.

A majority of public libraries in Minnesota belong a regional library system, which is the entity that receives library funding from the Minnesota Department of Education. Six of the 12 regional library systems are structured as a federated system where the individual libraries or library systems operate autonomously from the regional library system but they can utilize certain services such as inter-library loan distribution, digital card cataloging, which capitalize on economies of effort from partnering with the other libraries in the regional system. The MOE for any city that taxes separately for library services is now set at 90% of the amount established in 2011 (see Minn. Stat. § 275.761). In 2011, it was calculated using a formula that included payments made in the form of the library employee salaries, payments toward operating the facility, purchasing materials from the library, and other operating costs, adjusted net tax capacity, and several other factors. The other half of the state's public library systems are consolidated systems, where the regional library system runs the libraries through a joint powers agreement with counties and participating cities. The regional library system has a board and hires the director. A city that participates in the regional system will have an MOE (calculated as described above). The city MOE may include dollars provided directly to the regional library system or operating dollars provided to support building costs (i.e. city-provided maintenance services).

In the metropolitan area, the seven county library systems and one city library system belong to the Metropolitan Library Services Agency (MELSA), the metro area regional library system. Most of the cities that operate libraries independently from their county library system belong to MELSA as affiliates of their county library system. The funding of libraries in MELSA may be from a county levy, a city levy, a city library fund from the general city levy or a combination.

Most libraries not only serve city residents, but also serve people that reside outside of city limits who, in some cases, are not fully contributing to the upkeep, maintenance or operations of the library through property tax levies. While counties do contribute to municipal libraries, this support falls well short of the per capita amounts contributed by city residents.

City officials support libraries and believe that a system of equitably funded libraries is needed. One approach that has been previously approved by the Legislature is providing for funding through regional tax levies designated as "library districts." A district would have the authority to levy for public library services in lieu of their member cities and counties. Under Minn. Stat. § 134.201, the Great River Regional Library System and the East Central Regional Library System already have authority to create "library districts."

Some cities also contribute a supplemental amount of funding separate from MOE requirements, usually to pay for building maintenance costs. When the state calculates the required MOE for each local unit of government, local building costs are included in city MOE requirements and all monies cities contribute to a library building, except capital, are taken into account. The MOE requirement is a mandate on cities that does not allow for local decision making. However, it provides a stable source of funding to protect the investment in library resources and services around the state. There are some groups that are advocating for a restoration of the MOE to levels at least as high as the 2010 level.

Response: **The League of Minnesota Cities supports equitable funding for local libraries to allow for local budget decision making. Changes to the maintenance of effort by the Legislature should be as follows:**

a) **The required annual payment should reflect the amount the city itself pays toward maintenance, upkeep, and capital improvements to the library in that year.**
b) **If the MOE reduction in Minn. Stat. § 275.761 is restored to a level at least as high as the 2010 level, it should be phased in over three years.**
c) **Any relief provided to the county MOE requirement should not result in additional funding requirements to cities.**

The authority for library systems to create library taxing districts should be expanded statewide.

The Legislature should allow municipal libraries the ability to charge non-residents for membership and\or other services without the loss of any State or Federal aids.

FF-32. Park and Library Land Tax Break

Issue: As the price for land increases, it is becoming more difficult for cities and other local units of government to compete with developers to save and secure land and easements that are deemed appropriate for park, library, trail, and green spaces.

Response: **The state should amend the tax laws to provide tax incentives for property owners who sell land and easements to local units of government when the land is to be used for park, library, trail or green space purposes.**

FF-33. Increasing Safe School Levy Authority

Issue: Strong partnerships between schools and local law enforcement are critical to school safety. Police School Resource Officers (SROs) are valued professionals in school communities and provide support, safety and security for students, staff and the public. Further, SROs can provide regular opportunities for informal, positive interactions between students and police personnel.

Under Minn. Stat. § 126C.44, the Safe Schools Levy allows school districts to levy for costs associated with student and staff safety based on student enrollment numbers. Some eligible expenses include police liaison services; drug abuse prevention programs; gang resistance education training; school security; crime prevention; and implementation of student and staff safety measures.

Using Safe Schools Levy authority, local school boards may raise additional resources for school safety and security. Almost every Minnesota school district currently levies the full amount of $36 per pupil. This amount does not cover the full cost of providing this important service, and local law enforcement agencies are not being fully compensated for providing SROs.

Response: **The League supports increasing the maximum Safe Schools Levy from $36 per pupil up to $60 per pupil to ensure schools and communities are able to continue providing safe schools programming**

FF-34. Equitable Funding of Community Education Services

Issue: Under Minn. Stat. § 124D.20, school districts are authorized to levy for community education programs that can include youth recreational activities. However, state statute limits the total amount of revenue that can be raised by the school district to fund community education programs and this limit has not been sufficiently increased in recent years. In many instances, cities participate in the funding of these programs and with the statutory limit on the amount school districts can levy, the increased cost of these programs is increasingly falling on cities and their property taxpayers. In areas where the school district is significantly larger than the city, the burden of funding these programs is falling disproportionately on city taxpayers while the programs benefit the entire school district.

Response: **The League of Minnesota Cities supports a statutory increase in the community education revenue authorization for school districts. Increasing the amount of the community service revenue available to school districts would provide a steady source of revenue, which would be assessed against all properties in the school district, not just against properties in the city.**

FF-35. Street Reconstruction Bond Approval

Issue: Under Minnesota law, financing the maintenance of streets can be a challenge for city councils. Minn. Stat. § 475.58 subd. 3b, authorizes a city council, by two-thirds vote, to approve the issuance of bonds to finance

street reconstruction or bituminous overlays without voter approval. The two-thirds council approval requirement is further subject to a reverse referendum process whereby a number equal to five percent of those voting in the last municipal general election can petition for a referendum to approve the issuance of the bonds.

Response: **Street maintenance is one of the essential functions of cities in Minnesota. The laws governing issuance of bonds to maintain streets should be amended to allow the approval of the bonds by a simple majority of the council. The existing reverse referendum process assures that taxpayers could trigger a referendum on the issuance of bonds if they can meet the five percent petition threshold.**

FF-36. Special Assessment Election Requirements

Issue: City Councils are best situated to recognize the need to replace infrastructure and when to schedule the replacement projects. Cities are often only able to carry out these and other vital improvements by issuing bonds and assessing some amount of the cost to property owners.

Issuing bonds to finance most local improvement projects requires a special election unless the city can legally collect at least 20% of the project costs through special assessments. As a legal limit, cities cannot collect special assessments from any property greater than the increase in fair market value bestowed to that property by the improvement (the "special benefit test"). On occasion, the increase in property values as a result of the improvement can fail to add up to the 20% threshold necessary to finance projects without requiring a special election.

Response: **In order to facilitate the financing of public infrastructure projects, the threshold for requiring voter approval for issuance of improvement bonds under Minn. Stat. 429.091 should be reduced to 15 percent. This change would provide more flexibility for cities with their construction/bonding/assessment decisions and may be more likely to survive a challenge while still providing value to the property owner.**

FF-37. Federal and State Pandemic Assistance

Issue: In response to the COVID-19 pandemic, Governor Walz implemented the recommendations of the legislature and allocated $841 million of the state's share of the Coronavirus Relief Fund (CRF) authorized by the CARES Act (P.L. 116-136) to cities, counties and townships. Although the impacts of the pandemic are projected to extend into the foreseeable future, the federal restrictions on the CRF funds limit the use to unbudgeted expenses related to the pandemic that are incurred from March 1, 2020 through December 30, 2020 and the state is requiring cities to expend these funds by November 15. Any portion of the city's distribution that is not used by that date must return it to the county or for cities in Hennepin and Ramsey Counties to a hospital.

The CARES Act also prohibits cities from using any portion of the CRF distribution to replace losses of revenue resulting from the impacts of the pandemic. Losses of property taxes, sales and other special taxes as well as fee and other revenues due to the impacts of the pandemic have resulted in significant budget challenges for cities.

Response: **Cities need additional flexibility to cover eligible costs that may**

extend beyond November 15. The League supports:

a) **Changes in the state requirements to allow cities to:**
    i. **Extend the allowable use of the funds to cover operating expenses through the latter of December 30, or any date provided in updated Treasury guidance or action by Congress.**
    ii. **Allow cities undertaking permitted facility upgrades, technology purchases or other allowable capital projects that will require additional completion time, to expend funds beyond the November 15 deadline for those costs.**
b) **Action by Congress to:**
    i. **Extend the deadline on the allowable uses of CARES Act/CRF funds beyond the December 30 deadline.**
    ii. **Allow cities to use the CRES Act/CRF funds to replace losses of revenues resulting from the impact of the pandemic.**
    iii. **Provide state and local government additional financial assistance to address the long-term financial impacts of the pandemic.**

FF-38. Impacts of Property Tax Payment Delays

Issue: Due to the severe economic impacts of the pandemic, many counties exercised their authority to temporarily waive penalties on late payments of property taxes due on May 15, 2020. In addition, the legislature discussed a state-mandated delay in property tax payments to help homeowners and businesses address the financial impacts of the pandemic. Delaying property tax receipts can create cash-flow challenges for cities and can negatively impact debt service payments that are aligned with the May 15 and October 15 payment dates for most property taxpayers.

With the impacts of the pandemic extending into the foreseeable future, counties may again decide to temporarily waive penalties for future property tax payment deadlines and the legislature could revive discussions of a mandatory delay in the property tax payment dates.

Response: **The Legislature and counties should avoid modifying the property tax payment structure to avoid creating financial problems for cities. If delays are permitted, the legislature and counties should provide cities with cash-flow assistance to avoid costly short-term borrowing and to avoid delays in debt service payments.**

FF-39. State Fund for Non-weather-related Disaster/Catastrophe Relief

Issue: Municipalities and other governmental units are at risk of experiencing disastrous events affecting their communities beyond natural disasters, whether from civil disturbances, industrial catastrophes, or other disastrous events. Such events may result in unbudgeted and unfunded costs related to clean-up, repairs, "social" and economic recovery, infrastructure restoration, rebuilding structures, and other damage repair which may not be qualify for relief from Federal resources. While some limited State resources may be available, cities do not have the resources to respond to such disasters.

Response: **The League of Minnesota Cities supports the creation of a state**

fund to assist local communities in repair and response to these disastrous events with the ultimate goal of preserving jobs, industries, and communities.



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CC Regular Session **7. 4.**

Meeting Date: 02/08/2021

Submitted For: Kurt Ulrich, Administrative Services

By: Kathy Schmitz, Administrative Services

Information

Title:

Adopt Resolution #21-046 Resolution Supporting Legislation Adopting Minnesota Tax Conformity for Payroll Protection Plan (PPP) Loans

Purpose/Background:

Currently Minnesota doesn't conform to the federal treatment of forgiven PPP loans. Unless Minnesota conforms the expenses will be deductible but forgiven loans will be considered taxable income and the intended benefit not realized in Minnesota.

Minnesota businesses are struggling to retain employees and stay open as the impacts of the COVID19 pandemic continue; and many Ramsey businesses will face an unexpected tax bill without action to pass an early tax conformity bill. Our local representatives have suggested that City support of this legislation would be of value.

Congress provided an additional lifeline to businesses in December by authorizing a second round of Paycheck Protection Program (PPP) loans and setting clear guidance about the federal tax treatment of forgiven loans and deducting allowed expenses but without action by the Minnesota Legislature to pass a bill conforming to the federal changes, forgiven PPP loans will be taxed as income on Minnesota tax returns. Additional language provides for tax conformity for businesses that paid for allowed expenses with forgiven, untaxed PPP loans.

Companion Bills, SF 263 and HF 501, have been introduced in the Minnesota Senate and House, and this legislation would provide for conformity on PPP loans and it would also allow S Corps to file taxes as a C Corp to allow SALT taxes above $10,000 to be deducted on the federal returns of Minnesota businesses. Delays in passing this legislation is problematic as a tax-filing deadlines are quickly approaching.

Observations/Alternatives:

The budget impact of the State is estimated at $000 million and is likely to be considered by the Legislature as part of the broader tax and budget discussions.

Funding Source:

N/A

Recommendation:

It is recommended that the City Council adopt attached Resolution #21-046.

Action:

Motion to Adopt Resolution #21-046 SUPPORTING LEGISLATION ADOPTING MINNESOTA TAX CONFORMITY FOR PAYROLL PROTECTION PLAN (PPP) LOANS

Attachments

PPP Resolution
HF501
SF263

Form Review

Inbox	Reviewed By	Date
Kurt Ulrich	Kurt Ulrich	02/04/2021 04:15 PM
Form Started By: Kathy Schmitz		Started On: 02/04/2021 12:02 PM
Final Approval Date: 02/04/2021		

Councilmember introduced the following resolution and moved for its adoption:

RESOLUTION #21-046

RESOLUTION SUPPORTING LEGISLATION ADOPTING MINNESOTA TAX CONFORMITY FOR PAYROLL PROTECTION PLAN (PPP) LOANS

WHEREAS, Minnesota businesses are struggling to retain employees and stay open as the impacts of the COVID19 pandemic continue; and

WHEREAS, many Ramsey businesses will face an unexpected tax bill if legislators and Gov. Tim Walz fail to pass an early tax conformity bill; and

WHEREAS, Congress provided an additional lifeline to businesses in December by authorizing a second round of Paycheck Protection Program (PPP) loans and setting clear guidance about the federal tax treatment of forgiven loans and deducting allowed expenses; and

WHEREAS, without action by the Minnesota Legislature to pass a bill conforming to the federal changes, forgiven PPP loans will be taxed as income on Minnesota tax returns**;** and

WHEREAS, further deduction conformity is needed for businesses that paid for allowed expenses with forgiven, untaxed PPP loans; and

WHEREAS, SF 263 and HF 501 have been introduced in the Minnesota Senate and House, and this legislation would provide for conformity on PPP loans and it would also allow S Corps to file taxes as a C Corp to allow SALT taxes above $10,000 to be deducted on the federal returns of Minnesota businesses; and

WHEREAS, delays in passing this legislation is problematic as a tax-filing deadlines are quickly approaching.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

1) That the City of Ramsey hereby supports and encourages the Minnesota legislature and Governor Walz to adopt quick passage of SF 263 and HF 501 for the benefit of Ramsey businesses.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember , and upon vote being taken thereon, the following voted in favor thereof:

Mayor
Councilmember
Councilmember
Councilmember

Councilmember
Councilmember

and the following voted against the same:

None

and the following abstained:

None

and the following were absent:

Existing Vacancy

Whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 8th day of February, 2021.

Mayor

ATTEST:

City Clerk

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in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 501

01/28/2021 Authored by Marquart
The bill was read for the first time and referred to the Committee on Taxes

A bill for an act

relating to taxation; individual income and corporate franchise; providing for federal conformity to exclusion of paycheck protection loan forgiveness from gross income and certain related deductions; providing certain business entities the option to file as C-option corporations; amending Minnesota Statutes 2020, sections 289A.02, subdivision 7; 289A.08, by adding a subdivision; 289A.38, by adding a subdivision; 290.01, subdivisions 19, 31, by adding a subdivision; 290.0132, by adding a subdivision; 290.06, subdivisions 2c, 22; 290.091, subdivision 2; 290.0921, subdivision 2; 290.92, subdivisions 4b, 4c; 290A.03, subdivision 15; 291.005, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 290.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2020, section 289A.02, subdivision 7, is amended to read:

Subd. 7. **Internal Revenue Code.** Unless specifically defined otherwise, "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended through December 31, 2018, except that for the purposes of exclusion from gross income of paycheck protection loan forgiveness and allowable deductions of covered expenses paid for with covered loans under section 1106 of Public Law 116-136, as clarified by Title II, subtitle B, section 276(a)(i) of Public Law 116-260, "Internal Revenue Code" means the Internal Revenue Code as amended through March 27, 2020.

EFFECTIVE DATE. This section is effective the day following final enactment, except that changes incorporated by federal changes are effective retroactively at the same time the changes were effective for federal purposes.

Sec. 2. Minnesota Statutes 2020, section 289A.08, is amended by adding a subdivision to read:

Subd. 7a. **Election to file as C-option corporation.** (a) A qualifying entity may elect to file a return as a C-option corporation. Except as provided in this subdivision, a C-option corporation must calculate its tax liability as a corporation subject to the franchise tax on corporations imposed in section 290.02 and must allocate its income as a corporation as required under sections 290.17, 290.191, and 290.20.

(b) The election under paragraph (a):

(1) must be made on or before the due date or extended due date of the qualifying entity's return as a C-option corporation;

(2) may only be made by persons who hold more than 50 percent ownership interest in the qualifying entity; and

(3) is binding on all persons who have an ownership interest in the qualifying entity.

(c) The election is binding for a period of four taxable years following the taxable year of the election. The election may be revoked before the expiration of the period if:

(1) the revocation is requested by persons who hold more than 50 percent ownership interest in the qualifying entity; and

(2) the revocation is made on or before the due date or the extended due date of the qualifying entity's return for that year.

(d) If an election is revoked before the expiration of the period, a new election to file as a C-option corporation may not be made by the qualifying entity for the following four taxable years.

(e) The expiration or revocation of an election is effective at the close of a taxable year and nothing in this section releases a C-option corporation from complying with the requirements of this chapter for that taxable year.

(f) For purposes of this subdivision:

(1) "qualifying entity" means a:

(i) partnership;

(ii) limited liability company; or

(iii) corporation organized under subchapter S of the Internal Revenue Code for federal income tax purposes, including a qualified subsidiary also organized under subchapter S of the Internal Revenue Code; and

(2) "C-option corporation" means a qualifying entity that has made the election under paragraph (a).

(g) Tax liability must be calculated by multiplying the Minnesota taxable income of the qualifying entity by a tax rate of 9.85 percent.

(h) A member's, partner's, or shareholder's adjusted basis in the member's, partner's, or shareholder's interest in the limited liability company, partnership, or S corporation, and the treatment of distributions, is determined as if the election under this subdivision is not made.

(i) A qualifying entity must not have a partnership, limited liability company, or corporation as a member or partner.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2020.

Sec. 3. Minnesota Statutes 2020, section 289A.38, is amended by adding a subdivision to read:

Subd. 17. **C-option corporations.** For purposes of this section, "taxpayer" includes a C-option corporation, and all applicable reports, amendments, adjustments, assessments, changes in tax, refunds, and statements under this section apply to a C-option corporation for those taxable years in which the C-option election under section 289A.08, subdivision 7a, is effective. For purposes of this subdivision, "C-option corporation" means a qualifying entity under section 289A.08, subdivision 7a, paragraph (f), that made the election in section 289A.08, subdivision 7a, paragraph (a), for the applicable tax year.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2020.

Sec. 4. Minnesota Statutes 2020, section 290.01, is amended by adding a subdivision to read:

Subd. 4d. **C-option corporation.** "C-option corporation" means a qualifying entity under section 289A.08, subdivision 7a, paragraph (f), that made the election in section 289A.08, subdivision 7a, paragraph (a), for the applicable tax year.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2020.

Sec. 5. Minnesota Statutes 2020, section 290.01, subdivision 19, is amended to read:

Subd. 19. **Net income.** (a) For a trust or estate taxable under section 290.03, and a corporation taxable under section 290.02, the term "net income" means the federal taxable income, as defined in section 63 of the Internal Revenue Code of 1986, as amended through the date named in this subdivision, incorporating the federal effective dates of changes to the Internal Revenue Code and any elections made by the taxpayer in accordance with the Internal Revenue Code in determining federal taxable income for federal income tax purposes, and with the modifications provided in sections 290.0131 to 290.0136.

(b) For an individual, the term "net income" means federal adjusted gross income with the modifications provided in sections 290.0131, 290.0132, and 290.0135 to 290.0137.

(c) In the case of a regulated investment company or a fund thereof, as defined in section 851(a) or 851(g) of the Internal Revenue Code, federal taxable income means investment company taxable income as defined in section 852(b)(2) of the Internal Revenue Code, except that:

(1) the exclusion of net capital gain provided in section 852(b)(2)(A) of the Internal Revenue Code does not apply;

(2) the deduction for dividends paid under section 852(b)(2)(D) of the Internal Revenue Code must be applied by allowing a deduction for capital gain dividends and exempt-interest dividends as defined in sections 852(b)(3)(C) and 852(b)(5) of the Internal Revenue Code; and

(3) the deduction for dividends paid must also be applied in the amount of any undistributed capital gains which the regulated investment company elects to have treated as provided in section 852(b)(3)(D) of the Internal Revenue Code.

(d) The net income of a real estate investment trust as defined and limited by section 856(a), (b), and (c) of the Internal Revenue Code means the real estate investment trust taxable income as defined in section 857(b)(2) of the Internal Revenue Code.

(e) The net income of a designated settlement fund as defined in section 468B(d) of the Internal Revenue Code means the gross income as defined in section 468B(b) of the Internal Revenue Code.

(f) The Internal Revenue Code of 1986, as amended through December 31, 2018, shall be in effect for taxable years beginning after December 31, 1996, except that for the purposes of exclusion from gross income of paycheck protection loan forgiveness and allowable deductions of covered expenses paid for with covered loans under section 1106 of Public Law 116-136, as clarified by Title II, subtitle B, section 276(a)(i) of Public Law 116-260, "Internal Revenue Code" means the Internal Revenue Code as amended through March 27, 2020.

(g) Except as otherwise provided, references to the Internal Revenue Code in this subdivision and sections 290.0131 to 290.0136 mean the code in effect for purposes of determining net income for the applicable year.

EFFECTIVE DATE. This section is effective the day following final enactment, except that changes incorporated by federal changes are effective retroactively at the same time the changes were effective for federal purposes.

Sec. 6. Minnesota Statutes 2020, section 290.01, subdivision 31, is amended to read:

Subd. 31. **Internal Revenue Code.** Unless specifically defined otherwise, "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended through December 31, 2018. Internal Revenue Code also includes any uncodified provision in federal law that relates to provisions of the Internal Revenue Code that are incorporated into Minnesota law, except that for the purposes of exclusion from gross income of paycheck protection loan forgiveness and allowable deductions of covered expenses paid for with covered loans under section 1106 of Public Law 116-136, as clarified by Title II, subtitle B, section 276(a)(i) of Public Law 116-260, "Internal Revenue Code" means the Internal Revenue Code as amended through March 27, 2020.

EFFECTIVE DATE. This section is effective the day following final enactment, except that changes incorporated by federal changes are effective retroactively at the same time the changes were effective for federal purposes.

Sec. 7. Minnesota Statutes 2020, section 290.0132, is amended by adding a subdivision to read:

Subd. 30. **Income of partners, members, or shareholders.** The amount of income determined after allowable deductions and the additions and subtractions required under this chapter that is received from a qualifying entity, as defined under section 289A.08, subdivision 7a, for purposes of calculating adjusted gross income by a partner, member, or shareholder of a qualifying entity that has elected to file as a C-option corporation under

section 289A.08, subdivision 7a, is a subtraction. The amount of net income as adjusted under this subdivision must not be less than zero. The amount of the subtraction allowed under this subdivision may not exceed the partner's, member's, or shareholder's portions of the qualifying entity's net income after assignment under section 290.17, or apportionment under section 290.191 or 290.20, as may be required.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2020.

Sec. 8. Minnesota Statutes 2020, section 290.06, subdivision 2c, is amended to read:

Subd. 2c. **Schedules of rates for individuals, estates, and trusts.** (a) The income taxes imposed by this chapter upon married individuals filing joint returns and surviving spouses as defined in section 2(a) of the Internal Revenue Code must be computed by applying to their taxable net income the following schedule of rates:

(1) On the first $38,770, 5.35 percent;

(2) On all over $38,770, but not over $154,020, 6.8 percent;

(3) On all over $154,020, but not over $269,010, 7.85 percent;

(4) On all over $269,010, 9.85 percent.

Married individuals filing separate returns, estates, and trusts must compute their income tax by applying the above rates to their taxable income, except that the income brackets will be one-half of the above amounts after the adjustment required in subdivision 2d.

(b) The income taxes imposed by this chapter upon unmarried individuals must be computed by applying to taxable net income the following schedule of rates:

(1) On the first $26,520, 5.35 percent;

(2) On all over $26,520, but not over $87,110, 6.8 percent;

(3) On all over $87,110, but not over $161,720, 7.85 percent;

(4) On all over $161,720, 9.85 percent.

(c) The income taxes imposed by this chapter upon unmarried individuals qualifying as a head of household as defined in section 2(b) of the Internal Revenue Code must be computed by applying to taxable net income the following schedule of rates:

(1) On the first $32,650, 5.35 percent;

(2) On all over $32,650, but not over $131,190, 6.8 percent;

(3) On all over $131,190, but not over $214,980, 7.85 percent;

(4) On all over $214,980, 9.85 percent.

(d) In lieu of a tax computed according to the rates set forth in this subdivision, the tax of any individual taxpayer whose taxable net income for the taxable year is less than an amount determined by the commissioner must be computed in accordance with tables prepared and issued by the commissioner of revenue based on income brackets of not more than $100. The amount of tax for each bracket shall be computed at the rates set forth in this subdivision, provided that the commissioner may disregard a fractional part of a dollar unless it amounts to 50 cents or more, in which case it may be increased to $1.

(e) An individual who is not a Minnesota resident for the entire year must compute the individual's Minnesota income tax as provided in this subdivision. After the application of the nonrefundable credits provided in this chapter, the tax liability must then be multiplied by a fraction in which:

(1) the numerator is the individual's Minnesota source federal adjusted gross income as defined in section 62 of the Internal Revenue Code and increased by:

(i) the additions required under sections 290.0131, subdivisions 2, 6, 8 to 10, 16, and 17, and 290.0137, paragraph (a); and reduced by

(ii) the Minnesota assignable portion of the subtraction for United States government interest under section 290.0132, subdivision 2, the subtractions under sections 290.0132, subdivisions 9, 10, 14, 15, 17, 18, ~~and~~ 27, and 30, and 290.0137, paragraph (c), after applying the allocation and assignability provisions of section 290.081, clause (a), or 290.17; and

(2) the denominator is the individual's federal adjusted gross income as defined in section 62 of the Internal Revenue Code, increased by:

(i) the additions required under sections 290.0131, subdivisions 2, 6, 8 to 10, 16, and 17, and 290.0137, paragraph (a); and reduced by

(ii) the subtractions under sections 290.0132, subdivisions 2, 9, 10, 14, 15, 17, 18, ~~and~~ 27, and 30, and 290.0137, paragraph (c).

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2020.

Sec. 9. Minnesota Statutes 2020, section 290.06, subdivision 22, is amended to read:

Subd. 22. **Credit for taxes paid to another state.** (a) A taxpayer who is liable for taxes based on net income to another state, as provided in paragraphs (b) through (f), upon income

allocated or apportioned to Minnesota, is entitled to a credit for the tax paid to another state if the tax is actually paid in the taxable year or a subsequent taxable year. A taxpayer who is a resident of this state pursuant to section 290.01, subdivision 7, paragraph (b), and who is subject to income tax as a resident in the state of the individual's domicile is not allowed this credit unless the state of domicile does not allow a similar credit.

(b) For an individual, estate, or trust, the credit is determined by multiplying the tax payable under this chapter by the ratio derived by dividing the income subject to tax in the other state that is also subject to tax in Minnesota while a resident of Minnesota by the taxpayer's federal adjusted gross income, as defined in section 62 of the Internal Revenue Code, modified by the addition required by section 290.0131, subdivision 2, and the subtraction allowed by section 290.0132, subdivision 2, to the extent the income is allocated or assigned to Minnesota under sections 290.081 and 290.17.

(c) If the taxpayer is an athletic team that apportions all of its income under section 290.17, subdivision 5, the credit is determined by multiplying the tax payable under this chapter by the ratio derived from dividing the total net income subject to tax in the other state by the taxpayer's Minnesota taxable income.

(d)(1) The credit determined under paragraph (b) or (c) shall not exceed the amount of tax so paid to the other state on the gross income earned within the other state subject to tax under this chapter; and

(2) the allowance of the credit does not reduce the taxes paid under this chapter to an amount less than what would be assessed if the gross income earned within the other state were excluded from taxable net income.

(e) In the case of the tax assessed on a lump-sum distribution under section 290.032, the credit allowed under paragraph (a) is the tax assessed by the other state on the lump-sum distribution that is also subject to tax under section 290.032, and shall not exceed the tax assessed under section 290.032. To the extent the total lump-sum distribution defined in section 290.032, subdivision 1, includes lump-sum distributions received in prior years or is all or in part an annuity contract, the reduction to the tax on the lump-sum distribution allowed under section 290.032, subdivision 2, includes tax paid to another state that is properly apportioned to that distribution.

(f) If a Minnesota resident reported an item of income to Minnesota and is assessed tax in such other state on that same income after the Minnesota statute of limitations has expired, the taxpayer shall receive a credit for that year under paragraph (a), notwithstanding any statute of limitations to the contrary. The claim for the credit must be submitted within one

year from the date the taxes were paid to the other state. The taxpayer must submit sufficient proof to show entitlement to a credit.

(g) For the purposes of this subdivision, a resident shareholder of a corporation treated as an "S" corporation under section 290.9725, must be considered to have paid a tax imposed on the shareholder in an amount equal to the shareholder's pro rata share of any net income tax paid by the S corporation to another state. For the purposes of the preceding sentence, the term "net income tax" means any tax imposed on or measured by a corporation's net income.

(h) For the purposes of this subdivision, a resident partner of an entity taxed as a partnership under the Internal Revenue Code must be considered to have paid a tax imposed on the partner in an amount equal to the partner's pro rata share of any net income tax paid by the partnership to another state. For purposes of the preceding sentence, the term "net income" tax means any tax imposed on or measured by a partnership's net income.

(i) For the purposes of this subdivision, "another state":

(1) includes:

(i) the District of Columbia; and

(ii) a province or territory of Canada; but

(2) excludes Puerto Rico and the several territories organized by Congress.

(j) The limitations on the credit in paragraphs (b), (c), and (d), are imposed on a state by state basis.

(k) For a tax imposed by a province or territory of Canada, the tax for purposes of this subdivision is the excess of the tax over the amount of the foreign tax credit allowed under section 27 of the Internal Revenue Code. In determining the amount of the foreign tax credit allowed, the net income taxes imposed by Canada on the income are deducted first. Any remaining amount of the allowable foreign tax credit reduces the provincial or territorial tax that qualifies for the credit under this subdivision.

(l)(1) The credit allowed to a qualifying individual under this section for tax paid to a qualifying state equals the credit calculated under paragraphs (b) and (d), plus the amount calculated by multiplying:

(i) the difference between the preliminary credit and the credit calculated under paragraphs (b) and (d), by

(ii) the ratio derived by dividing the income subject to tax in the qualifying state that consists of compensation for performance of personal or professional services by the total amount of income subject to tax in the qualifying state.

(2) If the amount of the credit that a qualifying individual is eligible to receive under clause (1) for tax paid to a qualifying state exceeds the tax due under this chapter before the application of the credit calculated under clause (1), the commissioner shall refund the excess to the qualifying individual. An amount sufficient to pay the refunds required by this subdivision is appropriated to the commissioner from the general fund.

(3) For purposes of this paragraph, "preliminary credit" means the credit that a qualifying individual is eligible to receive under paragraphs (b) and (d) for tax paid to a qualifying state without regard to the limitation in paragraph (d), clause (2); "qualifying individual" means a Minnesota resident under section 290.01, subdivision 7, paragraph (a), who received compensation during the taxable year for the performance of personal or professional services within a qualifying state; and "qualifying state" means a state with which an agreement under section 290.081 is not in effect for the taxable year but was in effect for a taxable year beginning before January 1, 2010.

(m) A resident partner, member, or shareholder of a qualifying entity making an election to be taxed as a C-option corporation under section 289A.08, subdivision 7a, may claim a credit for the amount of their pro rata share of any net income tax paid to another state by the entity or on a composite return filed with that state on behalf of its Minnesota resident partners, members, or shareholders. For purposes of this paragraph, "net income tax" means any tax imposed on or measured by net income, but "net income" does not include any income that is apportioned to this state under section 290.191 or 290.20.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2020.

Sec. 10. Minnesota Statutes 2020, section 290.091, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For purposes of the tax imposed by this section, the following terms have the meanings given.

(a) "Alternative minimum taxable income" means the sum of the following for the taxable year:

(1) the taxpayer's federal alternative minimum taxable income as defined in section 55(b)(2) of the Internal Revenue Code;

(2) the taxpayer's itemized deductions allowed in computing federal alternative minimum taxable income, but excluding:

(i) the charitable contribution deduction under section 170 of the Internal Revenue Code;

(ii) the medical expense deduction;

(iii) the casualty, theft, and disaster loss deduction; and

(iv) the impairment-related work expenses of a person with a disability;

(3) for depletion allowances computed under section 613A(c) of the Internal Revenue Code, with respect to each property (as defined in section 614 of the Internal Revenue Code), to the extent not included in federal alternative minimum taxable income, the excess of the deduction for depletion allowable under section 611 of the Internal Revenue Code for the taxable year over the adjusted basis of the property at the end of the taxable year (determined without regard to the depletion deduction for the taxable year);

(4) to the extent not included in federal alternative minimum taxable income, the amount of the tax preference for intangible drilling cost under section 57(a)(2) of the Internal Revenue Code determined without regard to subparagraph (E);

(5) to the extent not included in federal alternative minimum taxable income, the amount of interest income as provided by section 290.0131, subdivision 2;

(6) the amount of addition required by section 290.0131, subdivisions 9, 10, and 16;

(7) the deduction allowed under section 199A of the Internal Revenue Code, to the extent not included in the addition required under clause (6); and

(8) to the extent not included in federal alternative minimum taxable income, the amount of foreign-derived intangible income deducted under section 250 of the Internal Revenue Code;

less the sum of the amounts determined under the following:

(i) interest income as defined in section 290.0132, subdivision 2;

(ii) an overpayment of state income tax as provided by section 290.0132, subdivision 3, to the extent included in federal alternative minimum taxable income;

(iii) the amount of investment interest paid or accrued within the taxable year on indebtedness to the extent that the amount does not exceed net investment income, as defined in section 163(d)(4) of the Internal Revenue Code. Interest does not include amounts deducted in computing federal adjusted gross income;

(iv) amounts subtracted from federal taxable or adjusted gross income as provided by section 290.0132, subdivisions 7, 9 to 15, 17, 21, 24, and 26 to ~~29~~ 30;

(v) the amount of the net operating loss allowed under section 290.095, subdivision 11, paragraph (c); and

(vi) the amount allowable as a Minnesota itemized deduction under section 290.0122, subdivision 7.

In the case of an estate or trust, alternative minimum taxable income must be computed as provided in section 59(c) of the Internal Revenue Code, except alternative minimum taxable income must be increased by the addition in section 290.0131, subdivision 16.

(b) "Investment interest" means investment interest as defined in section 163(d)(3) of the Internal Revenue Code.

(c) "Net minimum tax" means the minimum tax imposed by this section.

(d) "Regular tax" means the tax that would be imposed under this chapter (without regard to this section and section 290.032), reduced by the sum of the nonrefundable credits allowed under this chapter.

(e) "Tentative minimum tax" equals 6.75 percent of alternative minimum taxable income after subtracting the exemption amount determined under subdivision 3.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2020.

Sec. 11. Minnesota Statutes 2020, section 290.0921, subdivision 2, is amended to read:

Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the meanings given them.

(b) "Alternative minimum taxable net income" is alternative minimum taxable income,

(1) less the exemption amount, and

(2) apportioned or allocated to Minnesota under section 290.17, 290.191, or 290.20.

(c) The "exemption amount" is $40,000, reduced, but not below zero, by 25 percent of the excess of alternative minimum taxable income over $150,000.

(d) "Minnesota alternative minimum taxable income" is alternative minimum taxable net income, less the deductions for alternative tax net operating loss under subdivision 4; and dividends received under subdivision 6. The sum of the deductions under this paragraph

may not exceed 90 percent of alternative minimum taxable net income. This limitation does not apply to:

(1) a deduction for dividends paid to or received from a corporation which is subject to tax under section 290.36 and which is a member of an affiliated group of corporations as defined by the Internal Revenue Code; or

(2) a deduction for dividends received from a property and casualty insurer as defined under section 60A.60, subdivision 8, which is a member of an affiliated group of corporations as defined by the Internal Revenue Code and either: (i) the dividend is eliminated in consolidation under Treasury Regulation 1.1502-14(a), as amended through December 31, 1989; or (ii) the dividend is deducted under an election under section 243(b) of the Internal Revenue Code.

(e) "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended through December 16, 2016, except that for the purposes of exclusion from gross income of paycheck protection loan forgiveness and allowable deductions of covered expenses paid for with covered loans under section 1106 of Public Law 116-136, as clarified by Title II, subtitle B, section 276(a)(i) of Public Law 116-260, "Internal Revenue Code" means the Internal Revenue Code as amended through March 27, 2020.

EFFECTIVE DATE. This section is effective the day following final enactment, except that changes incorporated by federal changes are effective retroactively at the same time the changes were effective for federal purposes.

Sec. 12. **[290.096] SPECIAL RULES FOR C-OPTION CORPORATIONS.**

Subdivision 1. **Allocation of subtractions and credits.** No carryover generated by a C-option corporation for a subtraction allowed under this chapter that remains after the revocation or expiration of the election in section 289A.08, subdivision 7a, paragraph (a), may be claimed by a partner, member, or shareholder of that C-option corporation.

Subd. 2. **Credits.** (a) Credits and credit carryovers against the tax due under this chapter that are claimed by a C-option corporation must be distributed as follows:

(1) for a nonrefundable credit, the credit is distributed to the C-option corporation; and

(2) for a refundable credit, the amount of the credit that does not exceed the C-option corporation's taxable income is distributed to the C-option corporation and the amount of the credit that exceeds the amount of the C-option corporation's taxable income is distributed in the same manner as the subtraction in section 290.0132, subdivision 30.

(b) A credit carryover generated by an individual taxpayer may be claimed by a C-option corporation of which the individual is a partner, member, or shareholder.

Subd. 3. **Refunds.** (a) A C-option corporation may make a claim for a refund under section 289A.50. Refunds must be paid to each partner, member, or shareholder in the same manner as the distribution of the subtraction in section 290.0132, subdivision 30.

(b) For purposes of applying interest to refunds under paragraph (a), the amount refunded bears interest under section 289A.56, subdivision 2, from the later of when the partner's, member's, or shareholder's individual return is filed or when the C-option corporation's return is filed.

Subd. 4. **Estimated tax.** (a) A C-option corporation must make payments of estimated tax as required under section 289A.26.

(b) Payments of estimated tax under paragraph (a) made by a C-option corporation for a taxable year for which the taxpayer is not a C-option corporation must be distributed to each partner, member, or shareholder in the same manner as the distribution of the subtraction in section 290.0132, subdivision 30.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2020.

Sec. 13. Minnesota Statutes 2020, section 290.92, subdivision 4b, is amended to read:

Subd. 4b. **Withholding by partnerships.** (a) A partnership shall deduct and withhold a tax as provided in paragraph (b) for nonresident individual partners based on their distributive shares of partnership income for a taxable year of the partnership.

(b) The amount of tax withheld is determined by multiplying the partner's distributive share allocable to Minnesota under section 290.17, paid or credited during the taxable year by the highest rate used to determine the income tax liability for an individual under section 290.06, subdivision 2c, except that the amount of tax withheld may be determined by the commissioner if the partner submits a withholding exemption certificate under subdivision 5.

(c) The commissioner may reduce or abate the tax withheld under this subdivision if the partnership had reasonable cause to believe that no tax was due under this section.

(d) Notwithstanding paragraph (a), a partnership is not required to deduct and withhold tax for a nonresident partner if:

(1) the partner elects to have the tax due paid as part of the partnership's composite return under section 289A.08, subdivision 7;

(2) the partner has Minnesota assignable federal adjusted gross income from the partnership of less than $1,000; or

(3) the partnership is liquidated or terminated, the income was generated by a transaction related to the termination or liquidation, and no cash or other property was distributed in the current or prior taxable year;

(4) the distributive shares of partnership income are attributable to:

(i) income required to be recognized because of discharge of indebtedness;

(ii) income recognized because of a sale, exchange, or other disposition of real estate, depreciable property, or property described in section 179 of the Internal Revenue Code; or

(iii) income recognized on the sale, exchange, or other disposition of any property that has been the subject of a basis reduction pursuant to section 108, 734, 743, 754, or 1017 of the Internal Revenue Code

to the extent that the income does not include cash received or receivable or, if there is cash received or receivable, to the extent that the cash is required to be used to pay indebtedness by the partnership or a secured debt on partnership property; ~~or~~

(5) the partnership is a publicly traded partnership, as defined in section 7704(b) of the Internal Revenue Code; or

(6) the partnership has elected to be taxed as a C-option corporation under section 289A.08, subdivision 7a.

(e) For purposes of sections 270C.60, 289A.09, subdivision 2, 289A.20, subdivision 2, paragraph (c), 289A.50, 289A.56, 289A.60, and 289A.63, a partnership is considered an employer.

(f) To the extent that income is exempt from withholding under paragraph (d), clause (4), the commissioner has a lien in an amount up to the amount that would be required to be withheld with respect to the income of the partner attributable to the partnership interest, but for the application of paragraph (d), clause (4). The lien arises under section 270C.63 from the date of assessment of the tax against the partner, and attaches to that partner's share of the profits and any other money due or to become due to that partner in respect of the partnership. Notice of the lien may be sent by mail to the partnership, without the necessity

for recording the lien. The notice has the force and effect of a levy under section 270C.67, and is enforceable against the partnership in the manner provided by that section. Upon payment in full of the liability subsequent to the notice of lien, the partnership must be notified that the lien has been satisfied.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2020.

Sec. 14. Minnesota Statutes 2020, section 290.92, subdivision 4c, is amended to read:

Subd. 4c. **Withholding by S corporations.** (a) A corporation having a valid election in effect under section 290.9725 shall deduct and withhold a tax as provided in paragraph (b) for nonresident individual shareholders their share of the corporation's income for the taxable year.

(b) The amount of tax withheld is determined by multiplying the amount of income allocable to Minnesota under section 290.17 by the highest rate used to determine the income tax liability of an individual under section 290.06, subdivision 2c, except that the amount of tax withheld may be determined by the commissioner if the shareholder submits a withholding exemption certificate under subdivision 5.

(c) Notwithstanding paragraph (a), a corporation is not required to deduct and withhold tax for a nonresident shareholder, if:

(1) the shareholder elects to have the tax due paid as part of the corporation's composite return under section 289A.08, subdivision 7;

(2) the shareholder has Minnesota assignable federal adjusted gross income from the corporation of less than $1,000; ~~or~~

(3) the corporation is liquidated or terminated, the income was generated by a transaction related to the termination or liquidation, and no cash or other property was distributed in the current or prior taxable year; or

(4) the S corporation has elected to be taxed as a C-option corporation under section 289A.08, subdivision 7a.

(d) For purposes of sections 270C.60, 289A.09, subdivision 2, 289A.20, subdivision 2, paragraph (c), 289A.50, 289A.56, 289A.60, and 289A.63, a corporation is considered an employer.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2020.

Sec. 15. Minnesota Statutes 2020, section 290A.03, subdivision 15, is amended to read:

Subd. 15. **Internal Revenue Code.** "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended through December 31, 2018, except that for the purposes of exclusion from gross income of paycheck protection loan forgiveness and allowable deductions of covered expenses paid for with covered loans under section 1106 of Public Law 116-136, as clarified by Title II, subtitle B, section 276(a)(i) of Public Law 116-260, "Internal Revenue Code" means the Internal Revenue Code as amended through March 27, 2020.

EFFECTIVE DATE. This section is effective the day following final enactment, except that changes incorporated by federal changes are effective retroactively at the same time the changes were effective for federal purposes.

Sec. 16. Minnesota Statutes 2020, section 291.005, subdivision 1, is amended to read:

Subdivision 1. **Scope.** Unless the context otherwise clearly requires, the following terms used in this chapter shall have the following meanings:

(1) "Commissioner" means the commissioner of revenue or any person to whom the commissioner has delegated functions under this chapter.

(2) "Federal gross estate" means the gross estate of a decedent as required to be valued and otherwise determined for federal estate tax purposes under the Internal Revenue Code, increased by the value of any property in which the decedent had a qualifying income interest for life and for which an election was made under section 291.03, subdivision 1d, for Minnesota estate tax purposes, but was not made for federal estate tax purposes.

(3) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended through December 31, 2018, except that for the purposes of exclusion from gross income of paycheck protection loan forgiveness and allowable deductions of covered expenses paid for with covered loans under section 1106 of Public Law 116-136, as clarified by Title II, subtitle B, section 276(a)(i) of Public Law 116-260, "Internal Revenue Code" means the Internal Revenue Code as amended through March 27, 2020.

(4) "Minnesota gross estate" means the federal gross estate of a decedent after (a) excluding therefrom any property included in the estate which has its situs outside Minnesota, and (b) including any property omitted from the federal gross estate which is includable in the estate, has its situs in Minnesota, and was not disclosed to federal taxing authorities.

(5) "Nonresident decedent" means an individual whose domicile at the time of death was not in Minnesota.

(6) "Personal representative" means the executor, administrator or other person appointed by the court to administer and dispose of the property of the decedent. If there is no executor, administrator or other person appointed, qualified, and acting within this state, then any person in actual or constructive possession of any property having a situs in this state which is included in the federal gross estate of the decedent shall be deemed to be a personal representative to the extent of the property and the Minnesota estate tax due with respect to the property.

(7) "Resident decedent" means an individual whose domicile at the time of death was in Minnesota. The provisions of section 290.01, subdivision 7, paragraphs (c) and (d), apply to determinations of domicile under this chapter.

(8) "Situs of property" means, with respect to:

(i) real property, the state or country in which it is located;

(ii) tangible personal property, the state or country in which it was normally kept or located at the time of the decedent's death or for a gift of tangible personal property within three years of death, the state or country in which it was normally kept or located when the gift was executed;

(iii) a qualified work of art, as defined in section 2503(g)(2) of the Internal Revenue Code, owned by a nonresident decedent and that is normally kept or located in this state because it is on loan to an organization, qualifying as exempt from taxation under section 501(c)(3) of the Internal Revenue Code, that is located in Minnesota, the situs of the art is deemed to be outside of Minnesota, notwithstanding the provisions of item (ii); and

(iv) intangible personal property, the state or country in which the decedent was domiciled at death or for a gift of intangible personal property within three years of death, the state or country in which the decedent was domiciled when the gift was executed.

For a nonresident decedent with an ownership interest in a pass-through entity with assets that include real or tangible personal property, situs of the real or tangible personal property, including qualified works of art, is determined as if the pass-through entity does not exist and the real or tangible personal property is personally owned by the decedent. If the pass-through entity is owned by a person or persons in addition to the decedent, ownership of the property is attributed to the decedent in proportion to the decedent's capital ownership share of the pass-through entity.

(9) "Pass-through entity" includes the following:

(i) an entity electing S corporation status under section 1362 of the Internal Revenue Code;

(ii) an entity taxed as a partnership under subchapter K of the Internal Revenue Code;

(iii) a single-member limited liability company or similar entity, regardless of whether it is taxed as an association or is disregarded for federal income tax purposes under Code of Federal Regulations, title 26, section 301.7701-3; or

(iv) a trust to the extent the property is includable in the decedent's federal gross estate; but excludes

(v) an entity whose ownership interest securities are traded on an exchange regulated by the Securities and Exchange Commission as a national securities exchange under section 6 of the Securities Exchange Act, United States Code, title 15, section 78f.

EFFECTIVE DATE. This section is effective the day following final enactment, except that changes incorporated by federal changes are effective retroactively at the same time the changes were effective for federal purposes.

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 263

(SENATE AUTHORS: BAKK, Nelson, Rest, Chamberlain and Tomassoni)

DATE	D-PG	OFFICIAL STATUS
01/21/2021	137	Introduction and first reading Referred to Taxes

A bill for an act

relating to taxation; individual income and corporate franchise; providing for federal conformity to exclusion of paycheck protection loan forgiveness from gross income and certain related deductions; providing certain business entities the option to file as C-option corporations; amending Minnesota Statutes 2020, sections 289A.02, subdivision 7; 289A.08, by adding a subdivision; 289A.38, by adding a subdivision; 290.01, subdivisions 19, 31, by adding a subdivision; 290.0132, by adding a subdivision; 290.06, subdivisions 2c, 22; 290.091, subdivision 2; 290.0921, subdivision 2; 290.92, subdivisions 4b, 4c; 290A.03, subdivision 15; 291.005, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 290.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2020, section 289A.02, subdivision 7, is amended to read:

Subd. 7. **Internal Revenue Code.** Unless specifically defined otherwise, "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended through December 31, 2018, except that for the purposes of exclusion from gross income of paycheck protection loan forgiveness and allowable deductions of covered expenses paid for with covered loans under section 1106 of Public Law 116-136, as clarified by Title II, subtitle B, section 276(a)(i) of Public Law 116-260, "Internal Revenue Code" means the Internal Revenue Code as amended through March 27, 2020.

EFFECTIVE DATE. This section is effective the day following final enactment, except that changes incorporated by federal changes are effective retroactively at the same time the changes were effective for federal purposes.

Sec. 2. Minnesota Statutes 2020, section 289A.08, is amended by adding a subdivision to read:

Subd. 7a. **Election to file as C-option corporation.** (a) A qualifying entity may elect to file a return as a C-option corporation. Except as provided in this subdivision, a C-option corporation must calculate its tax liability as a corporation subject to the franchise tax on corporations imposed in section 290.02 and must allocate its income as a corporation as required under sections 290.17, 290.191, and 290.20.

(b) The election under paragraph (a):

(1) must be made on or before the due date or extended due date of the qualifying entity's return as a C-option corporation;

(2) may only be made by persons who hold more than 50 percent ownership interest in the qualifying entity; and

(3) is binding on all persons who have an ownership interest in the qualifying entity.

(c) The election is binding for a period of four taxable years following the taxable year of the election. The election may be revoked before the expiration of the period if:

(1) the revocation is requested by persons who hold more than 50 percent ownership interest in the qualifying entity; and

(2) the revocation is made on or before the due date or the extended due date of the qualifying entity's return for that year.

(d) If an election is revoked before the expiration of the period, a new election to file as a C-option corporation may not be made by the qualifying entity for the following four taxable years.

(e) The expiration or revocation of an election is effective at the close of a taxable year and nothing in this section releases a C-option corporation from complying with the requirements of this chapter for that taxable year.

(f) For purposes of this subdivision:

(1) "qualifying entity" means a:

(i) partnership;

(ii) limited liability company; or

(iii) corporation organized under subchapter S of the Internal Revenue Code for federal income tax purposes, including a qualified subsidiary also organized under subchapter S of the Internal Revenue Code; and

(2) "C-option corporation" means a qualifying entity that has made the election under paragraph (a).

(g) Tax liability must be calculated by multiplying the Minnesota taxable income of the qualifying entity by a tax rate of 9.85 percent.

(h) A member's, partner's, or shareholder's adjusted basis in the member's, partner's, or shareholder's interest in the limited liability company, partnership, or S corporation, and the treatment of distributions, is determined as if the election under this subdivision is not made.

(i) A qualifying entity must not have a partnership, limited liability company, or corporation as a member or partner.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2020.

Sec. 3. Minnesota Statutes 2020, section 289A.38, is amended by adding a subdivision to read:

Subd. 17. **C-option corporations.** For purposes of this section, "taxpayer" includes a C-option corporation, and all applicable reports, amendments, adjustments, assessments, changes in tax, refunds, and statements under this section apply to a C-option corporation for those taxable years in which the C-option election under section 289A.08, subdivision 7a, is effective. For purposes of this subdivision, "C-option corporation" means a qualifying entity under section 289A.08, subdivision 7a, paragraph (f), that made the election in section 289A.08, subdivision 7a, paragraph (a), for the applicable tax year.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2020.

Sec. 4. Minnesota Statutes 2020, section 290.01, is amended by adding a subdivision to read:

Subd. 4d. **C-option corporation.** "C-option corporation" means a qualifying entity under section 289A.08, subdivision 7a, paragraph (f), that made the election in section 289A.08, subdivision 7a, paragraph (a), for the applicable tax year.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2020.

Sec. 5. Minnesota Statutes 2020, section 290.01, subdivision 19, is amended to read:

Subd. 19. **Net income.** (a) For a trust or estate taxable under section 290.03, and a corporation taxable under section 290.02, the term "net income" means the federal taxable income, as defined in section 63 of the Internal Revenue Code of 1986, as amended through the date named in this subdivision, incorporating the federal effective dates of changes to the Internal Revenue Code and any elections made by the taxpayer in accordance with the Internal Revenue Code in determining federal taxable income for federal income tax purposes, and with the modifications provided in sections 290.0131 to 290.0136.

(b) For an individual, the term "net income" means federal adjusted gross income with the modifications provided in sections 290.0131, 290.0132, and 290.0135 to 290.0137.

(c) In the case of a regulated investment company or a fund thereof, as defined in section 851(a) or 851(g) of the Internal Revenue Code, federal taxable income means investment company taxable income as defined in section 852(b)(2) of the Internal Revenue Code, except that:

(1) the exclusion of net capital gain provided in section 852(b)(2)(A) of the Internal Revenue Code does not apply;

(2) the deduction for dividends paid under section 852(b)(2)(D) of the Internal Revenue Code must be applied by allowing a deduction for capital gain dividends and exempt-interest dividends as defined in sections 852(b)(3)(C) and 852(b)(5) of the Internal Revenue Code; and

(3) the deduction for dividends paid must also be applied in the amount of any undistributed capital gains which the regulated investment company elects to have treated as provided in section 852(b)(3)(D) of the Internal Revenue Code.

(d) The net income of a real estate investment trust as defined and limited by section 856(a), (b), and (c) of the Internal Revenue Code means the real estate investment trust taxable income as defined in section 857(b)(2) of the Internal Revenue Code.

(e) The net income of a designated settlement fund as defined in section 468B(d) of the Internal Revenue Code means the gross income as defined in section 468B(b) of the Internal Revenue Code.

(f) The Internal Revenue Code of 1986, as amended through December 31, 2018, shall be in effect for taxable years beginning after December 31, 1996, except that for the purposes of exclusion from gross income of paycheck protection loan forgiveness and allowable deductions of covered expenses paid for with covered loans under section 1106 of Public Law 116-136, as clarified by Title II, subtitle B, section 276(a)(i) of Public Law 116-260, "Internal Revenue Code" means the Internal Revenue Code as amended through March 27, 2020.

(g) Except as otherwise provided, references to the Internal Revenue Code in this subdivision and sections 290.0131 to 290.0136 mean the code in effect for purposes of determining net income for the applicable year.

EFFECTIVE DATE. This section is effective the day following final enactment, except that changes incorporated by federal changes are effective retroactively at the same time the changes were effective for federal purposes.

Sec. 6. Minnesota Statutes 2020, section 290.01, subdivision 31, is amended to read:

Subd. 31. **Internal Revenue Code.** Unless specifically defined otherwise, "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended through December 31, 2018. Internal Revenue Code also includes any uncodified provision in federal law that relates to provisions of the Internal Revenue Code that are incorporated into Minnesota law, except that for the purposes of exclusion from gross income of paycheck protection loan forgiveness and allowable deductions of covered expenses paid for with covered loans under section 1106 of Public Law 116-136, as clarified by Title II, subtitle B, section 276(a)(i) of Public Law 116-260, "Internal Revenue Code" means the Internal Revenue Code as amended through March 27, 2020.

EFFECTIVE DATE. This section is effective the day following final enactment, except that changes incorporated by federal changes are effective retroactively at the same time the changes were effective for federal purposes.

Sec. 7. Minnesota Statutes 2020, section 290.0132, is amended by adding a subdivision to read:

Subd. 30. **Income of partners, members, or shareholders.** The amount of income determined after allowable deductions and the additions and subtractions required under this chapter that is received from a qualifying entity, as defined under section 289A.08, subdivision 7a, for purposes of calculating adjusted gross income by a partner, member, or shareholder of a qualifying entity that has elected to file as a C-option corporation under

section 289A.08, subdivision 7a, is a subtraction. The amount of net income as adjusted under this subdivision must not be less than zero. The amount of the subtraction allowed under this subdivision may not exceed the partner's, member's, or shareholder's portions of the qualifying entity's net income after assignment under section 290.17, or apportionment under section 290.191 or 290.20, as may be required.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2020.

Sec. 8. Minnesota Statutes 2020, section 290.06, subdivision 2c, is amended to read:

Subd. 2c. **Schedules of rates for individuals, estates, and trusts.** (a) The income taxes imposed by this chapter upon married individuals filing joint returns and surviving spouses as defined in section 2(a) of the Internal Revenue Code must be computed by applying to their taxable net income the following schedule of rates:

(1) On the first $38,770, 5.35 percent;

(2) On all over $38,770, but not over $154,020, 6.8 percent;

(3) On all over $154,020, but not over $269,010, 7.85 percent;

(4) On all over $269,010, 9.85 percent.

Married individuals filing separate returns, estates, and trusts must compute their income tax by applying the above rates to their taxable income, except that the income brackets will be one-half of the above amounts after the adjustment required in subdivision 2d.

(b) The income taxes imposed by this chapter upon unmarried individuals must be computed by applying to taxable net income the following schedule of rates:

(1) On the first $26,520, 5.35 percent;

(2) On all over $26,520, but not over $87,110, 6.8 percent;

(3) On all over $87,110, but not over $161,720, 7.85 percent;

(4) On all over $161,720, 9.85 percent.

(c) The income taxes imposed by this chapter upon unmarried individuals qualifying as a head of household as defined in section 2(b) of the Internal Revenue Code must be computed by applying to taxable net income the following schedule of rates:

(1) On the first $32,650, 5.35 percent;

(2) On all over $32,650, but not over $131,190, 6.8 percent;

(3) On all over $131,190, but not over $214,980, 7.85 percent;

(4) On all over $214,980, 9.85 percent.

(d) In lieu of a tax computed according to the rates set forth in this subdivision, the tax of any individual taxpayer whose taxable net income for the taxable year is less than an amount determined by the commissioner must be computed in accordance with tables prepared and issued by the commissioner of revenue based on income brackets of not more than $100. The amount of tax for each bracket shall be computed at the rates set forth in this subdivision, provided that the commissioner may disregard a fractional part of a dollar unless it amounts to 50 cents or more, in which case it may be increased to $1.

(e) An individual who is not a Minnesota resident for the entire year must compute the individual's Minnesota income tax as provided in this subdivision. After the application of the nonrefundable credits provided in this chapter, the tax liability must then be multiplied by a fraction in which:

(1) the numerator is the individual's Minnesota source federal adjusted gross income as defined in section 62 of the Internal Revenue Code and increased by:

(i) the additions required under sections 290.0131, subdivisions 2, 6, 8 to 10, 16, and 17, and 290.0137, paragraph (a); and reduced by

(ii) the Minnesota assignable portion of the subtraction for United States government interest under section 290.0132, subdivision 2, the subtractions under sections 290.0132, subdivisions 9, 10, 14, 15, 17, 18, ~~and~~ 27, and 30, and 290.0137, paragraph (c), after applying the allocation and assignability provisions of section 290.081, clause (a), or 290.17; and

(2) the denominator is the individual's federal adjusted gross income as defined in section 62 of the Internal Revenue Code, increased by:

(i) the additions required under sections 290.0131, subdivisions 2, 6, 8 to 10, 16, and 17, and 290.0137, paragraph (a); and reduced by

(ii) the subtractions under sections 290.0132, subdivisions 2, 9, 10, 14, 15, 17, 18, ~~and~~ 27, and 30, and 290.0137, paragraph (c).

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2020.

Sec. 9. Minnesota Statutes 2020, section 290.06, subdivision 22, is amended to read:

Subd. 22. **Credit for taxes paid to another state.** (a) A taxpayer who is liable for taxes based on net income to another state, as provided in paragraphs (b) through (f), upon income

allocated or apportioned to Minnesota, is entitled to a credit for the tax paid to another state if the tax is actually paid in the taxable year or a subsequent taxable year. A taxpayer who is a resident of this state pursuant to section 290.01, subdivision 7, paragraph (b), and who is subject to income tax as a resident in the state of the individual's domicile is not allowed this credit unless the state of domicile does not allow a similar credit.

(b) For an individual, estate, or trust, the credit is determined by multiplying the tax payable under this chapter by the ratio derived by dividing the income subject to tax in the other state that is also subject to tax in Minnesota while a resident of Minnesota by the taxpayer's federal adjusted gross income, as defined in section 62 of the Internal Revenue Code, modified by the addition required by section 290.0131, subdivision 2, and the subtraction allowed by section 290.0132, subdivision 2, to the extent the income is allocated or assigned to Minnesota under sections 290.081 and 290.17.

(c) If the taxpayer is an athletic team that apportions all of its income under section 290.17, subdivision 5, the credit is determined by multiplying the tax payable under this chapter by the ratio derived from dividing the total net income subject to tax in the other state by the taxpayer's Minnesota taxable income.

(d)(1) The credit determined under paragraph (b) or (c) shall not exceed the amount of tax so paid to the other state on the gross income earned within the other state subject to tax under this chapter; and

(2) the allowance of the credit does not reduce the taxes paid under this chapter to an amount less than what would be assessed if the gross income earned within the other state were excluded from taxable net income.

(e) In the case of the tax assessed on a lump-sum distribution under section 290.032, the credit allowed under paragraph (a) is the tax assessed by the other state on the lump-sum distribution that is also subject to tax under section 290.032, and shall not exceed the tax assessed under section 290.032. To the extent the total lump-sum distribution defined in section 290.032, subdivision 1, includes lump-sum distributions received in prior years or is all or in part an annuity contract, the reduction to the tax on the lump-sum distribution allowed under section 290.032, subdivision 2, includes tax paid to another state that is properly apportioned to that distribution.

(f) If a Minnesota resident reported an item of income to Minnesota and is assessed tax in such other state on that same income after the Minnesota statute of limitations has expired, the taxpayer shall receive a credit for that year under paragraph (a), notwithstanding any statute of limitations to the contrary. The claim for the credit must be submitted within one

year from the date the taxes were paid to the other state. The taxpayer must submit sufficient proof to show entitlement to a credit.

(g) For the purposes of this subdivision, a resident shareholder of a corporation treated as an "S" corporation under section 290.9725, must be considered to have paid a tax imposed on the shareholder in an amount equal to the shareholder's pro rata share of any net income tax paid by the S corporation to another state. For the purposes of the preceding sentence, the term "net income tax" means any tax imposed on or measured by a corporation's net income.

(h) For the purposes of this subdivision, a resident partner of an entity taxed as a partnership under the Internal Revenue Code must be considered to have paid a tax imposed on the partner in an amount equal to the partner's pro rata share of any net income tax paid by the partnership to another state. For purposes of the preceding sentence, the term "net income" tax means any tax imposed on or measured by a partnership's net income.

(i) For the purposes of this subdivision, "another state":

(1) includes:

(i) the District of Columbia; and

(ii) a province or territory of Canada; but

(2) excludes Puerto Rico and the several territories organized by Congress.

(j) The limitations on the credit in paragraphs (b), (c), and (d), are imposed on a state by state basis.

(k) For a tax imposed by a province or territory of Canada, the tax for purposes of this subdivision is the excess of the tax over the amount of the foreign tax credit allowed under section 27 of the Internal Revenue Code. In determining the amount of the foreign tax credit allowed, the net income taxes imposed by Canada on the income are deducted first. Any remaining amount of the allowable foreign tax credit reduces the provincial or territorial tax that qualifies for the credit under this subdivision.

(l)(1) The credit allowed to a qualifying individual under this section for tax paid to a qualifying state equals the credit calculated under paragraphs (b) and (d), plus the amount calculated by multiplying:

(i) the difference between the preliminary credit and the credit calculated under paragraphs (b) and (d), by

(ii) the ratio derived by dividing the income subject to tax in the qualifying state that consists of compensation for performance of personal or professional services by the total amount of income subject to tax in the qualifying state.

(2) If the amount of the credit that a qualifying individual is eligible to receive under clause (1) for tax paid to a qualifying state exceeds the tax due under this chapter before the application of the credit calculated under clause (1), the commissioner shall refund the excess to the qualifying individual. An amount sufficient to pay the refunds required by this subdivision is appropriated to the commissioner from the general fund.

(3) For purposes of this paragraph, "preliminary credit" means the credit that a qualifying individual is eligible to receive under paragraphs (b) and (d) for tax paid to a qualifying state without regard to the limitation in paragraph (d), clause (2); "qualifying individual" means a Minnesota resident under section 290.01, subdivision 7, paragraph (a), who received compensation during the taxable year for the performance of personal or professional services within a qualifying state; and "qualifying state" means a state with which an agreement under section 290.081 is not in effect for the taxable year but was in effect for a taxable year beginning before January 1, 2010.

(m) A resident partner, member, or shareholder of a qualifying entity making an election to be taxed as a C-option corporation under section 289A.08, subdivision 7a, may claim a credit for the amount of their pro rata share of any net income tax paid to another state by the entity or on a composite return filed with that state on behalf of its Minnesota resident partners, members, or shareholders. For purposes of this paragraph, "net income tax" means any tax imposed on or measured by net income, but "net income" does not include any income that is apportioned to this state under section 290.191 or 290.20.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2020.

Sec. 10. Minnesota Statutes 2020, section 290.091, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For purposes of the tax imposed by this section, the following terms have the meanings given.

(a) "Alternative minimum taxable income" means the sum of the following for the taxable year:

(1) the taxpayer's federal alternative minimum taxable income as defined in section 55(b)(2) of the Internal Revenue Code;

(2) the taxpayer's itemized deductions allowed in computing federal alternative minimum taxable income, but excluding:

(i) the charitable contribution deduction under section 170 of the Internal Revenue Code;

(ii) the medical expense deduction;

(iii) the casualty, theft, and disaster loss deduction; and

(iv) the impairment-related work expenses of a person with a disability;

(3) for depletion allowances computed under section 613A(c) of the Internal Revenue Code, with respect to each property (as defined in section 614 of the Internal Revenue Code), to the extent not included in federal alternative minimum taxable income, the excess of the deduction for depletion allowable under section 611 of the Internal Revenue Code for the taxable year over the adjusted basis of the property at the end of the taxable year (determined without regard to the depletion deduction for the taxable year);

(4) to the extent not included in federal alternative minimum taxable income, the amount of the tax preference for intangible drilling cost under section 57(a)(2) of the Internal Revenue Code determined without regard to subparagraph (E);

(5) to the extent not included in federal alternative minimum taxable income, the amount of interest income as provided by section 290.0131, subdivision 2;

(6) the amount of addition required by section 290.0131, subdivisions 9, 10, and 16;

(7) the deduction allowed under section 199A of the Internal Revenue Code, to the extent not included in the addition required under clause (6); and

(8) to the extent not included in federal alternative minimum taxable income, the amount of foreign-derived intangible income deducted under section 250 of the Internal Revenue Code;

less the sum of the amounts determined under the following:

(i) interest income as defined in section 290.0132, subdivision 2;

(ii) an overpayment of state income tax as provided by section 290.0132, subdivision 3, to the extent included in federal alternative minimum taxable income;

(iii) the amount of investment interest paid or accrued within the taxable year on indebtedness to the extent that the amount does not exceed net investment income, as defined in section 163(d)(4) of the Internal Revenue Code. Interest does not include amounts deducted in computing federal adjusted gross income;

(iv) amounts subtracted from federal taxable or adjusted gross income as provided by section 290.0132, subdivisions 7, 9 to 15, 17, 21, 24, and 26 to ~~29~~ 30;

(v) the amount of the net operating loss allowed under section 290.095, subdivision 11, paragraph (c); and

(vi) the amount allowable as a Minnesota itemized deduction under section 290.0122, subdivision 7.

In the case of an estate or trust, alternative minimum taxable income must be computed as provided in section 59(c) of the Internal Revenue Code, except alternative minimum taxable income must be increased by the addition in section 290.0131, subdivision 16.

(b) "Investment interest" means investment interest as defined in section 163(d)(3) of the Internal Revenue Code.

(c) "Net minimum tax" means the minimum tax imposed by this section.

(d) "Regular tax" means the tax that would be imposed under this chapter (without regard to this section and section 290.032), reduced by the sum of the nonrefundable credits allowed under this chapter.

(e) "Tentative minimum tax" equals 6.75 percent of alternative minimum taxable income after subtracting the exemption amount determined under subdivision 3.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2020.

Sec. 11. Minnesota Statutes 2020, section 290.0921, subdivision 2, is amended to read:

Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the meanings given them.

(b) "Alternative minimum taxable net income" is alternative minimum taxable income,

(1) less the exemption amount, and

(2) apportioned or allocated to Minnesota under section 290.17, 290.191, or 290.20.

(c) The "exemption amount" is $40,000, reduced, but not below zero, by 25 percent of the excess of alternative minimum taxable income over $150,000.

(d) "Minnesota alternative minimum taxable income" is alternative minimum taxable net income, less the deductions for alternative tax net operating loss under subdivision 4; and dividends received under subdivision 6. The sum of the deductions under this paragraph

may not exceed 90 percent of alternative minimum taxable net income. This limitation does not apply to:

(1) a deduction for dividends paid to or received from a corporation which is subject to tax under section 290.36 and which is a member of an affiliated group of corporations as defined by the Internal Revenue Code; or

(2) a deduction for dividends received from a property and casualty insurer as defined under section 60A.60, subdivision 8, which is a member of an affiliated group of corporations as defined by the Internal Revenue Code and either: (i) the dividend is eliminated in consolidation under Treasury Regulation 1.1502-14(a), as amended through December 31, 1989; or (ii) the dividend is deducted under an election under section 243(b) of the Internal Revenue Code.

(e) "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended through December 16, 2016, except that for the purposes of exclusion from gross income of paycheck protection loan forgiveness and allowable deductions of covered expenses paid for with covered loans under section 1106 of Public Law 116-136, as clarified by Title II, subtitle B, section 276(a)(i) of Public Law 116-260, "Internal Revenue Code" means the Internal Revenue Code as amended through March 27, 2020.

EFFECTIVE DATE. This section is effective the day following final enactment, except that changes incorporated by federal changes are effective retroactively at the same time the changes were effective for federal purposes.

Sec. 12. **[290.096] SPECIAL RULES FOR C-OPTION CORPORATIONS.**

Subdivision 1. **Allocation of subtractions and credits.** No carryover generated by a C-option corporation for a subtraction allowed under this chapter that remains after the revocation or expiration of the election in section 289A.08, subdivision 7a, paragraph (a), may be claimed by a partner, member, or shareholder of that C-option corporation.

Subd. 2. **Credits.** (a) Credits and credit carryovers against the tax due under this chapter that are claimed by a C-option corporation must be distributed as follows:

(1) for a nonrefundable credit, the credit is distributed to the C-option corporation; and

(2) for a refundable credit, the amount of the credit that does not exceed the C-option corporation's taxable income is distributed to the C-option corporation and the amount of the credit that exceeds the amount of the C-option corporation's taxable income is distributed in the same manner as the subtraction in section 290.0132, subdivision 30.

(b) A credit carryover generated by an individual taxpayer may be claimed by a C-option corporation of which the individual is a partner, member, or shareholder.

Subd. 3. **Refunds.** (a) A C-option corporation may make a claim for a refund under section 289A.50. Refunds must be paid to each partner, member, or shareholder in the same manner as the distribution of the subtraction in section 290.0132, subdivision 30.

(b) For purposes of applying interest to refunds under paragraph (a), the amount refunded bears interest under section 289A.56, subdivision 2, from the later of when the partner's, member's, or shareholder's individual return is filed or when the C-option corporation's return is filed.

Subd. 4. **Estimated tax.** (a) A C-option corporation must make payments of estimated tax as required under section 289A.26.

(b) Payments of estimated tax under paragraph (a) made by a C-option corporation for a taxable year for which the taxpayer is not a C-option corporation must be distributed to each partner, member, or shareholder in the same manner as the distribution of the subtraction in section 290.0132, subdivision 30.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2020.

Sec. 13. Minnesota Statutes 2020, section 290.92, subdivision 4b, is amended to read:

Subd. 4b. **Withholding by partnerships.** (a) A partnership shall deduct and withhold a tax as provided in paragraph (b) for nonresident individual partners based on their distributive shares of partnership income for a taxable year of the partnership.

(b) The amount of tax withheld is determined by multiplying the partner's distributive share allocable to Minnesota under section 290.17, paid or credited during the taxable year by the highest rate used to determine the income tax liability for an individual under section 290.06, subdivision 2c, except that the amount of tax withheld may be determined by the commissioner if the partner submits a withholding exemption certificate under subdivision 5.

(c) The commissioner may reduce or abate the tax withheld under this subdivision if the partnership had reasonable cause to believe that no tax was due under this section.

(d) Notwithstanding paragraph (a), a partnership is not required to deduct and withhold tax for a nonresident partner if:

(1) the partner elects to have the tax due paid as part of the partnership's composite return under section 289A.08, subdivision 7;

(2) the partner has Minnesota assignable federal adjusted gross income from the partnership of less than $1,000; or

(3) the partnership is liquidated or terminated, the income was generated by a transaction related to the termination or liquidation, and no cash or other property was distributed in the current or prior taxable year;

(4) the distributive shares of partnership income are attributable to:

(i) income required to be recognized because of discharge of indebtedness;

(ii) income recognized because of a sale, exchange, or other disposition of real estate, depreciable property, or property described in section 179 of the Internal Revenue Code; or

(iii) income recognized on the sale, exchange, or other disposition of any property that has been the subject of a basis reduction pursuant to section 108, 734, 743, 754, or 1017 of the Internal Revenue Code

to the extent that the income does not include cash received or receivable or, if there is cash received or receivable, to the extent that the cash is required to be used to pay indebtedness by the partnership or a secured debt on partnership property; ~~or~~

(5) the partnership is a publicly traded partnership, as defined in section 7704(b) of the Internal Revenue Code; or

(6) the partnership has elected to be taxed as a C-option corporation under section 289A.08, subdivision 7a.

(e) For purposes of sections 270C.60, 289A.09, subdivision 2, 289A.20, subdivision 2, paragraph (c), 289A.50, 289A.56, 289A.60, and 289A.63, a partnership is considered an employer.

(f) To the extent that income is exempt from withholding under paragraph (d), clause (4), the commissioner has a lien in an amount up to the amount that would be required to be withheld with respect to the income of the partner attributable to the partnership interest, but for the application of paragraph (d), clause (4). The lien arises under section 270C.63 from the date of assessment of the tax against the partner, and attaches to that partner's share of the profits and any other money due or to become due to that partner in respect of the partnership. Notice of the lien may be sent by mail to the partnership, without the necessity

for recording the lien. The notice has the force and effect of a levy under section 270C.67, and is enforceable against the partnership in the manner provided by that section. Upon payment in full of the liability subsequent to the notice of lien, the partnership must be notified that the lien has been satisfied.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2020.

Sec. 14. Minnesota Statutes 2020, section 290.92, subdivision 4c, is amended to read:

Subd. 4c. **Withholding by S corporations.** (a) A corporation having a valid election in effect under section 290.9725 shall deduct and withhold a tax as provided in paragraph (b) for nonresident individual shareholders their share of the corporation's income for the taxable year.

(b) The amount of tax withheld is determined by multiplying the amount of income allocable to Minnesota under section 290.17 by the highest rate used to determine the income tax liability of an individual under section 290.06, subdivision 2c, except that the amount of tax withheld may be determined by the commissioner if the shareholder submits a withholding exemption certificate under subdivision 5.

(c) Notwithstanding paragraph (a), a corporation is not required to deduct and withhold tax for a nonresident shareholder, if:

(1) the shareholder elects to have the tax due paid as part of the corporation's composite return under section 289A.08, subdivision 7;

(2) the shareholder has Minnesota assignable federal adjusted gross income from the corporation of less than $1,000; ~~or~~

(3) the corporation is liquidated or terminated, the income was generated by a transaction related to the termination or liquidation, and no cash or other property was distributed in the current or prior taxable year; or

(4) the S corporation has elected to be taxed as a C-option corporation under section 289A.08, subdivision 7a.

(d) For purposes of sections 270C.60, 289A.09, subdivision 2, 289A.20, subdivision 2, paragraph (c), 289A.50, 289A.56, 289A.60, and 289A.63, a corporation is considered an employer.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2020.

Sec. 15. Minnesota Statutes 2020, section 290A.03, subdivision 15, is amended to read:

Subd. 15. **Internal Revenue Code.** "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended through December 31, 2018, except that for the purposes of exclusion from gross income of paycheck protection loan forgiveness and allowable deductions of covered expenses paid for with covered loans under section 1106 of Public Law 116-136, as clarified by Title II, subtitle B, section 276(a)(i) of Public Law 116-260, "Internal Revenue Code" means the Internal Revenue Code as amended through March 27, 2020.

EFFECTIVE DATE. This section is effective the day following final enactment, except that changes incorporated by federal changes are effective retroactively at the same time the changes were effective for federal purposes.

Sec. 16. Minnesota Statutes 2020, section 291.005, subdivision 1, is amended to read:

Subdivision 1. **Scope.** Unless the context otherwise clearly requires, the following terms used in this chapter shall have the following meanings:

(1) "Commissioner" means the commissioner of revenue or any person to whom the commissioner has delegated functions under this chapter.

(2) "Federal gross estate" means the gross estate of a decedent as required to be valued and otherwise determined for federal estate tax purposes under the Internal Revenue Code, increased by the value of any property in which the decedent had a qualifying income interest for life and for which an election was made under section 291.03, subdivision 1d, for Minnesota estate tax purposes, but was not made for federal estate tax purposes.

(3) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended through December 31, 2018, except that for the purposes of exclusion from gross income of paycheck protection loan forgiveness and allowable deductions of covered expenses paid for with covered loans under section 1106 of Public Law 116-136, as clarified by Title II, subtitle B, section 276(a)(i) of Public Law 116-260, "Internal Revenue Code" means the Internal Revenue Code as amended through March 27, 2020.

(4) "Minnesota gross estate" means the federal gross estate of a decedent after (a) excluding therefrom any property included in the estate which has its situs outside Minnesota, and (b) including any property omitted from the federal gross estate which is includable in the estate, has its situs in Minnesota, and was not disclosed to federal taxing authorities.

(5) "Nonresident decedent" means an individual whose domicile at the time of death was not in Minnesota.

(6) "Personal representative" means the executor, administrator or other person appointed by the court to administer and dispose of the property of the decedent. If there is no executor, administrator or other person appointed, qualified, and acting within this state, then any person in actual or constructive possession of any property having a situs in this state which is included in the federal gross estate of the decedent shall be deemed to be a personal representative to the extent of the property and the Minnesota estate tax due with respect to the property.

(7) "Resident decedent" means an individual whose domicile at the time of death was in Minnesota. The provisions of section 290.01, subdivision 7, paragraphs (c) and (d), apply to determinations of domicile under this chapter.

(8) "Situs of property" means, with respect to:

(i) real property, the state or country in which it is located;

(ii) tangible personal property, the state or country in which it was normally kept or located at the time of the decedent's death or for a gift of tangible personal property within three years of death, the state or country in which it was normally kept or located when the gift was executed;

(iii) a qualified work of art, as defined in section 2503(g)(2) of the Internal Revenue Code, owned by a nonresident decedent and that is normally kept or located in this state because it is on loan to an organization, qualifying as exempt from taxation under section 501(c)(3) of the Internal Revenue Code, that is located in Minnesota, the situs of the art is deemed to be outside of Minnesota, notwithstanding the provisions of item (ii); and

(iv) intangible personal property, the state or country in which the decedent was domiciled at death or for a gift of intangible personal property within three years of death, the state or country in which the decedent was domiciled when the gift was executed.

For a nonresident decedent with an ownership interest in a pass-through entity with assets that include real or tangible personal property, situs of the real or tangible personal property, including qualified works of art, is determined as if the pass-through entity does not exist and the real or tangible personal property is personally owned by the decedent. If the pass-through entity is owned by a person or persons in addition to the decedent, ownership of the property is attributed to the decedent in proportion to the decedent's capital ownership share of the pass-through entity.

(9) "Pass-through entity" includes the following:

(i) an entity electing S corporation status under section 1362 of the Internal Revenue Code;

(ii) an entity taxed as a partnership under subchapter K of the Internal Revenue Code;

(iii) a single-member limited liability company or similar entity, regardless of whether it is taxed as an association or is disregarded for federal income tax purposes under Code of Federal Regulations, title 26, section 301.7701-3; or

(iv) a trust to the extent the property is includable in the decedent's federal gross estate; but excludes

(v) an entity whose ownership interest securities are traded on an exchange regulated by the Securities and Exchange Commission as a national securities exchange under section 6 of the Securities Exchange Act, United States Code, title 15, section 78f.

EFFECTIVE DATE. This section is effective the day following final enactment, except that changes incorporated by federal changes are effective retroactively at the same time the changes were effective for federal purposes.

CC Regular Session **7. 5.**

Meeting Date: 02/08/2021

By: Bruce Westby, Engineering/Public Works

Information

Title:

Adopt Resolution #21-044 Adopting Concept Level Layout Review Comments on Anoka County's Interim Improvements Proposed to Bunker Lake Boulevard/County Road 116

Purpose/Background:

Purpose:

The purpose of this case is to adopt Resolution #21-044 adopting concept level layout review comments on Anoka County's interim improvements proposed to Bunker Lake Boulevard/County Road 116.

Background:

Numerous major improvement projects are proposed along U.S. Highway 10/169 through the cities of Anoka and Ramsey between 2022 and 2025.

In 2022 and 2023, proposed Highway 10 improvements include replacing the Highway 10 bridges over the Rum River, reconstructing the grade-separated interchange at Highway 10/169 & Trunk Highway 47, reconstructing the grade-separated interchange at Highway 10/169 & Main Street, grade-separating Fairoak Avenue from Highway 10/169, and constructing a new grade-separated interchange at Highway 10/169 & Thurston Avenue.

In 2024 and 2025, proposed Highway 10 improvements include replacing the at-grade intersections at Highway 10/169 & Sunfish Lake Boulevard/CSAH 57 and Highway 10/169 & Ramsey Boulevard/CSAH 56 with grade-separated interchanges, along with replacing the adjacent at-grade BNSF Railway crossings on Sunfish Lake Boulevard and Ramsey Boulevard with grade-separated rail crossings.

During these proposed improvement projects, traffic is proposed to be reduced to one lane in each direction at times during non-winter months. This will result in delays for drivers, which will cause many of these drivers to look for alternate routes to take until the project is complete.

The Minnesota Department of Transportation (MnDOT) enlisted SRF Consulting Group to study potential traffic impacts to nearby roadways. It was determined that Bunker Lake Boulevard will be the most commonly used alternate route since it runs parallel to and acts as a reliever route to Highway 10. It was also determined that traffic volumes on Bunker Lake Boulevard between 7th Avenue/CSAH 7 and Armstrong Boulevard/CSAH 83 will double from 2022 through 2025, and that Bunker Lake Boulevard requires improvements to safely accommodate the added traffic.

In 2004, SRF Consulting Group prepared an Access and Corridor Study for Bunker Lake Boulevard between 7th Avenue and Armstrong Boulevard for Anoka County and the cities of Anoka and Ramsey. The purpose of the study was to identify and evaluate existing and future transportation and access needs, to develop a long-term Corridor Plan that addresses those needs, and to provide a framework for how Bunker Lake Boulevard would need to change over time to safely accommodate planned growth in the area. A copy of the 2004 study is attached.

Figures 22 and 23 from the 2004 study, which are attached separately for reference, show the then-existing and proposed accesses and recommended access restrictions along Bunker Lake Boulevard between Sunfish Lake Boulevard and Armstrong Boulevard. These figures were used to guide discussions in 2020 regarding options for temporary improvements to Bunker Lake Boulevard to accommodate the added traffic from Highway 10. Based on

those discussions, three options for completing temporary improvements to Bunker Lake Boulevard were considered including;

- Option A: Full shoulder replacement and restriping (est. cost $335K)
- Option B: Intersection improvements only (est. cost $220K)
- Option C: Intersection improvements with access consolidations (est. cost $110K)

City Staff commented on the three options. Staff noted that option C would be the least preferred due to the proposed access closures and consolidations, particularly the access closure to Center Street. Staff was informed that whichever option was chosen, federal funds were identified as the only viable funding source and that if federal funds are used to construct temporary improvements the improvements would need to be removed after the work on Highway 10 was complete. This would increase the cost of the improvements, and would likely not be received well by many due to the throw-away costs involved.

Anoka County then decided to lead the proposed interim improvements project to allow the improvements to remain in place after the Highway 10 improvements are complete. This should also allow construction of the permanent improvements to Bunker Lake Boulevard as required by the Ramsey Town Center (RTC) Joint Powers Agreement (JPA) to be delayed for some time depending on the final design of the interim improvements. Attached is a copy of the RTC JPA, which was entered into on April 12, 2005, by and between the County of Anoka and the City of Ramsey. This JPA defines various public works improvements required to support development of RTC (now The COR), along with the required processes and cost-shares associated with the improvements. As noted in the JPA, the City is ultimately required to reconstruct Bunker Lake Boulevard to a 4-lane divided section between Armstrong Boulevard and Ramsey Boulevard. This work is included in the City's 10-year Capital Improvement Program.

On January 7th, the City received a concept level layout prepared by Anoka County depicting the proposed interim improvements to Bunker Lake Boulevard to accommodate the anticipated additional traffic from 2022 through 2025. As can be seen, Anoka County used the 2004 SRF study to guide their access restriction design efforts along Bunker Lake Boulevard based on the recommendations of Figures 22 and 23.

On January 8th, the City Engineer attended a virtual meeting with Anoka County Staff. During that meeting, Anoka County verified that Bunker Lake Boulevard is not intended to be used as a signed detour route during the Highway 10 improvement projects, but instead is anticipated to be used as a bypass route by motorists trying to avoid delays on Highway 10. Anoka County also explained that Highway 10 will be restricted to one-lane of traffic in each direction during construction in warm weather months, but that two-lanes of traffic in each direction will be maintained during winter months.

Anoka County then walked through the interim improvements shown on the attached concept level layout. In general, it was discussed that the interim improvements proposed to Bunker Lake Boulevard between Armstrong Boulevard and Ramsey Boulevard involves adding turn lanes to intersections with City Streets, which will benefit local traffic.

The segment of Bunker Lake Boulevard between Ramsey Boulevard and Sunwood Drive was reviewed next, which generally involves temporary access restrictions to Limonite Street and Connexus Energy's access. The City Engineer stated these temporary access restrictions may be opposed to varying degrees by the City and Connexus Energy, even though they are temporary.

The segment of Bunker Lake Boulevard between Sunwood Drive and Sunfish Lake Boulevard was then reviewed, which generally involves adding a signal system at Sunwood Drive, and constructing a permanent concrete median island along Bunker Lake Boulevard to restrict movements to/from northbound Bunker Lake Boulevard at ALTRON's access onto Bunker Lake Boulevard (which is their only access), at 143rd Avenue, and at Basalt Street. The City Engineer stated these access restrictions will likely be opposed by many of the businesses, especially since they are permanent.

Options were discussed for relocating ALTRON's driveway to 143rd Avenue, or for adding a bypass lane on

northbound Bunker Lake Boulevard to allow their access to remain open to all movements. Anoka County said they would meet with the owner to discuss their access options in more detail.

Anoka County then said they would be seeking direction from the City as to whether the City would be interested in paying to widen Sunwood Drive to add protected turn lanes at the intersection with Bunker Lake Boulevard. An alternate layout was later provided to the City showing alternate intersection improvements at Bunker Lake Boulevard and Sunwood Drive to provide for dedicated left turn, through and right turn lanes on Sunwood Drive. However, no cost estimates were provided.

On January 15th, the City Engineer attended a virtual meeting with Anoka County and MnDOT Staff. The intent of that meeting was to discuss the proposed improvements from the perspective of the different agencies. The same concept level layout was reviewed and much of the discussion was directed to addressing questions from MnDOT Staff. Anoka County noted they were still trying to schedule meetings with local business owners most impacted by the proposed improvements to obtain their feedback and allow the concept level layout to be refined and cost estimates to be prepared. These could then be shared with the City to obtain formal City review and comments on the concept design and cost sharing options.

On January 19th, the City Engineer informed the Public Works Committee of Anoka County's plan to construct interim improvements to Bunker Lake Boulevard in 2021, and that Staff anticipates receiving an updated layout and cost estimates soon to allow for formal review and comment by the City. It was also noted that the design, review and approval process would move along quickly due to the need to bid the project this spring. The Public Works Committee commented that they wanted to make sure the City was able to provide comments before the design was too far along to change.

On February 2nd, City Staff received additional input from Anoka County, including that the signal system proposed at Bunker Lake Boulevard and Sunwood Drive will be a temporary span-wire signal system. Therefore, when the permanent signal system is constructed in the future the entire intersection will need to be reconstructed so any improvements made to this intersection in 2021 will only be temporary. Anoka County also wanted to stress that they support reviewing the attached layout with Council, but asked that we stress that this is only a concept level layout and that the access restrictions as shown are less restrictive then the long term plans for the corridor. Therefore, while the attached concept level layout reflects Anoka County's preferred design, they are open to modifying the design based on input received from the City and local businesses. That said, if modifications are made to the interim design, the permanent design will incorporate the access restrictions reflected in the attached layout and in the 2004 Access and Corridor Study for Bunker Lake Boulevard. Anoka County will continue to use this as their guide for closing and restricting accesses along Bunker Lake Boulevard.

Attached is a resolution including general comments for Council consideration based on Staff's review of the attached concept level layout. These comments are intended to spark Council discussions on several high-level items, but they are not intended to be an all-inclusive list of comments. Included is a comment requesting that Anoka County assist the City in constructing watermain improvements under and along Bunker Lake Boulevard in conjunction with the interim Bunker Lake Boulevard improvements as required to support the City's proposed water treatment plant.

The purpose of this case is to allow Staff to review the concept level layout with the City Council and to capture Council's comments in the attached resolution, which will then be shared with Anoka County with a request to modify the attached layout to address Council's comments, then to submit a revised layout for additional review and comment by the City.

Notification:

Notifications are not required for this case.

Observations/Alternatives:

Observations:
On April 12, 2020, Council authorized Staff to work with Anoka County Staff to develop a Joint Powers Agreement to define the respective costs and responsibilities of both parties pertaining to completing a traffic study along Bunker Lake Boulevard between Armstrong Boulevard and Sunfish Lake Boulevard. The intent of the traffic study was to verify the required capacity improvements to Bunker Lake Boulevard. However, as Staff started working with Anoka County to develop the JPA, Anoka County informed the City that MnDOT had hired SRF to complete a traffic study on Bunker Lake Boulevard between Armstrong Boulevard and 7 th Avenue, and that the results of this study could potentially be used in lieu of completing our own study. This JPA was therefore never developed.

Alternatives:
Alternative #1 – Motion to adopt Resolution #21-044 adopting concept level layout review comments on Anoka County's interim improvements proposed to Bunker Lake Boulevard/County Road 116.

Alternative #2 – Motion to deny adoption of Resolution #21-044 at this time.

Funding Source:
No costs are associated with this request.

Anoka County is preparing cost estimates to allow cost-share discussions to be conducted in the near future for the proposed 2021 interim improvements. As a result of the cost-share discussions, amendments to the attached RTC JPA may be warranted.

Recommendation:
Staff recommends alternative #1.

Action:
Adopt Resolution #21-044 adopting concept level layout review comments on Anoka County's interim improvements proposed to Bunker Lake Boulevard/County Road 116.

Attachments

Resolution 21-044
Concept Level Layout Rev020221
Figures 22 and 23
RTC JPA
2004 BLB Study

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	02/04/2021 11:49 AM
Kurt Ulrich	Kurt Ulrich	02/04/2021 02:24 PM
Form Started By: Bruce Westby		Started On: 01/29/2021 07:08 AM
Final Approval Date: 02/04/2021		

Councilmember _____ introduced the following resolution and moved for its adoption:

RESOLUTION #21-044

RESOLUTION ADOPTING CONCEPT LEVEL LAYOUT REVIEW COMMENTS ON ANOKA COUNTY'S INTERIM IMPROVEMENTS PROPOSED TO BUNKER LAKE BOULEVARD/COUNTY ROAD 116

WHEREAS, a Joint Powers Agreement (JPA) was entered into on April 12, 2005, by and between the County of Anoka and the City of Ramsey defining various public works improvements required to support development of Ramsey Town Center (now The COR), along with the required processes and cost-shares associated with the improvements; and

WHEREAS, the JPA specifies that the City of Ramsey is responsible for ultimately expanding Bunker Lake Boulevard/CR 116 between Armstrong Boulevard/CSAH 83 and Ramsey Boulevard/CSAH 56 to a four-lane divided highway with turn lanes, and for constructing signal systems at Center Street and Sunwood Drive; and

WHEREAS, Anoka County proposes to construct interim improvements to Bunker Lake Boulevard/CR 116 between Armstrong Boulevard/CSAH 83 and Sunfish Lake Boulevard/CSAH 57 to accommodate the safe and efficient movement of traffic during the construction of proposed improvements to Highway 10 through the cities of Anoka and Ramsey from 2022 through 2025; and

WHEREAS, Anoka County has prepared a concept level layout for the proposed interim improvements and has requested formal comments from the City of Ramsey on the concept level layout with a revised date of February 2, 2021; and

WHEREAS, the City of Ramsey and Anoka County desire to work cooperatively to accommodate the safe and efficient movement of traffic on Bunker Lake Boulevard/CR 116 between Armstrong Boulevard/CSAH 83 and Sunfish Lake Boulevard/CSAH 57 during the construction of proposed improvements to Highway 10 through the cities of Anoka and Ramsey from 2022 through 2025.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA:

1) That the City of Ramsey offers the following comments on Anoka County's concept level layout for proposed interim improvements to Bunker Lake Boulevard/CR 116 between Armstrong Boulevard/CSAH 83 and Sunfish Lake Boulevard/CSAH 57 with a revised date of February 2, 2021.
    a. The City of Ramsey supports the turn lane improvements proposed between Armstrong Boulevard/CSAH 83 and Ramsey Boulevard/CSAH 56 due to the direct benefit to local traffic.
    b. The City of Ramsey has concerns with the temporary access restrictions proposed at Limonite Street due to concerns with added traffic on 147th Avenue and Hematite

Street due to the numerous drivers wanting to access eastbound Bunker Lake Boulevard from the residential neighborhood.

c. The City of Ramsey has concerns with the temporary signal system proposed at the intersection of Bunker Lake Boulevard and Sunwood Drive as this will prevent the City from constructing dedicated turn lanes on Sunwood Drive given that the improvements will only be temporary and will be thrown away when the permanent signal is installed in the future.
d. The City of Ramsey has concerns with the permanent access restrictions proposed between Sunwood Drive and Sunfish Lake Boulevard due to anticipated negative impacts to numerous local businesses.
e. The City of Ramsey respectfully requests that Anoka County assist the City in constructing watermain improvements under and along Bunker Lake Boulevard in conjunction with the interim Bunker Lake Boulevard improvements as required to support the City's proposed water treatment plant.
f. The City of Ramsey respectfully requests that these comments be carefully considered and addressed, and that revised layouts/plans continue to be submitted for ongoing review and comment by the City of Ramsey through final plans.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember _____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

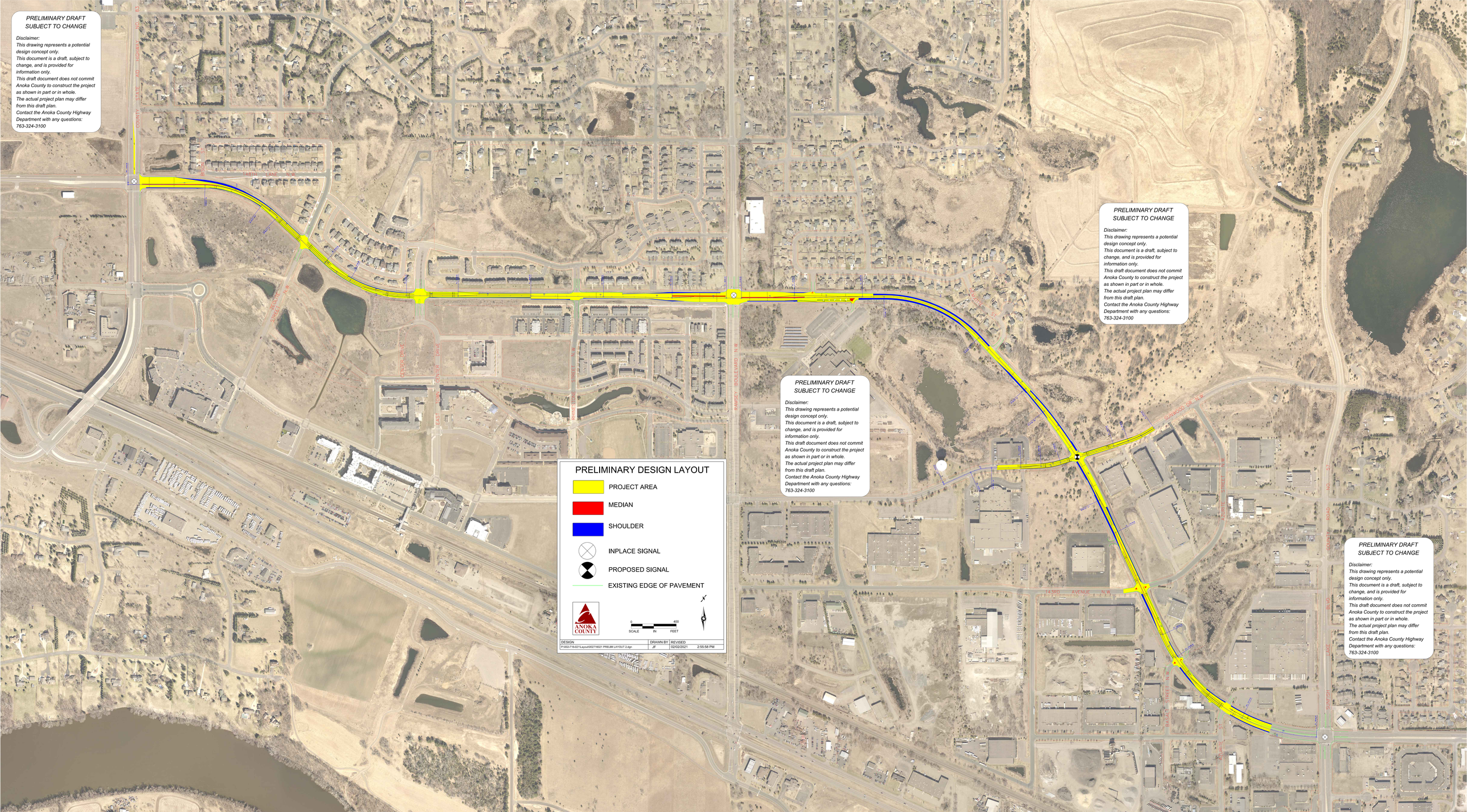
EXISTING VACANCY

Whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 8th day of February, 2021.

_____
Mayor

ATTEST:

_____
City Clerk


PRELIMINARY DRAFT
SUBJECT TO CHANGE
Disclaimer:
This drawing represents a potential design concept only.
This document is a draft, subject to change, and is provided for information only.
This draft document does not commit Anoka County to construct the project as shown in part or in whole.
The actual project plan may differ from this draft plan.
Contact the Anoka County Highway Department with any questions:
763-324-3100
PRELIMINARY DESIGN LAYOUT
PROJECT AREA
MEDIAN
SHOULDER
INPLACE SIGNAL
PROPOSED SIGNAL
EXISTING EDGE OF PAVEMENT
ANOKA COUNTY
0
400
SCALE
IN
FEET
DESIGN
DRAWN BY
REVISED
P:\000-716-021\Layout\002716021 PRELIM LAYOUT 2.dgn
JF
02/02/2021
2:55:58 PM

Note:
The access changes shown in this figure reflect the desire to more closely align current access with the proposed access concept (Figure 18). The proposed changes may require long-term redevelopment and/or other access reconfiguration. This plan is intended to be used as a tool for guiding access changes in the corridor.



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SRF Consulting Group, Inc.

0024350 02/25/04

PROPOSED ACCESS

COUNTY ROAD 116 CORRIDOR AND ACCESS STUDY

Anoka County / City of Ramsey / City of Anoka

Figure 23

Note:
The access changes shown in this figure reflect the desire to more closely align current access with the proposed access concept (Figure 18). The proposed changes may require long-term redevelopment and/or other access reconfiguration. This plan is intended to be used as a tool for guiding access changes in the corridor.

County Road 116 Access Locations

- Full Access
- Right in/Right Out
- Right In/Right Out, Left In
- Potential Future Full Access
- Potential Future Right In/Right Out
- Potential Access Closure
- County Road 116

N

500 0 500 1000 Feet

J:\projects\4350\aprnfig20_23_022504.apr

PROPOSED ACCESS

COUNTY ROAD 116 CORRIDOR AND ACCESS STUDY

Anoka County / City of Ramsey / City of Anoka

SRF Consulting Group, Inc.

0024350 02/25/04

Figure 22

COPY

Anoka County Contract No. 2005-0516

JOINT POWERS AGREEMENT BETWEEN ANOKA COUNTY AND THE CITY OF RAMSEY FOR THE PUBLIC WORKS IMPROVEMENTS RELATED TO THE RAMSEY TOWN CENTER DEVELOPMENT RAMSEY, MINNESOTA

This Agreement is made and entered into this 12th day of April, 2005, by and between the County of Anoka, a political subdivision of the State of Minnesota, 2100 3rd Avenue North, Anoka, Minnesota 55303, hereinafter referred to as the "County," and the City of Ramsey, 15153 Nowthen Boulevard, Ramsey, Minnesota 55303, hereinafter referred to as the "City."

WITNESSETH:

WHEREAS, the City has entered into a development agreement with Ramsey Town Center, L.L.C. for the development of the Ramsey Town Center (hereinafter referred to as "RTC") between Trunk Highway 10, County Road No. 116, County State Aid Highway 83, and County Road No. 56, which project would require the major reconstruction and expansion of both County and State highways, as well as construction and extension of utilities to serve the RTC and surrounding areas; and,

WHEREAS, the RTC development is intense and will have a substantial impact on the movement of traffic on Trunk Highway 10, County Road No. 56, County State Aid Highway No. 83, and County Road No. 116 in the City of Ramsey as well as impacts on County State Aid Highway No. 57 in the City of Ramsey; and,

WHEREAS, because of the substantial development, significant improvements need to be made to the highway/road infrastructure; and,

WHEREAS, the City does not have sufficient funds available to pay for the cost of the improvements necessary for the development of the RTC; and,

WHEREAS, the City has proposed to use funds generated by RTC together with funds to be contributed by the County as hereinafter set forth, and other funds of and available to the City, to pay for said improvements; and,

WHEREAS, the parties hereto have agreed in principal as to the nature and extent of the improvements to be made, which improvements are described in Schedules A, B, and C (the Schedules), which are attached hereto and incorporated herein by reference and which are hereinafter collectively referred to as the "Improvements"; and,

WHEREAS, the parties hereto agree that the cost of certain of the Improvements be shared by the parties; and,

WHEREAS, the parties have agreed that it is in their best interest that the City undertake the construction of the Improvements on behalf of both parties, except as provided herein; and,

WHEREAS, Minn. Stat. § 471.59 authorizes political subdivisions of the State to enter into joint powers agreements for the joint exercise of powers common to each;

NOW, THEREFORE, it is mutually stipulated and agreed as follows:

1. PURPOSE

The parties have joined together for the purpose of constructing and/or reconstructing the roadways, drainage, trails, sidewalk, traffic control systems with EVP, as well as other utilities on a portion of County State Aid Highway No. 83 and County Road Nos. 116 and 56 and other improvements as described in the Schedules and to share in the cost of certain of said improvements, as provided hereinafter.

2. METHOD

The City shall provide all engineering services, and shall cause the construction of the Improvements referred to in the Schedules in conformance with plans and specifications to be prepared by the City and approved in writing by the County as to the Improvements to be made to the County highway system, except for those projects where the County is the lead agency as hereinafter provided. All design on County State Aid Highways and County Roads shall be based on a County approved Traffic Analysis and a sketch plan which clearly shows projected peak hour turning volumes and lane configuration at all intersections. The letting of bids and acceptance of all bid proposals shall be done by the City, except as hereinafter provided. All plans and specifications submitted to the County for review and approval shall include a detailed traffic control plan for all state and county roadways involved in the reconstruction projects. The plans and specifications must include a requirement for the contractor to obtain permits from both the state and county prior to commencing work on the facilities controlled by the State or County from the appropriate agency. All plans and specifications must be submitted to the County for review and comment a minimum of sixty (60) days prior to the advertisement for bids for work which impacts any of the county facilities located in and around the proposed development.

3. USE OF COUNTY PROPERTY

A. The County agrees to accommodate the storm water pipe and storage ponds for the RTC development on property located south of T.H. 10. Three issues need to be resolved to the satisfaction of the County by the City. First, the site has been secured with the intention of building a river crossing approach on that property. Secondly, the existence of a five year "License Agreement" with Diamonds Sports Bar and Grill for the use of the property for special events. There is at least an expectation that Diamonds Sports Bar and Grill would be compensated for their costs, should the property be unavailable to them for the initial five year period ending February 2008. Third, the alternate use of that property from the County perspective would be as replacement property for a County project related to "4-F" or "6-F" encroachment elsewhere in the County.

B. The City is to agree that they will be responsible to find, design, construct and pay for drainage and storage alternatives if the river crossing is built in this corridor.

C. The City will facilitate the cancellation of the five-year parking agreement with Gary Gruber at Diamonds Sports Bar and Grill. At a minimum, the City must obtain a letter from Diamonds Sports Bar and Grill which allows the County to rescind the existing license agreement between the County and Diamonds Sports Bar and Grill at no cost to the County.

D. The City will assist the County in finding suitable replacement property for 4F or 6F encroachments on other park land for a potential river crossing between Dayton and Ramsey, regardless of the alignment. The City's responsibility in the procurement of replacement property for 4F or 6F impacts will be limited to the acquisition of 4.47 acres of replacement property with a value of not less than $447,000.

4. ACCESS TO COUNTY HIGHWAY

A. Only three (3) full turn accesses will be allowed from the RTC development to Bunker Lake Boulevard (C.R. 116). These accesses will line up with accesses on the north side of Bunker Lake Boulevard (C.R. 116) for a total of six access points as directed in the Highway 116 Corridor Study. No additional right-in, right-out accesses onto Bunker Lake Boulevard (C.R. 116) are being allowed at this time. This provision is in agreement with the original Joint Powers Agreement between the City and the County at the time the roadway (C.R. 116) was constructed.

B. A total of three accesses are acceptable along the west side of Ramsey Boulevard (C.R. 56) as follows:

(1) A full access with Sunwood Drive, a three quarter turn access at what is to be known as Ramsey Parkway (northbound Ramsey Boulevard left onto westbound Ramsey Parkway). The City would close the left turn movements onto Ramsey Parkway at Ramsey Boulevards when traffic operation issues arise. No signalization will be requested at this location.

(2) A three quarter turn access located in the south east corner of the development property will be used for emergency vehicles (left turns out of the RTC eastbound to northbound Ramsey Boulevard). The City would post the access as emergency only and would be committed to stop illegal use by issuing tickets or installing a gate. This access point would be posted and special consideration would be given to the use of a traffic control device (i.e. gate or stop arm) to prohibit unauthorized use.

(3) No additional full access points will be allowed on the east side of Ramsey Blvd.

C. A total of two accesses along the east side of Armstrong Boulevard (C.S.A.H. 83) as follows:

(1) A full-turn access where Sunwood Drive exits the RTC development onto Armstrong Boulevard (C.S.A.H. 83), and a three quarter turn at what is to be known as Ramsey Parkway (southbound Armstrong Boulevard left onto Ramsey Parkway). The City would close the left turn movements onto Ramsey Parkway at Armstrong Boulevards when traffic operation issues arise. No signalization will be requested at this location.

(2) No additional full access points will be allowed along the west side of Armstrong Blvd.

D. Future signal systems at Sunwood Drive and Armstrong Boulevard and at Sunwood Drive and Ramsey Boulevard may need railroad pre-emption so that the queue at the signals does not back up over the tracks (northbound green prior to train arrival). The City will coordinate this design with the BNSF Rail Road and MnDOT. The County's position is that these signals should be coordinated with the respective railroad signals and Traffic control signals on TH 10. This may require the County and City to enter into a separate agreement with BNSF and MnDOT.

5. PHASES

The Improvements shall be constructed in phases, as follows:

A. Phase I (2005) - Phase one of the project includes the following components:

(1) Ramsey Boulevard is improved to a four lane divided highway from T.H. 10 to 1,000 feet north of Bunker Lake Boulevard.. This project includes signal modifications at T.H. 10 and railroad crossing upgrades (signal and surface).

(2) A full traffic actuated signal is installed at Ramsey Boulevard and Bunker Lake Boulevard and at Ramsey Boulevard and Sunwood Drive with right and left turn lanes as required for all approaches to the intersection.

(3) Turn lanes (both left and right) will be added on Bunker Lake Boulevard at Town Center Drive.

(4) Left turn lane s as required for south bound traffic and a right turn lane for north bound traffic will be added on Armstrong Boulevard at Sunwood Drive.

(5) Several city streets will be constructed south of Bunker Lake Boulevard.

B. Phase II (2006) - Phase two of the project includes the following components:

(1) Armstrong Boulevard is reconstructed from T.H. 10 to 1,000 feet north of Bunker Lake Boulevard to a four lane divided roadway. This project includes signal modifications at T.H. 10 and railroad crossing upgrades (signal and surface).

(2) Full traffic actuated signal systems would be installed at the intersections of Bunker Lake Boulevard and Armstrong Boulevard, and at Armstrong Boulevard and Sunwood Drive. All signals on Bunker Lake Boulevard shall be interconnected with an interconnect system compatible with other County interconnects.

C. Phase III (2007) - Phase three of the project includes the following components:

(1) Bunker Lake Boulevard is reconstructed to a four lane divided roadway from Armstrong Boulevard to 1,000 feet west of Ramsey Boulevard (C.R. 56).

(2) Full traffic actuated signal systems would be installed at the intersection of Bunker Lake Boulevard and Town Center Drive, Bunker Lake Boulevard at Sunfish Lake Boulevard. All signals on Bunker Lake Boulevard shall be interconnected with an interconnect system compatible with other County interconnects.

(3) The County will consider the addition of a full traffic actuated signal system at the intersection of Bunker Lake Boulevard and Sunwood Drive following receipt of additional traffic information to justify said signal system.

(4) The remaining City streets south of Bunker Lake Boulevard would be constructed. Town Center Drive north of Bunker Lake Boulevard will be

constructed. The City will insure that only six full accesses will connect to Bunker Lake Boulevard between Armstrong Boulevard and Ramsey Boulevard, with a four-legged intersection counting as two accesses. This provision is in agreement with the original Joint Powers Agreement between the City and the County at the time the roadway was constructed.

(5) Any modification of the signals existing on the project as a result of prior construction.

D. Phase IV (2007) - Phase four of the project includes the following components: Sunfish Lake Boulevard is reconstructed to a four lane divided roadway from T.H. 10 to 1000 feet north of Bunker Lake Blvd. (C.R. 116). This project includes signal improvements at C.R. 116 and C.R./C.S.A.H. 57 and at T.H. 10 and C.S.A.H. 57 and a railroad crossing upgrade to the crossing surface and signal. The County will be the lead agency on this project.

6. TERMS

A. The RTC design shall provide a pedestrian bridge over U.S. Highway 10, connecting the RTC development to Mississippi West Regional Park. This should be aligned with the proposed trail through the treatment pond south of U.S. Highway 10. This section does not prohibit the City from seeking other sources of funding to assist in construction of the pedestrian bridge.

B. The design of the Ramsey Boulevard and U.S. Highway 10 intersection must also accommodate vehicular connection between the park and Ramsey Boulevard, south of Highway 10. Ingress/egress to the park is to be constructed with turn lanes and stacking from Highway 10 to the park entrance and from the park entrance to Highway 10.

C. The proposed settling pond, treatment pond, and infiltration ponds should be designed in such a manner as to meet the following objectives:

(1) Grade a "bench" to accommodate a future trail with a minimum width of 10 feet, plus 2-foot shoulders; provide holding capacity to accommodate a 100 year flood event without over-topping the trail; and

(2) Incorporate native plant materials that are suitable to the conditions of the site and provide an aesthetic park-like appeal; and

(3) Use an outlet structure at the Mississippi River which minimizes visual and physical intrusion in the park.

D. The view shed from the park to the RTC development should be considered. To the extent possible, plant materials should be used to screen the view of buildings or other man-made structures. Consideration of evening uses of the park should also be considered in lighting of the RTC development. Light cast into the park or that is visible from the park will have a long-term detrimental impact on use of the park for evening activities.

E. The RTC design should preserve a wildlife corridor between Lake Itaska and the Mississippi River. To that end, provisions should be made in the design, development of the RTC and the future park to ensure continuity in both the alignment and natural characteristics of the wildlife corridor.

F. The City shall facilitate meetings prior to detailed design, to explore possibilities for achieving harmony in the architectural vernacular between the RTC development and the future park development, particularly where the two projects will interface, e.g. lighting, site furnishings, landscaping, etc.

G. The design of the storm sewer system throughout the development and along the outfall to the Mississippi River will provide for adequate capacity for the county roadways in and around the development area including all roadways and ditches that now naturally drain toward the intersections of Bunker Lake Boulevard (C.R. 116) with Armstrong Boulevard (C.S.A.H. 83) and Ramsey Boulevard (C.R. 56), along with all county highways and intersections between Bunker Lake Boulevard and Highway 10, inclusive of Armstrong Boulevard and Ramsey Boulevard. Adequate storage and drainage systems will be provided by the City for the ultimate section of each of those roadways listed above in their final configuration as anticipated by this Agreement.

7. COSTS

A. The contract cost of the work, or if the work is not contracted the cost of all labor, materials, normal engineering costs, equipment rental required to do the work and right-of-way acquisition costs shall constitute the actual "construction costs" and shall be so referred to herein. Total Construction Costs shall include construction costs and administrative costs such as bonding expenses, legal expenses and engineering fees, provided however, that said administrative costs shall not exceed 26 percent (26%) of the construction costs. "Estimated total construction costs" are good faith projections of costs which will be incurred for the projects.

B. Total estimated construction cost of the Improvements described in the Schedules is $13,050,372.08. These figures are based on the City estimates included in the "Summary of Estimated Project Costs for the Ramsey Town Center Improvements" which is incorporated herein by reference. The project costs shall be paid for by special assessments, City funds, State funds, Federal funds and County contributions as hereinafter provided. The projects for which the costs are to be shared by the County and the City, the estimated total cost of each project, and the County participation in each project is listed in the Schedules of this Agreement.

C. The estimated costs for the signal projects are $2,801,250 of which $1,012,500 is on T.H. 10. The remaining $1,788,750 in estimated signal costs are on County highways. Since only two of the signal systems on the County highway system are warranted, the County will not participate in paying for the cost of construction of the unwarranted signals. The county will participate in construction of and will provide ongoing maintenance for the signal systems at Armstrong Boulevard (CSAH 83) at Bunker Lake Boulevard (C.R. 116) and Sunfish Lake Boulevard (CSAH/CR 57) at Bunker Lake Boulevard (CSAH 116), in accordance with the County cost sharing policy.

(1) The City shall submit plans for each signal system, including EVP, to the County for review and approval sixty (60) days prior to the advertising for bids. The City shall pay to the County a plan review fee of $1,000 for each signal plan submitted.

(2) At a rate of six percent (6%) of the actual construction costs, the County shall provide construction observation for the construction of the signal system. The County shall have final authority to accept all roadway and signal work done within the county right of way. The estimated cost to the City for construction observation is $107,325.

(3) The City shall be responsible for all remaining construction and engineering costs.

(4) The cost participation is summarized below:

Anoka County:	$0
City of Ramsey, Signal Construction Inspection:	$107,325
City of Ramsey:	ALL REMAINING COSTS

(5) The total cost to the City for the signal inspection is estimated at $107,325.

(6) Upon award of the contract for each signal, the City shall pay to the County, upon written demand by the County, ninety five percent (95%) of its portion of

the cost of inspection of the signal system. The City's share of the cost of the project shall include only construction engineering expense and does not include administrative expenses incurred by the County.

8. CONSULTANT SERVICES

The City shall contract with a qualified consulting firm with significant experience in the design of high- speed highways. The City shall not contract with a consultant until the qualifications of said consultant are reviewed by and approved in writing by the appropriate staff of the Anoka County Highway Department. The proposed Improvements contemplated by this Agreement on T.H. 10, C.S.A.H. 83, C.R. 116, C.R. 56 and C.S.A.H./ C.R. 57 are in fact highway improvements. The design of highways is considerably different from the design of city streets and the County needs to be assured that the consultant engaged by the City are experienced in the design of highways. While the City retains the oversight for the direction given the consultants hired for these projects, the County, by entering into this Joint Powers Agreement is assured by the City that the roadways designed and built under this agreement will conform to the standards for County State Aid Highway and County Roads in Anoka County. Critical factors in design include but are not limited to: the cross section of the roadway, the transfer slope of the roadways, super elevation in curves, turn lane and taper lengths for lane changes and turn lane introductions, curb height and type, and median and edge of road drainage.

The City shall provide or contract with a qualified consulting firm, with significant and proper experience with respect to the construction and construction administration of county highways. Additionally, the city shall provide an adequate number of individuals to provide the amount of construction inspection and administration. All inspection, control of material and associated documentation for construction are to be performed in accordance with the approved construction plans, current MnDOT specifications and technical memorandums, and/or special provisions. All inspectors shall be MnDOT certified as it pertains to the operations that is being inspected. County concurrence must be obtained prior to the City authorizing Change Orders, Work Orders and/or Supplemental Agreements that significantly increase the County's cost participation.

At all times, while work is actually being performed, the City, or contracted consultant, shall have at the site of work a competent individual(s) who is (are):
Thoroughly experienced in the type of work being performed.

Authorized and fully capable of inspecting, overseeing and documenting the work in progress. Capable of reading and thoroughly understanding the plans, specification and all other pertinent documentation.

Authorized to receive instructions from the Engineer.

Should the County feel, at any time, that these requirements are not being met, the County shall have the right to request replacement of the inspection personnel.

9. DISBURSEMENT OF FUNDS

The County shall pay to the City the County's portion of the actual construction costs of each project in the form of an annual payment. The first payment amount is $266,070.76 based on an interest rate of 4.5 percent interest per year and a principal of $4,334,000 for 30 years, the payment thereafter will be $338,510.26 based on the balance of $4,262,959.05 after the first payment, at 4.5 percent interest per year over 19 years. In addition the County will obtain the $247,500 in Federal funds and apply it to the BNSF crossing improvement on Sunfish Lake Blvd. (CSAH 57). All funds disbursed by the County or City pursuant to this Agreement shall be disbursed by each entity pursuant to the method provided by law. This payment shall be made each year for twenty years on January 31 of each year. The first payment will be due on January 31, 2006.

The County shall be the lead agency on the Sunfish Lake Blvd. (CSAH 57) project. The City shall pay to the County the City's share of the actual construction cost of the work within forty-five days of the receipt of a claim voucher, containing such information as the City may reasonably require, representing that payments have been made for right of way, or on a contract or contracts for the projects outlined in this agreement.

10. CONTRACTS AND PURCHASES

All contracts let and purchases made pursuant to this Agreement shall be made by the City in conformance to the State laws.

11. CONTRACTOR INDEMNIFICATION AND INSURANCE

A. The City shall include the following wording in all of its agreements with its contractors for the design and contract services of the Improvements described in the Schedules:

> "The Contractor agrees that it will hold harmless, indemnify, and defend the County of Anoka, its commissioners, officers, agents and employees against any and all claims, expenses (including attorneys fees), losses, damages or lawsuits for damages arising from or related to providing or failing to provide services hereunder, including but not limited to the negligence of the Contractor."

In addition, all contractors providing the design and contract services of the Improvements described herein shall obtain the insurance coverage as described in Schedule D, which is attached hereto and incorporated herein by reference.

B. The City shall include the following wording in all of its Agreements with its contractors for the construction of the Improvements described in the Schedules:

> "The Contractor agrees that it will hold harmless, indemnify, and defend the County of Anoka, its commissioners, officers, agents and employees against any and all claims, expenses (including attorneys fees), losses, damages or lawsuits for damages arising from or related to providing or failing to provide services hereunder, including but not limited to the negligence of the Contractor."

In addition, all contractors providing the construction of the Improvements described herein shall obtain the insurance coverage as described in Schedule E, which is attached hereto and incorporated herein by reference.

Prior to execution, all contracts shall be forwarded to the Anoka County Attorney's office for approval as to the requirements of this section.

12. TERMINATION OF AGREEMENT BY THE COUNTY

A. The County may terminate this Agreement if the City, and the Developer of the Ramsey Town Center (RTC) do not enter into a development agreement on or before the date of this agreement which agreement provides for the development of a RTC. RTC means a unified, concentrated development having the following characteristics:

(1) Commercial mixed use development occupying a minimum of 1.0 million gross square feet of space; and

(2) Transit station suitable for conversion to a commuter rail station; and

(3) A minimum of 1,500 units of medium and high density residential units

B. The City shall provide copies of all agreements with the Developer of RTC. The County may terminate this agreement with the City if the City modifies, alters or changes any of the terms or conditions of its agreement with the Developer of the RTC.

13. TERM

This Agreement shall continue until (1) it is terminated as provided herein, or (2) until the construction provided for herein is completed and payments provided for herein are made, whichever of (1) or (2) shall first occur. Maintenance portions of this Agreement shall not terminate unless a subsequent agreement, specifically approved by the governing bodies of both parties, replaces this Agreement.

14. STRICT ACCOUNTABILITY

A strict accounting shall be made of all funds and report of all receipts and disbursements shall be made upon request by either party.

15. RIGHT OF WAY

The City shall acquire the majority of the right of way needed for this project as part of their development process. The City shall notify the County of any right of way needs not acquired through the City process a minimum of 12 months prior to the need for said right of way.

The County then shall acquire said right of way, form private property owners, that is required for the construction of the County Highway improvements through either direct purchase or condemnation. The City shall reimburse the County all costs incurred by the County in acquiring the necessary parcels. Reimbursable costs include, but are not limited to, the purchase price, recording fees, appraisal fees, attorney fees, and all costs incurred by the County in acquiring the parcels through eminent domain (hereinafter collectively referred to as "Land Acquisition Costs"). These costs shall not include County staff time.

Upon written demand by the County, the City shall pay to the County the appraised value portion of the Land Acquisition Costs. Upon final completion of the each parcel acquisition, the City shall pay for all remaining Land Acquisition Costs within 30 days after receipt of an invoice from the County documenting the expenses incurred.

After construction has been completed, the City shall convey the property it acquired to widen/improve the county highways by warranty deed to the County.

16. SIGNALIZATION POWER

The City shall at their sole expense, install or cause the installation of an adequate electrical power source to the service cabinet for all signalized intersections including any necessary extension of power lines. The City shall be the lead agency in this matter. Upon completion of said traffic control signal installations, the ongoing cost of the electrical power to the signal shall be the sole cost and expense of the City.

17. MAINTENANCE

Maintenance of the completed water main, sanitary sewer, storm sewer (except catch basins and catch basin leads on county highways), detention basins (including ponds and their outlet structures and any grit chambers/collectors including the "Vetch Stormwater Treatment System") shall be the sole obligation of the City.

The County will maintain the County State Aid Highways and County Roads following completion of the construction and during winter suspension of work so long as the road surface is bituminous. If for any reason the road surface is not hard surfaced by winter suspension of work the City shall maintain the road surface continuously until work resumes.

Maintenance of all trails and sidewalks, including snow plowing, shall be the sole responsibility of the City.

Maintenance of streetlights and cost of electrical power to the streetlights shall be the sole obligation of the City.

Maintenance of all city streets shall be the solid obligation of the City.

The City shall be responsible to maintain all medians which the City has designated for plantings. Maintenance shall be performed in accordance with the "Anoka County Highway Department Landscape/Streetscape Guidelines dated June 2000." If the City does not comply with these

guidelines, the County at any time may remove all plantings and landscaping items and replace with hard surfacing in its place. The City shall be billed by the County for all costs incurred.

Nothing in this Agreement shall affect the terms and conditions of the Maintenance Agreement between the State of Minnesota, the City, and the County for the signals located at the intersections of T.H. 10 with C.R. 56, Ramsey Boulevard and T.H. 10 at the intersection with C.S.A.H. 83 (Armstrong Boulevard).

Maintenance of the completed signal systems at the intersections of Bunker Lake Boulevard (C.R. 116) at Armstrong Boulevard (CSAH 83) and Bunker Lake Boulevard at Sunfish Lake Boulevard shall be the sole obligation of the County except that the city shall provide the electrical power at these locations. The exception being that the City shall reimburse the County for maintaining the luminaries and EVP.

This Agreement contemplates the installation of several unwarranted signal systems. These traffic signals are located at the intersections of Armstrong Boulevard and Sunwood Drive, Bunker Lake Boulevard and Town Center Drive, Bunker Lake Boulevard and Ramsey Boulevard, and Ramsey Boulevard and Sunwood Drive, and the possibility for a signal system exists at the intersection of Sunwood Drive and Bunker Lake Boulevard. None of these signal systems are currently warranted under the standard warranting procedure. Consequently, the cost of maintenance of these traffic signals falls entirely to the City of Ramsey and the City will be billed on a quarterly basis for the maintenance of said signal systems by the County, in accordance with the following:

Maintenance of the completed signals and signal equipment shall be performed by the County at the sole obligation of the City.

The County shall perform and maintain the traffic signal controller, traffic signal and pedestrian indications, loop detectors and associated wiring of the said traffic control signals and bill the costs to the City on a quarterly basis for all costs incurred.

Painting of the traffic signals, if standard colors are used, shall be the sole obligation of the City. Timing of the traffic signals shall be determined by the County.

Only the County shall have access to the controller cabinets.

The traffic control signals shall be the property of the County.

The City shall be responsible for maintenance of the luminaries, luminary relamping, and luminary painting.

All maintenance of the EVP Systems shall be completed by the County. The City shall be billed by the County on a quarterly basis for all incurred costs at all locations.

EVP Emitter Units may be installed on and used only by Emergency Vehicles responding to an emergency, as defined in Minnesota Statutes §169.01, Subdivision 5, and §169.03. The City shall provide a list to the County Traffic Engineer, or the County's duly appointed representative, of all such vehicles with emitter units on an annual basis.

Malfunctions of the EVP Systems shall be immediately reported to the County.

All timing of said EVP Systems shall be determined by the County.

In the event said EVP Systems or components are, in the opinion of the County, being misused, or the conditions set forth are violated, and such misuse or violation continues after receipt by the City of written notice thereof from the County, the County shall remove the EVP Systems. Upon removal of the EVP Systems pursuant to this paragraph, the field wiring, cabinet wiring, detector receiver, infrared detector heads and indicator lamps and all other components shall become the property of the County.

18. NOTICE

For purposes of delivery of any notices hereunder, the notice shall be effective if delivered to the County Administrator of Anoka County, 2100 3rd Avenue North, Anoka, Minnesota 55303, on behalf of the County, and the City Administrator of Ramsey, 15153 Nowthen Boulevard North West, Ramsey, Minnesota 55303, on behalf of the City.

19. INDEMNIFICATION

The City and the County mutually agree to indemnify and hold harmless each other from any claims, losses, costs, expenses or damages resulting from the acts or omissions of the respective officers, agents or employees relating to activities conducted by either party under this Agreement.

20. ENTIRE AGREEMENT REQUIREMENT OF A WRITING

It is understood and agreed that the entire agreement of the parties is contained herein and that this Agreement supersedes all oral agreements and all negotiations between the parties relating to the subject matter thereof, as well as any previous agreement presently in effect between the parties to the subject matter thereof. Any alterations, variations, or modifications of the provisions of this Agreement shall be valid only when they have been reduced to writing and duly signed by the parties.

IN WITNESS WHEREOF, the parties of this Agreement have hereto set their hands on the dates written below:

COUNTY OF ANOKA

By: _____
Margaret Langfeld Chair
County Board of Commissioners

Dated: 5/12/05

CITY OF RAMSEY

By: _____

Title: Mayor

Dated: 4-26-2005

ATTEST

By: _____
John "Jay" McLinden
County Administrator

Dated: 5/12/05

By: _____

Title: City Administrator

Dated: 4-26-2005

RECOMMENDED FOR APPROVAL

By: _____
Douglas W. Fischer, P.E.
County Engineer

Dated: 5/11/05

By: _____

Title: _____

Dated: _____

APPROVED AS TO FORM

By: _____
Dan Klint
Assistant County Attorney

Dated: 5-12-05

By: _____

Title: _____

Dated: _____

Schedule A – Improvements to County Highway

ESTIMATED TOTAL PROJECT	COST	COUNTY SUBTOTALS	COUNTY PARTICIPATION
C.S.A.H. No. 83	$1,991,400.53	$1,123,650.00	
COUNTY ROAD 56	$2,689,002.90	$1,350,450.00	
C.S.A.H. No. 57	$ 847,500.00	$ 678,900.00	
COUNTY ROAD 116	$3,170,109.15	$1,228,500.00	
Subtotal Schedule A	**$8,698,012.58**		**$4,134,000**
Federal funds obtained by the County for BNSF Crossing On Sunfish Lake Blvd. (CSAH 57)			**$ 247,500**

Schedule B – Traffic Signals

Ramsey Blvd (C.R.56) at Bunker Lake Blvd. (C.R. 116)	$ 200,000.00	$0
Bunker Lake Blvd. (C.R. 116) at "N" Street	$ 200,000.00	$0
Armstrong Blvd. (C.S.A.H. 83) at Bunker Lake Blvd (C.R. 116)	$ 200,000.00	$100,000
Armstrong Blvd. (C.S.A.H. 83) at Sunwood Drive	$ 175,000.00	$0
Bunker Lake Blvd. (C.R. 116) at "A" Street	NOT ALLOWED $0.	$0
Bunker Lake Blvd. (C.R. 116) at "B" Street	NOT ALLOWED $0	$0
Ramsey Blvd. (C.R. 56) at Sunwood Dr..	$ 175,000.00	$0
Sunwood Dr at Industry Ave (C.R. 116)	$ 175,000.00	$0
Bunker Lake Blvd. (C.R. 116) at Sunfish Lake Blvd. (C.S.A.H./C.R. 57)	$ 200,000.00	$100,000
T.H. 10 at Armstrong Blvd. (C.R. 83)	$ 250,000.00	$0
T.H. 10 at Ramsey Blvd. (C.R. 56)	$ 250,000.00	$0
T.H. 10 at Sunfish Lake Blvd. (C.S.A.H. 57	$ 250,000.00	$0
	$2,075,000.00	$0
OVERHEAD & CONTINGENCY:	$ 726,250.00	$0

Subtotal B – Traffic Signals: **$2,801,250.00** **$200,000**

Schedule C – Trunk Storm Sewer Improvements & Outfall to River

Item	Description	Extension	
1.	Jack 60" Casing	$78,000.00	
2.	Jack 48" RCP	$126,000.00	
3.	48" Carrier Pipe	$13,760.00	
4.	42" RC Pipe Sewer Design 3006 CL III	$21,600.00	
5.	48" RC Pipe Sewer Design 3006 CL III	$13,760.00	
6.	Jack 42" RCP	$434,000.00	
7.	42" FES	$3,200.00	
8.	48" FES	$15,200.00	
9.	42" Outlet Structure	$5,000.00	
10.	Skimmer Structure	$12,000.00	
11.	Pond Liner	$254,250.00	
12.	Sand Cushion	$169,200.00	
13.	Storm Manhole	$3,000.00	
	Subtotal:	$1,148,970.00	$0
	OVERHEAD & CONTINGENCY 35%:	$402,139.50	$0

Subtotal C – Trunk Storm Sewer Costs: $1,551,109.50

MAXIMUM TOTAL COUNTY PARTICIPATION: $4,581,500

SCHEDULE D
INSURANCE REQUIREMENTS

Bidders/contractors/consultants shall procure and maintain for the duration of the contract, insurance coverage for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the bidder/contractor/consultant, their agents, representatives, employees or subcontractors. **ANOKA COUNTY CONTRACT NUMBER:** _____.

1. Minimum Scope of Insurance: Coverage shall be at least as broad as follows:

1.1 Insurance Services Office (ISO) Commercial General Liability coverage (occurrence form CG 00 01 or a substitute form providing equivalent coverage), and shall cover liability arising from premises, operations, independent contractors, products-completed operations, personal injury, advertising, and liability assumed under an insured contract (including the tort liability of another assumed in a business contract).

1.2 Business Automobile Liability coverage shall be written on ISO form CA 00 01, CA 00 05, CA 00 12, CA 00 20, or substitute for providing equivalent liability coverage. Such insurance shall cover liability arising out of any auto (including owned, hired, and non-owned autos).

1.3 Workers' Compensation as required by the State of Minnesota, and Employer's Liability insurance.

1.4 Professional Liability or Errors and Omissions insurance appropriate for the profession. Coverage shall be maintained for at least two years following the completion of work.

2. Minimum Limits of Insurance: Bidder/contractor/consultant shall maintain **NO LESS THAN:**

2.1 Commercial General Liability (CGL) and if necessary, Commercial Umbrella Liability: $1,000,000 each occurrence. If Commercial General Liability insurance contains a general aggregate limit, it shall apply separately to this project/location, or the general aggregate limit shall be twice the required occurrence limit.

2.2 Business Automobile Liability and if necessary, Commercial Umbrella Liability: $1,000,000 each accident for bodily injury and property damage.

2.3 Employers Liability: as required by the State of Minnesota

2.4 Professional Liability or Errors and Omissions: $1,000,000 per occurrence.

3. Deductibles and Self-Insured Retention

Any deductibles or self-insured retention must be declared to and approved by the County. At the option of the County, either: the insurer shall reduce or eliminate such deductibles or self-insured retention as respects Anoka County, agents, officers, directors, and employees; or the bidder/contractor/consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses; or the bidder/contractor/consultant shall provide County-requested financial statements for the

purpose of verifying financial solvency, and acceptance of deductibles or self-insured retention based on this verification.

4. Other Insurance Provisions

4.1 The General Liability policy is to contain, or be endorsed to contain, the following provision: **Anoka County, its agents, officers, directors, and employees are to be covered as an additional insured for all liability coverages using ISO additional insured endorsement CG 20 10 or substitute providing equivalent coverage.** This insurance shall apply as primary insurance with respect to any other insurance or self-insurance program. The County's insurance shall be excess of the contractor/consultant's insurance and shall not contribute to it. The contractor/consultant's coverage shall contain no special limitations on the scope of protection afforded to the County, its agents, officers, directors, and employees.

4.2 Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the County, its officers, officials, employees or volunteers.

4.3 Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, or canceled by either party, reduced in coverage or in limits, or non-renewed, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the County.

4.4 The Contractor shall include all subcontractors as insured under its policies or **furnish separate certificates and endorsements for each subcontractor where applicable.** All coverage for subcontractors shall be subject to all of the requirements stated herein.

4.5 Each insurance policy shall include an endorsement that waives any claim or right in the nature of subrogation to recover against the County, its agents, officers, directors, and employees.

5. Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of A:VII, unless otherwise acceptable to the County.

6. Verification of Coverage

Contractor shall furnish the County with certificates of insurance and original endorsements effecting coverage required by this clause. ***The certificate attached to this contract should be signed by a person authorized by that insurer to bind coverage on its behalf. A certificate other than the one attached may be used if coverages and endorsements match or exceed the coverages identified on the attached certificate.*** All certificates and endorsements are to be received and approved by the County before work commences. The County reserves the right to require complete, certified copies of all required insurance policies and endorsements at any time.

SCHEDULE E
INSURANCE REQUIREMENTS

Bidders/contractors/consultants shall procure and maintain for the duration of the contract, insurance coverage for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the bidder/contractor/consultant, their agents, representatives, employees or subcontractors. **ANOKA COUNTY CONTRACT NUMBER:** _____.

1. Minimum Scope of Insurance: Coverage shall be at least as broad as follows:

1.1 Insurance Services Office (ISO) Commercial General Liability coverage (occurrence form CG 00 01 or a substitute form providing equivalent coverage), and shall cover liability arising from premises, operations, independent contractors, products-completed operations, personal injury, advertising, and liability assumed under an insured contract (including the tort liability of another assumed in a business contract).

1.2 Business Automobile Liability coverage shall be written on ISO form CA 00 01, CA 00 05, CA 00 12, CA 00 20, or substitute for providing equivalent liability coverage. Such insurance shall cover liability arising out of any auto (including owned, hired, and non-owned autos).

1.3 Workers' Compensation as required by the State of Minnesota, and Employer's Liability insurance.

1.4 Umbrella Liability insurance.

2. Minimum Limits of Insurance: Bidder/contractor/consultant shall maintain **NO LESS THAN:**

2.1 Commercial General Liability (CGL) and if necessary, Commercial Umbrella Liability: $2,000,000 each occurrence. If Commercial General Liability insurance contains a general aggregate limit, it shall apply separately to this project/location, or the general aggregate limit shall be twice the required occurrence limit.

2.2 Business Automobile Liability and if necessary, Commercial Umbrella Liability: $2,000,000 each accident for bodily injury and property damage.

2.3 Employers Liability: $1,000,000 for bodily injury or disease.

2.4 Umbrella Liability: $1,000,000 each occurrence.

3. Deductibles and Self-Insured Retention

Any deductibles or self-insured retention must be declared to and approved by the County. At the option of the County, either: the insurer shall reduce or eliminate such deductibles or self-insured retention as respects Anoka County, agents, officers, directors, and employees; or the bidder/contractor/consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses; or the bidder/contractor/consultant

shall provide County-requested financial statements for the purpose of verifying financial solvency, and acceptance of deductibles or self-insured retention based on this verification.

4. Other Insurance Provisions

4.1 The General Liability policy is to contain, or be endorsed to contain, the following provision: **Anoka County, its agents, officers, directors, and employees are to be covered as an additional insured for all liability coverages using ISO additional insured endorsement CG 20 10 or substitute providing equivalent coverage.** This insurance shall apply as primary insurance with respect to any other insurance or self-insurance program. The County's insurance shall be excess of the contractor/consultant's insurance and shall not contribute to it. The contractor/consultant's coverage shall contain no special limitations on the scope of protection afforded to the County, its agents, officers, directors, and employees.

4.2 Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the County, its officers, officials, employees or volunteers.

4.3 Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, or canceled by either party, reduced in coverage or in limits, or non-renewed, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the County.

4.4 The Contractor shall include all subcontractors as insured under its policies or **furnish separate certificates and endorsements for each subcontractor where applicable.** All coverage for subcontractors shall be subject to all of the requirements stated herein.

4.5 Each insurance policy shall include an endorsement that waives any claim or right in the nature of subrogation to recover against the County, its agents, officers, directors, and employees.

5. Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of A:VII, unless otherwise acceptable to the County.

6. Verification of Coverage

Contractor shall furnish the County with certificates of insurance and original endorsements effecting coverage required by this clause. ***The certificate attached to this contract should be signed by a person authorized by that insurer to bind coverage on its behalf. A certificate other than the one attached may be used if coverages and endorsements match or exceed the coverages identified on the attached certificate.*** All certificates and endorsements are to be received and approved by the County before work commences. The County reserves the right to require complete, certified copies of all required insurance policies and endorsements at any time.

Anoka County Contract No. 2005-0516A

AMENDMENT NO. 1
TO JOINT POWERS AGREEMENT
BETWEEN ANOKA COUNTY AND THE CITY OF RAMSEY
FOR THE PUBLIC WORKS IMPROVEMENTS
RELATED TO THE RAMSEY TOWN CENTER DEVELOPMENT
RAMSEY, MINNESOTA

THIS AMENDMENT is made this _____ day of February, 2009, the date of the signature of the parties notwithstanding, by and between the County of Anoka, a political subdivision of the State of Minnesota, 2100 Third Avenue, Anoka, Minnesota 55303, hereinafter referred to as the "County," and the City of Ramsey, 15153 Nowthen Boulevard, Ramsey, Minnesota 55303, hereinafter referred to as the "City."

WITNESSETH:

WHEREAS, the County wishes to amend its Joint Powers Agreement with the City for public works improvements related to the Ramsey Town Center Development, Ramsey, Minnesota dated May 12, 2005; and

WHEREAS, Paragraph 20 ENTIRE AGREEMENT REQUIREMENT OF A WRITING of said Agreement provides that any alterations, variations or modifications of the provisions of this Agreement shall be valid only when they have been reduced to writing and duly signed by the parties.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter stated or contained in the Agreement, the parties do hereby agree as follows:

1. The parties agree to delete Section 5, B. in its entirety and replace it with the following:

1. The County and City agree that a grade separated interchange should be designed for the intersection of Trunk Highway 10 and Armstrong Boulevard. The County shall issue a request for proposals and contract for the preliminary design and environmental documentation for the grade separation. The County and City shall each pay 50% of the cost for the preliminary design and environmental documentation. Upon award of the contract for said work, the City shall pay to the County one-half of the cost of the contracted amount. Upon completion of the work the City shall pay the County one-half of any increase in the contract amount. If the actual contract price is less the contracted amount

the County shall reimburse the City one-half of the difference between the contracted amount and the actual contract price. Both the County and City agree to pursue all other funding sources to assist with the payment for the interchange project.

2. Only one access point to Armstrong Boulevard shall be allowed between Trunk Highway 10 and Bunker Lake Boulevard.

3. Full traffic actuated signal systems will be installed at the intersections of Bunker Lake Boulevard and Armstrong Boulevard, and at the intersection of West Ramsey Parkway. A grade separated crossing shall be constructed at the intersection of Armstrong Boulevard and Sunwood Drive. All signals on Bunker Lake Boulevard shall be interconnected with an interconnect system compatible with other County interconnects.

2. **The parties agree to amend Paragraph 5.D. by adding the following:**

The City shall provide the construction inspection with its own personnel. The City shall reimburse the County for all construction survey work and construction administration related to the project. Anoka County contract number 2007-0604 is a joint powers agreement between the City and County relating to the turnback of County Road 63. That joint powers agreement contemplates that the County will make a payment to the City in the amount of $425,000.00. In lieu of making the payment under contract number 2007-0604, the County shall deduct said amount from the amount the City is required to reimburse the County under this agreement.

3. **This Amendment is hereby made a part of and shall be amended to the Agreement of the parties.**

4. **All other terms and conditions of the original Agreement shall remain in full force and effect.**

IN WITNESS WHEREOF, the parties have signed this Amendment on the dates written below.

COUNTY OF ANOKA

By: _____
Dennis D. Berg, Chair
Board of Commissioners

Dated: 4/7/09

CITY OF RAMSEY

By: _____
Bob Ramsey
Mayor

Dated: 4-1-09

ATTEST

By: _____
Terry L. Johnson
County Administrator

Dated: 4/7/09

By: _____
Kurtis G. Ulrich
City Administrator

Dated: 4/1/09

APPROVED AS TO FORM

By: _____
Dan Klint
Assistant County Attorney

Dated: 4-8-09

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Anoka County Contract No. 2005-0516B

AMENDMENT NO. 2
TO JOINT POWERS AGREEMENT
BETWEEN ANOKA COUNTY AND THE CITY OF RAMSEY
FOR THE PUBLIC WORKS IMPROVEMENTS
RELATED TO THE RAMSEY TOWN CENTER DEVELOPMENT
RAMSEY, MINNESOTA

THIS AMENDMENT is made this _____ day of February, 2012, the date of the signature of the parties notwithstanding, by and between the County of Anoka, a political subdivision of the State of Minnesota, 2100 Third Avenue, Anoka, Minnesota 55303, hereinafter referred to as the "County," and the City of Ramsey, 15153 Nowthen Boulevard, Ramsey, Minnesota 55303, hereinafter referred to as the "City."

WITNESSETH:

WHEREAS, the County wishes to amend its Joint Powers Agreement with the City for public works improvements related to the Ramsey Town Center (RTC) Development, Ramsey, Minnesota dated May 12, 2005; and

WHEREAS, Paragraph 20 ENTIRE AGREEMENT REQUIREMENT OF A WRITING of said Agreement provides that any alterations, variations or modifications of the provisions of this Agreement shall be valid only when they have been reduced to writing and duly signed by the parties.

WHEREAS, the City has made improvements to the transportation system in and around the RTC (Currently referred to as "The COR"), that greatly improve the movement of traffic in the COR and on surrounding Streets and Highways and rail related safety improvements.

Whereas, the County has worked to improve the overall transportation system throughout Anoka County and wishes to participate in these additional system wide improvements.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter stated or contained in the Agreement, the parties do hereby agree as follows:

1. **The parties agree to add to Section 9. DISBURSEMENT OF FUNDS the following:**

The County and City agree that the County shall pay to the City an additional Sum of $1,700,000 as a lump sum payment to be used by the City for additional transportation improvements in the area of the RTC (COR). Said payment to be made after this amendment is fully executed and within 30 days of the County receiving an invoice from the City for that amount.

2. This Amendment is hereby made a part of and shall be amended to the Agreement of the parties.

3. All other terms and conditions of the original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have signed this Amendment on the dates written below.

COUNTY OF ANOKA

By: _____
Rhonda Sivarajah, Chair
Board of Commissioners

Dated: 3-20-12

CITY OF RAMSEY

By: _____
Bob Ramsey, Mayor

Dated: 3/8/12

ATTEST

By: _____
Jerry Soma
County Administrator

Dated: 3-20-12

ATTEST

By: _____
Kurtis Ulrich
City Administrator

Dated: 3/8/12

APPROVED AS TO FORM

By: _____
Dan Klint
Assistant County Attorney

Dated: 3-21-12

By: _____
William K. Goodrich
City of Ramsey City Attorney

Dated: 3/8/12

ANOKA COUNTY ROAD 116
Access & Corridor Study

From CSAH 7 (7th Avenue) to CSAH 83 (Armstrong Boulevard)

Prepared for

City of Ramsey
City of Anoka
Anoka County

February 2004







Prepared by

SRF Consulting Group, Inc.

County Road 116 Corridor Study

FINAL REPORT

February 2004

Prepared by

SRF Consulting Group, Inc.

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I. INTRODUCTION

Study Purpose

The County Road 116 Corridor Study was undertaken to identify and evaluate existing and future transportation and access needs, and to develop a long-term Corridor Plan that addresses those needs. The Plan provides framework for how County Road 116 will need to change over time to safely accommodate planned growth in the area. It was developed with input from Anoka County and the Cites of Anoka and Ramsey; however, the study partners will need to further develop/refine the preferred corridor concept to reflect additional public input. The study area, as shown in Figure 1, focuses on the western 5.1 miles of County Road 116 between County State Aid Highway (CSAH) 83 (Armstrong Boulevard) and CSAH 7 (7th Avenue).

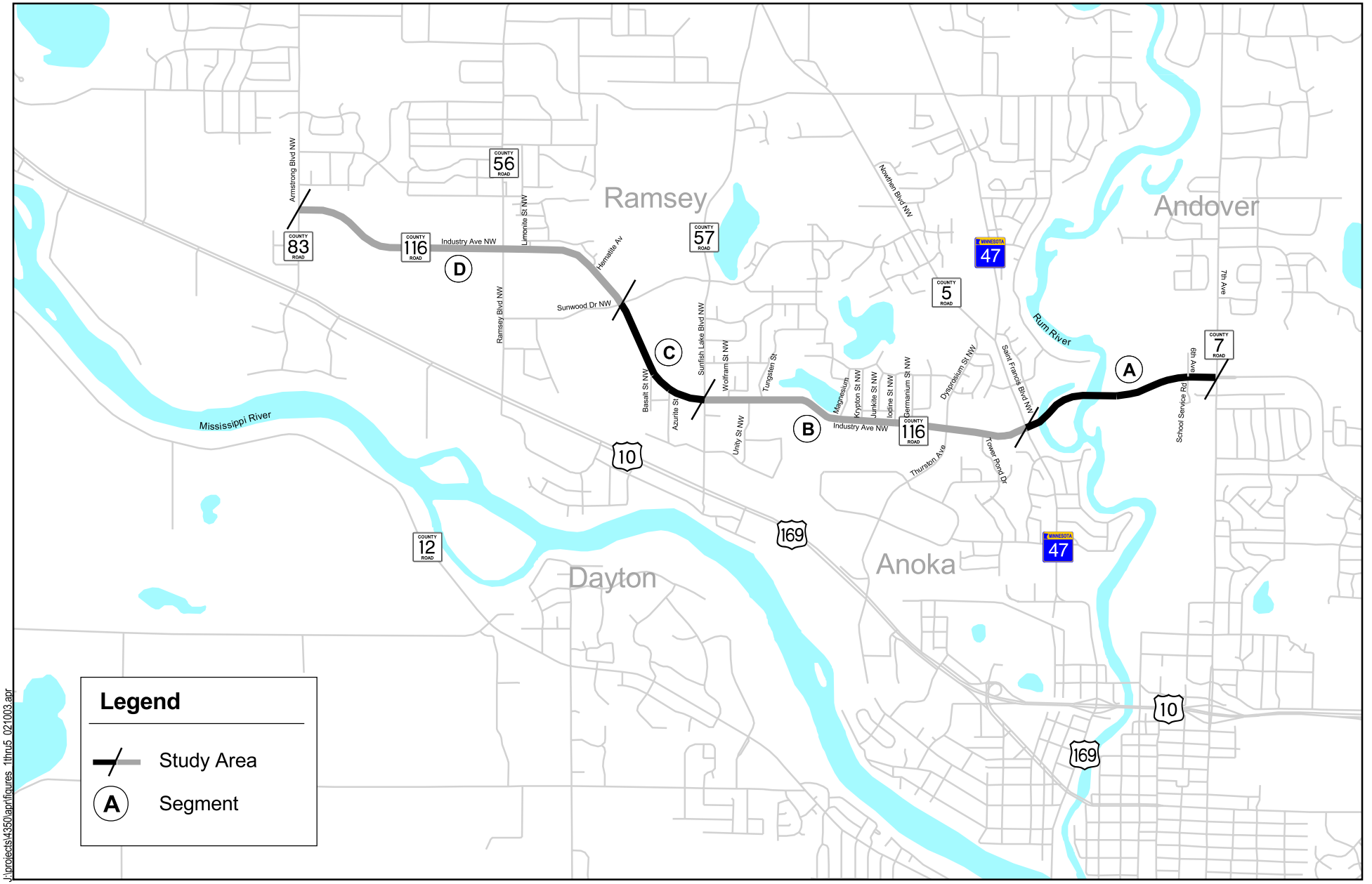
Study Background

As growth and development have occurred over the past ten years, local and regional agencies have become increasingly concerned with long-term safety, access, transportation and land use needs along the corridor. This concern is based on both the increasing rate County Road 116 is playing in the region and growth pressures that are occurring. County Road 116 is an A-Minor Arterial that runs east-west between CSAH 17 in the City of Ham Lake and CSAH 83 (Armstrong Boulevard) in Ramsey, where it ends just east of US 169/10. The corridor primarily acts as a reliever to Trunk Highway (TH) 242 and TH 10. The facility is designated as a County State Aid Highway (CSAH) (maintained by funds from the gas tax) from CSAH 7 (7th Avenue) to CSAH 57 (Sunfish Lake Boulevard), the remaining western roadway segment is designed as a County Road (maintained by local tax dollars). For the purpose of this report, the roadway will be referred to as CR116.

The 1998 Anoka County Transportation Plan identified the need to widen most segments of County Road 116 to four lanes in order to adequately address the long-term transportation needs in the area. In addition, recent transportation studies undertaken by Mn/DOT have identified a potential new river crossing at the junction of an extended County Road 116 and Trunk Highway 10. If this new river crossing is developed, traffic on the western end of County Road 116 would likely increase over projected levels. In addition, the long-term implementation of the TH 10 Interregional Corridor Plan would limit access to TH 10 and place more emphasis on supporting facilities such as CR116.

Agency Involvement

The Cities of Anoka and Ramsey, along with Anoka County, initiated this study. Engineering and planning staff from these agencies worked with SRF Consulting Group, Inc. to generate the land use and transportation data used in the report. In addition, the study relied on information and data produced by the Minnesota Department of Natural Resources and the Minnesota State Historic Preservation Office with regard to natural and cultural resources in the study area.



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STUDY AREA

COUNTY ROAD 116 CORRIDOR AND ACCESS STUDY

Anoka County / City of Ramsey / City of Anoka

Figure 1

II. EXISTING CONDITIONS

Analyzing and assessing existing conditions in the study area establishes a baseline to project future traffic and development trends. In so doing, existing issues and conditions can be placed in context with future needs of the communities and region. In addition, potential solutions can be developed to address both short-term and long-term needs.

Corridor Context

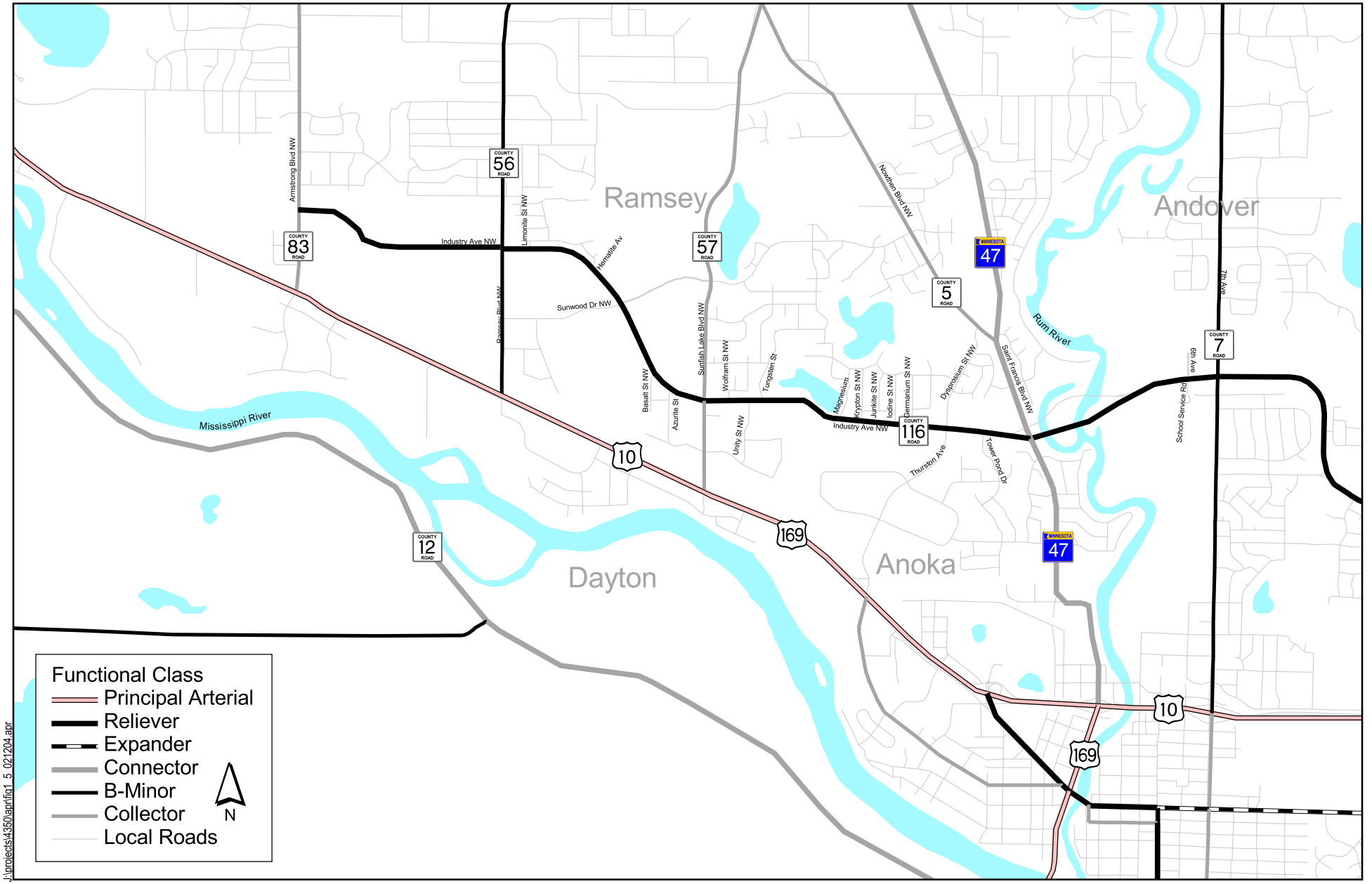
County Road 116 was classified as a local roadway from CSAH 83 to CSAH 56 and a B-Minor Arterial from CSAH 56 to CSAH 17 (Lexington Avenue). The corridor primarily served local residential and commercial trips; however, portions of the corridor also acted as a reliever to TH 10 and TH 242. The functional classification of County Road 116 was recently changed to an A-Minor Arterial to address growth in the communities along this corridor. As an A-Minor Arterial roadway, the main function of County Road 116 is to provide a reliever route for TH 10, a principal arterial and high-priority Interregional Corridor (IRC) route that runs parallel to County Road 116. In the western end of the study area, TH 10 is approximately one-third of a mile away from County Road 116; in the eastern end of the study area, TH 10 is a little over a mile away from County Road 116. East of the study area, County Road 116 also acts as a reliever to TH 242 and CSAH 14. The next continuous east-west route to the north is CSAH 22 (Viking Boulevard); this route is over six and a half miles away. As a result, County Road 116 ends up serving many east-west trips.

The facility is connected to other facilities in the region by three north-south arterial routes: County Road 56 (Ramsey Boulevard), TH 47 and CSAH 7 (7th Avenue); and by two north-south major collector routes: CSAH 83 (Armstrong Boulevard) and CSAH 57 (Sunfish Lake Boulevard). In addition to the arterial and collector routes, there are a number of local roadways that intersect with County Road 116. Figure 2 shows the transportation network, including functional classification, in and around the study area.

General Land Use

Land use along the corridor is a mixture of agricultural, residential, commercial, industrial, park, and public/institutional uses. In general, most of the residential development is located on the north side of County Road 116 and most of the industrial development is located on the south side of County Road 116. However, there are a few exceptions to this; near CSAH 57 (Sunfish Lake Boulevard) industrial uses are along both sides of the roadway.

Most of the current agricultural uses are west of CSAH 56 (Ramsey Boulevard); however, these uses are expected to change over time to urbanized uses. Commercial and park areas are located on both the north and south sides of County Road 116 between TH 47 and CSAH 7 (7th Avenue). Figure 3 shows existing land use along the corridor.



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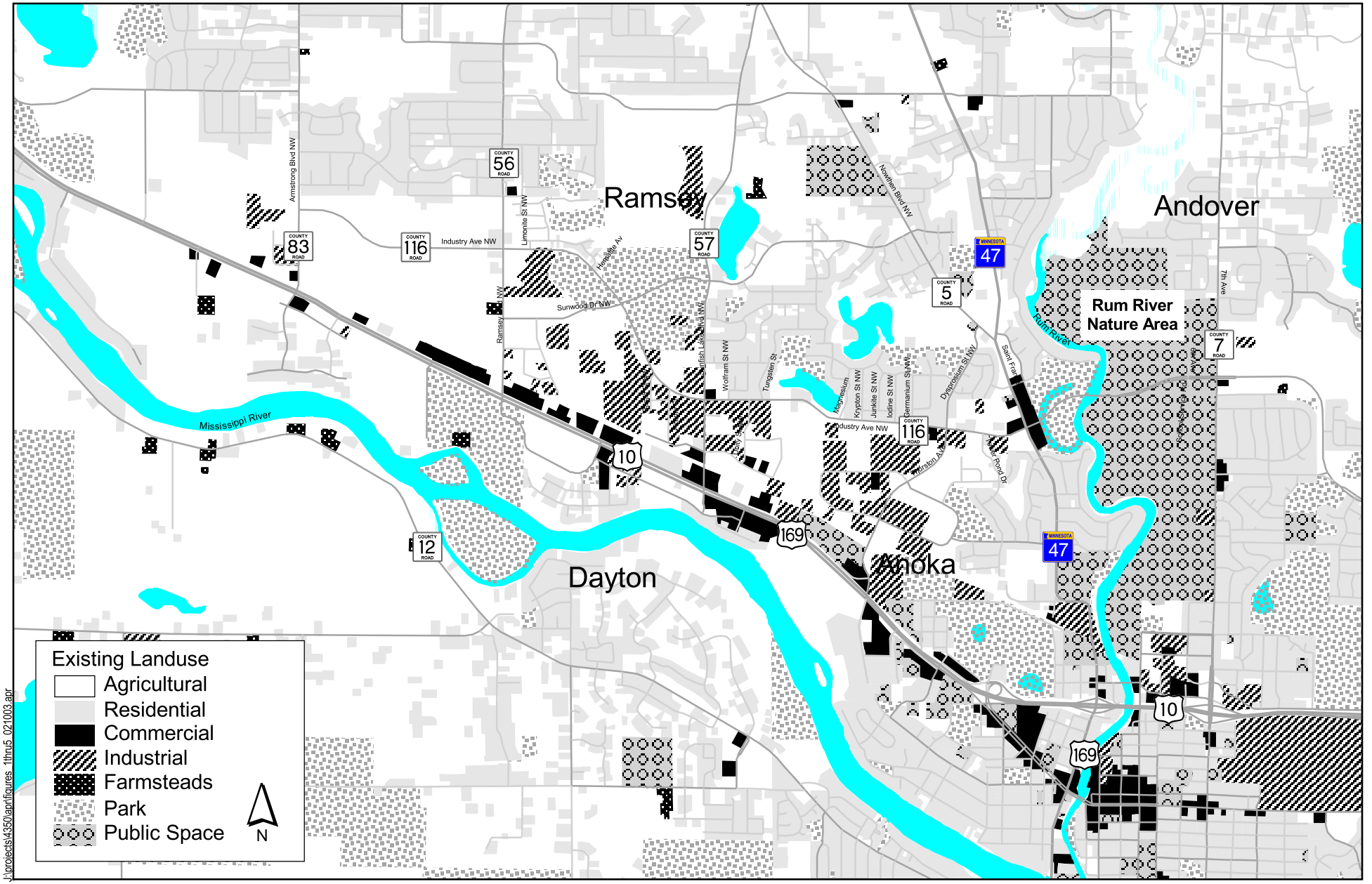
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TRANSPORTATION NETWORK

COUNTY ROAD 116 CORRIDOR AND ACCESS STUDY

Anoka County / City of Ramsey / City of Anoka

Figure 2



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EXISTING LAND USE

COUNTY ROAD 116 CORRIDOR AND ACCESS STUDY

Anoka County / City of Ramsey / City of Anoka

Figure 3

Traffic Characteristics

As part of defining traffic patterns and characteristics in the study area, two initiatives were undertaken. First, historical data on traffic volumes, growth of those volumes over time, as well as data on the types and speeds of vehicles using the facility was collected and analyzed. Second, a traffic analysis was done to determine the current level of service at key intersections. These two initiatives provided insight on how CR 116 currently functions.

Traffic Volumes

Historic traffic volumes in the study area show a significant amount of growth between 1996 and 2000 (Table 1). According to Mn/DOT traffic flow maps, most of County Road 116 experienced over a 50 percent increase in traffic during that time period. This breaks down to over a 7 to 11 percent-per-year growth rate. Typical growth rates are in a range of 2 percent to 5 percent per year. Table 1 shows the historic traffic volumes as well as the growth in daily traffic between 1996 and 2000.

Table 1
Historic Traffic Volumes

Segment	General Location	Average Daily Traffic Volumes*			Percent Growth Between 1996 and 2000	Annual Traffic Growth (percent)
		1996	1998	2000		
A	CSAH 7 (7th Ave.) to TH 47	9,300	11,200	12,500	34.4	7.7
B	TH 47 to CSAH 57 (Sunfish Lake Blvd.)	4,500	6,450	7,750	72.2	14.6
C	CSAH 57 (Sunfish Lake Blvd.) to Sunwood Dr.	4,000	4,000	6,100	52.5	11.1
D	Sunwood Dr. to CSAH 83 (Armstrong Blvd.)	2,300	2,600	3,500	52.2	11.1

* Source: Mn/DOT flow maps

In November 2001, SRF Consulting Group was asked to collect existing traffic volumes at three locations along County Road 116. The data was collected using traffic tube counters in order to obtain data for a full 24 hours. The data was analyzed to determine daily and peak-hour volumes. Table 2 summarizes the daily volume data that was collected.

Table 2
2001 Traffic Volumes

Segment	Location	Average Daily Traffic Volumes	Percent Peak Hour	Peak Directional Split (percent)
A	West of 6th Ave.	16,040	10.0	50/50
B	West of Magnesium St.	7,302	10.3	54/46
D	East of County Road 56 (Ramsey Blvd.)	3,952	11.1	64/36

Source: SRF Consulting Group, November 2001.

Based on a review of current and historic volume data, the following trends were identified:

- Heaviest volumes are clustered near commercial nodes and near the high school.
- Volume growth between 1996 and 2000 was over 50 percent for most of the corridor.
- Traffic volumes continued to increase in 2001.
- Traffic volumes are more directional in western portion of the study area versus the eastern end.

Traffic Types

Vehicle classification data was collected along with volume data along County Road 116 in both directions east of County Road 56 (Ramsey Boulevard) and for westbound traffic west of CSAH 7 (7th Avenue). Based on this data, it was determined that 94 percent of the vehicles on CR 116 are two axle passenger cars or trucks, five percent were buses or single unit trucks and one percent were semis or other large trucks with trailers. These percentages were used in analyzing the operations for CR116. The type of vehicles can have an impact on the facilities operations. Roadways that carry a large number of trucks with multiple stops can experience reduced speeds due to slower acceleration and deceleration capabilities. In addition, large trucks also have a greater impact on the condition of the roadway (use larger percentage of pavement life).

Traffic Operations

Daily volumes reported on the traffic flow maps can be used to approximate operational problems based on daily segment capacities. SRF Consulting Group collected a.m. and p.m. peak hour turning movement counts in November 2001 at all of the identified intersections, with the exception of County Road 116 at CSAH 57 (Sunfish Lake Boulevard) and Dysprosium Street/Thurston Avenue. The turning movement counts for these two intersections were collected by Anoka County in August 2001. A traffic operations analysis was then conducted for the a.m. and p.m. peak hours at six key intersections as identified below. The signalized intersections were analyzed using Synchro/SimTraffic, a traffic operations model; and the unsignalized intersections were analyzed using Highway Capacity Software.

- County Road 116 and CSAH 83 (Armstrong Boulevard)
- County Road 116 and County Road 56 (Ramsey Boulevard)
- County Road 116 and CSAH 57 (Sunfish Lake Boulevard)
- County Road 116 and Dysprosium Street/Thurston Avenue
- County Road 116 and TH 47
- County Road 116 and CSAH 7 (7th Avenue)

Figure 4 shows the locations of these intersections, the existing turning movement counts, the existing levels of service and the type of traffic control currently in place.

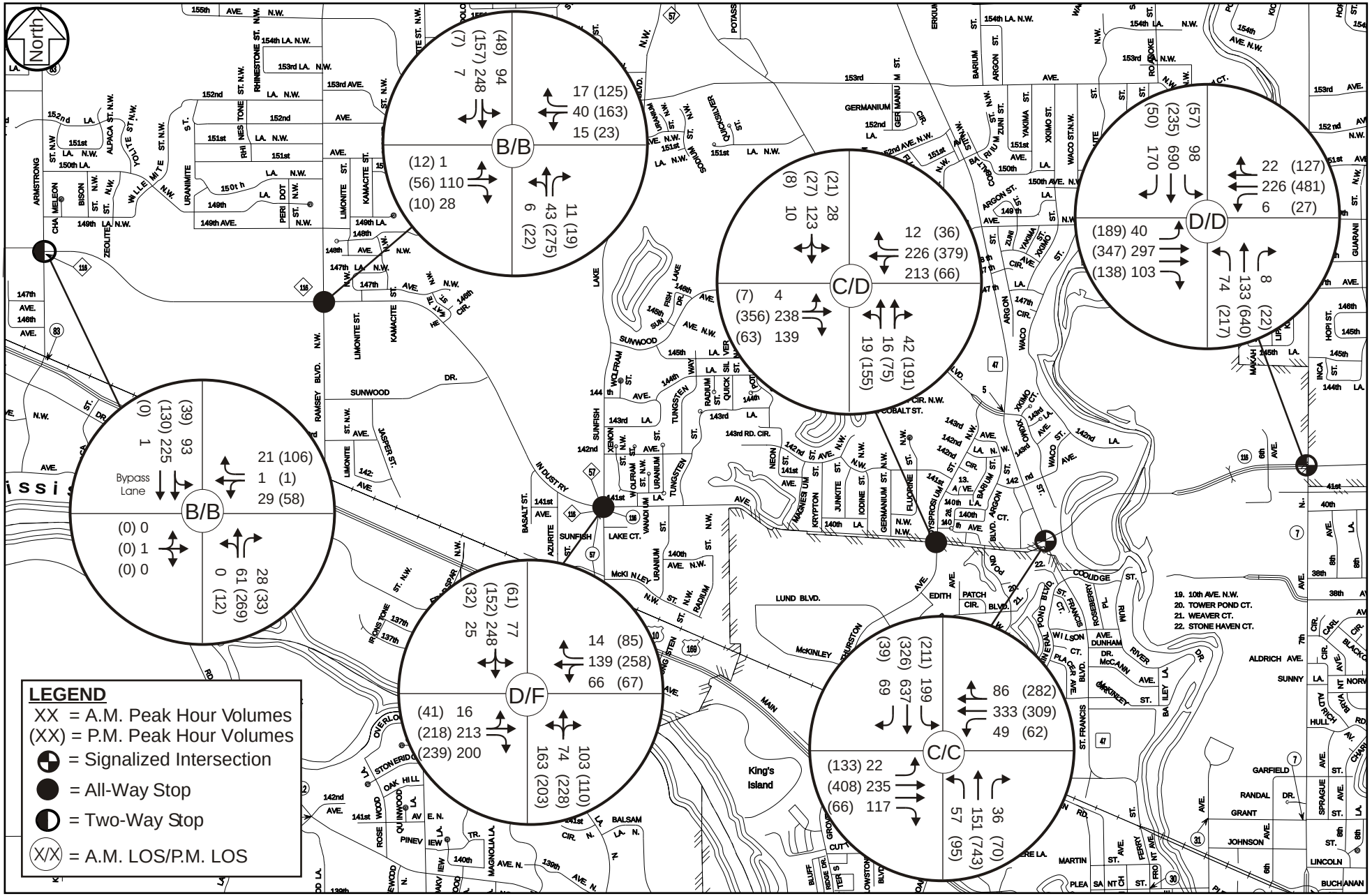
Capacity analysis results identify a Level of Service (LOS), which indicates the quality of traffic flow through an intersection. Intersections are given a ranking from LOS A through LOS F. LOS A indicates the best traffic operation, with vehicles experiencing minimal delays. LOS F indicates an intersection where demand exceeds capacity, or a breakdown in traffic flow. LOS A through D are generally considered acceptable by drivers. LOS E indicates that an intersection is operating at, or very near, its capacity and that vehicles experience substantial delays.

Results of the analysis shown in Table 3 indicate that all key intersections currently operate at an acceptable overall LOS D or better during the a.m. and p.m. peak hours, with the exception of County Road 116/CSAH 57 (Sunfish Lake Boulevard). This intersection currently operates at an unacceptable LOS F during the p.m. peak hour.

Table 3
Existing Intersections Levels of Service

Intersection – County Road 116 and	Level of Service [1]	
	A.M. Peak	P.M. Peak
CSAH 7 (7th Ave.) (signalized)	D	D
TH 47 (signalized)	C	C
Dysprosium St & Thurston Ave (all-way stop)	C/D	D/E
CSAH 57 (Sunfish Lake Blvd.) (all-way stop)	D/E	F/F
County Road 56 (Ramsey Blvd.) (all-way stop)	B/B	B/C
CSAH 83 (Armstrong Blvd.) (two-way stop)	B/B	B/B

[1] The overall LOS is shown followed by the worst approach LOS.



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EXISTING INTERSECTION OPERATIONS

COUNTY ROAD 116 ACCESS CORRIDOR STUDY
City of Ramsey, City of Anoka, and Anoka County

Figure 4

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Speed

The posted speed along County Road 116 is 55 miles per hour (mph) with the exception of the area between CSAH 83 (Armstrong Boulevard) and CSAH 57 (Sunfish Lake Boulevard), and between CSAH 57 and TH 47 where the posted speed is 50 mph. In addition to the above-posted speeds, there are three areas where speed advisory signs are posted near horizontal curves.

- Just east of CSAH 83 (Armstrong Boulevard)(50 mph advisory speed)
- Between Tungsten and Krypton Streets (40 mph advisory speed)
- Between Tower Pond Drive and TH 47 (40 mph advisory speed)

As part of documenting the existing conditions, SRF collected actual vehicle speeds to compare them to posted speeds. The intent of this data collection was to identify capacity and operations issues that may not show up in daily volume number or in the intersection analyses. The speed data was collected in November 2001 at the three locations. The information is presented in Table 4.

Table 4
Speed Data Summary

Segment	Location	Posted Speed Limit	50th Percentile	85th Percentile	10 mph Pace Speed
A	**West of 6th Ave.**				
	Westbound Right Lane	55	55	60	51 – 60
	Eastbound Right Lane	55	56	59	51 – 60
B	**West of Magnesium St.**				
	Westbound	50[(1)]	47	52	46 – 55
	Eastbound	50[(1)]	46	51	41 – 50
D	**East of County Road 56 (Ramsey Blvd.)**				
	Westbound	55	52	57	51 – 60
	Eastbound	55	48	54	46 – 55

(1) Recommended speed is 40 mph, due to horizontal curve.

The speed data indicates that vehicles using County Road 116 are generally traveling close to posted speeds. The information collected west of Magnesium Street is in a 40 mph speed advisory area, due to sharp horizontal curves. While speeds through this location are lower than the 50 mph posted speed limit, they are above the speed advisory for this segment of the road.

Safety Characteristics

The number and location of crashes were analyzed to identify safety concerns in the corridor. Crash data for a five-year period from 1996 through 2000 was used in analyzing both key intersections and roadway segments in the corridor. Over the five-year period there were 155 crashes, or approximately 31 crashes a year. Most of the crashes were clustered at or near the key intersections. Because most of the crashes occurred at the key intersections, a majority of them were at low speeds and did not result in serious injuries or fatalities. Of the 155 crashes, only one resulted in a fatality and five resulted in serious injuries.

Crash rates for both intersections and segments were compared to average rates for similar roadway facilities in the metro area. If the rates exceeded the average rates, they were identified as potential safety problem areas. It should be noted that the crash data was not available for the segment of County Road 116 between CSAH 83 (Armstrong Boulevard) and County Road 56 (Ramsey Boulevard. This segment of roadway was only recently constructed and does not have a crash history.

Table 5 summarizes the crash rates for the four corridor segments. A few of the segments along County Road 116 had higher crash rates than those of comparable roadways in Hennepin County.

Table 5
Segment Crash Rates

Segment	Location	Total Number of Crashes (1996 to 2000)	Segment Crash Rate [1]	Average Crash Rate by Roadway Type [2]
A	CSAH 7 (7th Ave.) to TH 47 (urban, four-lane undivided)	72	2.04	1.90
B	TH 47 to CSAH 57 (rural, two-lane)	61	1.25	1.25
C	CSAH 57 (Sunfish Lake Blvd.) to Sunwood Dr. (rural, two-lane)	13	0.87	1.25
D	Sunwood Dr. to CSAH 83 (Armstrong Blvd.) (rural, two-lane) [3]	9	1.70	1.25

[1] Crashes per million vehicle miles of travel based on actual number of crashes.
[2] Based on data for similar roadways in Hennepin County.
[3] Segment is actually between Sunwood Drive and CSAH 56. CR 116 between County Road 56 (Ramsey Boulevard) and CSAH 83 (Armstrong Boulevard) was not constructed during this time period.

Segment A had the most crashes, with 72 over the five-year period. The crash rate for this segment (2.04) is slightly higher than the average (1.90) for similar type facilities. Many of the crashes that contributed to the higher crash rate for this segment occur just to the east of TH 47. Two commercial driveways with full access to County Road 116 are located in this area. Segment B had 61 crashes over the five-year period. The crash rate for this segment is the same

as the average crash rate for similar facilities. Segment C had 13 crashes over the five-year period and had a crash rate of 0.87 crashes per million vehicle miles, which is well below the crash rate for similar facilities. Segment D had the fewest crashes, with nine. This segment's crash rate (1.70) is slightly higher than the average (1.25) for similar facilities in Hennepin County. It is important to note that this segment was quite short, approximately seven tenths of a mile. Short segments can show a high crash rate even with a limited number of crashes.

Table 6 summarizes the crash rates for the five major intersections along the study corridor. These crash rates were compared to average crash rates obtained from Hennepin County for a variety of intersection types. As shown Table 6, the crash rates for the key intersections are higher than the average crash rate. Because the intersection crash rates were higher than average crash rates, a critical crash rate was calculated. The critical crash rate is an analysis that takes into consideration the randomness of crashes and uses standard deviations to determine if an intersection has a serious crash problem or if it just happens to have an extra crash or two that puts it over the average for the time period that the data was collected. In comparing the intersection crash rate to the critical crash rate, only the intersection of County Road 116 at Dysprosium Street and Thurston Avenue had a crash rate that exceeded the critical crash rate. This intersection is proposed to be modified using safety funds.

The following intersection crash rates were used for comparison purposes:

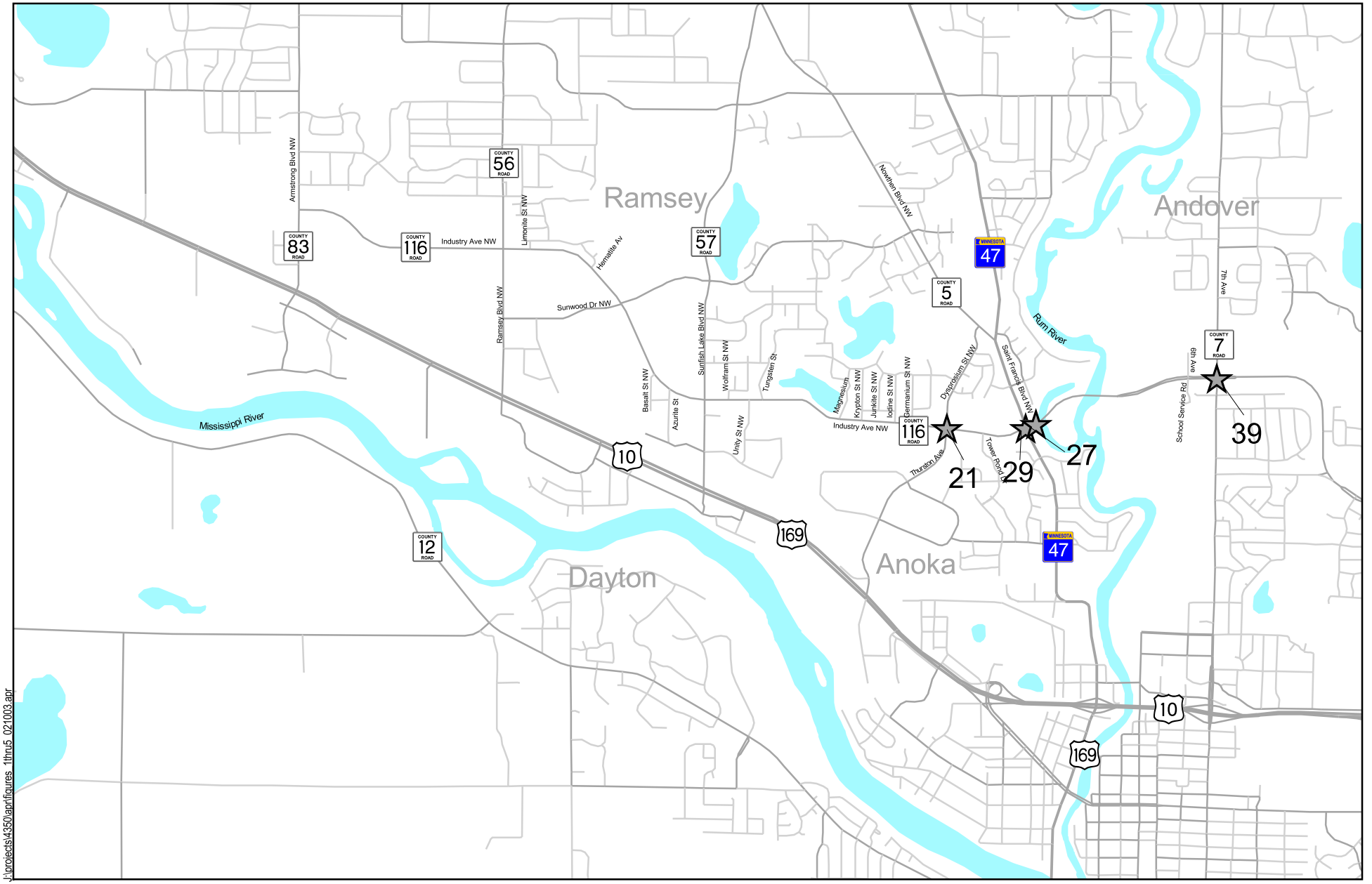
- All-way stop control – 0.47 crashes per million entering vehicles
- Rural, two-way stop control – 0.59 crashes per million entering vehicles
- High volume (>15,000 ADT), high speed (≥45 mph), signalized intersection – 0.66 crashes per million entering vehicles

Table 6
Intersection Crash Rates

Location – County Road 116 and	Total Number of Crashes (1996 to 2000)	Intersection Crash Rate [1]	Average Crash Rate by Intersection Type [2]	Critical Crash Rate
CSAH 7 (7th Ave.)	39	0.93	0.66	1.06
TH 47	29	0.61	0.66	1.04
Dysprosium St. & Thurston Ave.	21	1.23	0.59 and 0.47 [3]	0.93
CSAH 57 (Sunfish Lake Blvd.)	12	0.60	0.47	0.91
County Road 56 (Ramsey Blvd.)	11	0.81	0.47	0.97

(1) Crashes per million entering vehicles.
(2) Based on data collected by Hennepin County.
(3) Average Crash Rate for this intersection reflects the fact that during part of the five-year period the intersection was a two-way stop control and part of the time it was a four-way stop control.

In addition to calculating the segment and intersection crash rates along the corridor, locations with 20 or more crashes occurring in the five-year period from 1996 to 2000 were identified. Areas with 20 or more correctable crashes over a five-year period qualify for funding from the Hazard Elimination Safety (HES) program. Sites that qualify for this program are generally recognized as areas with safety problems. Four areas along County Road 116 had 20 or more crashes. The Dysprosium Street and Thurston Avenue intersection had 21 crashes over the five-year period. This intersection has received HES funding to convert the existing four-way stop into a signalized intersection. Another intersection, although not shown in the table, just east of the TH 47 intersection had 27 crashes over the five-year period. At this time, no improvements for this area have been proposed. Figure 5 shows the areas with 20 or more crashes.



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AREAS WITH 20 OR MORE CRASHES

COUNTY ROAD 116 CORRIDOR AND ACCESS STUDY

Anoka County / City of Ramsey / City of Anoka

Figure 5

Access

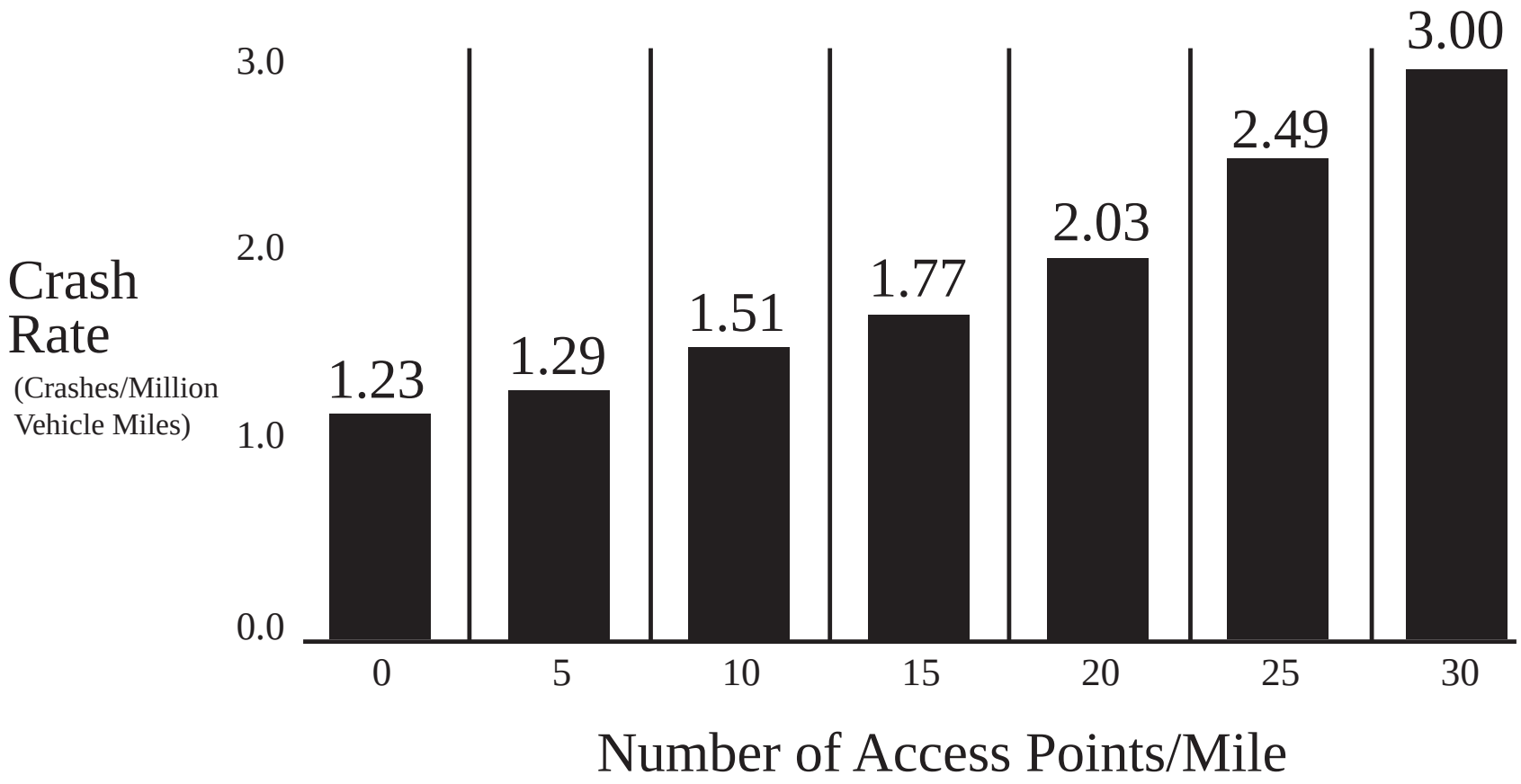
A comprehensive field inventory was conducted of all of the access points in the corridor. Two basic types of accesses were counted, public and private. Table 7 displays the number of full-access and the number of restricted-access points by segment. The inventory shows 74 access points over the 5.1-mile corridor, or approximately 15 access points per mile. In some segments, where there are a number of driveways and public streets, there are over 26 access points per mile. A number of studies have demonstrated a relationship between the number of access points and the number of crashes, including *FHWA Access Research Report No. FHWA-RD-91-044*. The results of this federal study are presented in Figure 6.

Table 7
Public and Private Access Points

Segment	Location	Segment Length (miles)	Number of Accesses[1]				Accesses Per Mile
			Full	T-Int.	Other[2]	Total	
A	CSAH 7 (7th Ave.) to TH 47	1.00	3/(0)	0/(0)	1*/(2)	4/(2)	6
B	TH 47 to CSAH 57 (Sunfish Lake Blvd.)	1.62	5/(7)	8/(23)	0/(0)	13/(30)	26.5
C	CSAH 57 (Sunfish Lake Blvd.) to Sunwood Dr.	0.67	5/(3)	0/(4)	0/(0)	5/(7)	17.9
D	Sunwood Dr. to CSAH 83 (Armstrong Blvd.)	1.75	4/(4)	3/(2)	0/(0)	7/(6)	7.4
	TOTAL	5.09	**17/(16)**	**11/(29)**	**1/(0)**	**29/(45)**	**14.5**

1 X/(X) – Number of Public Access Points/(Number of Private Access points).
2 Right in/out access points.
* Access to the high school.

Figures 7 through 10 show existing access along the corridor by type.



Source: FHWA, Publication No. FHWA-RD-91-044 (Nov. 1992)
Note: Study Data is from Two-Lane Highway in Minnesota

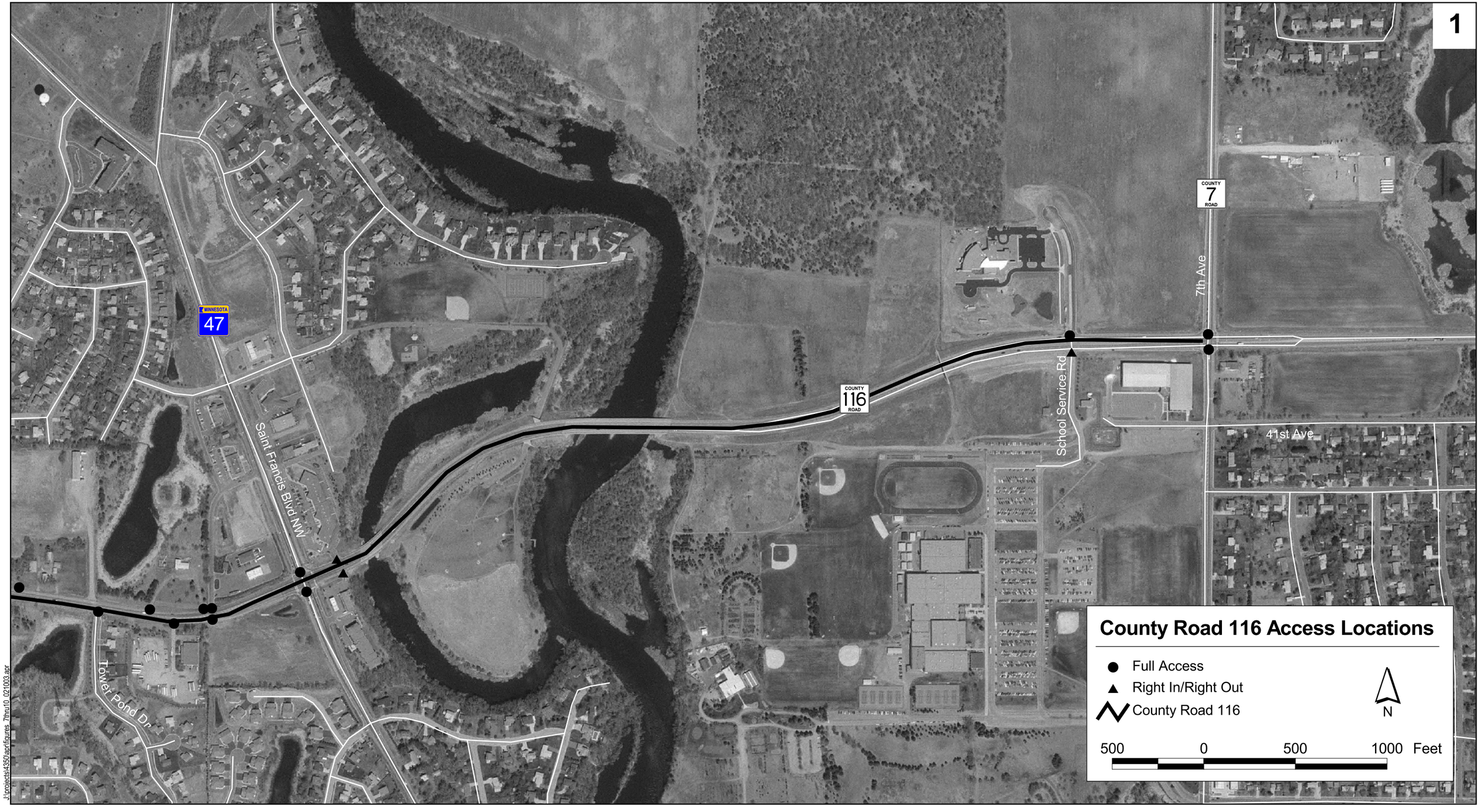
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ACCESS VERSUS SAFETY

COUNTY ROAD 116 CORRIDOR AND ACCESS STUDY
Anoka County / City of Ramsey / City of Anoka

Figure 6

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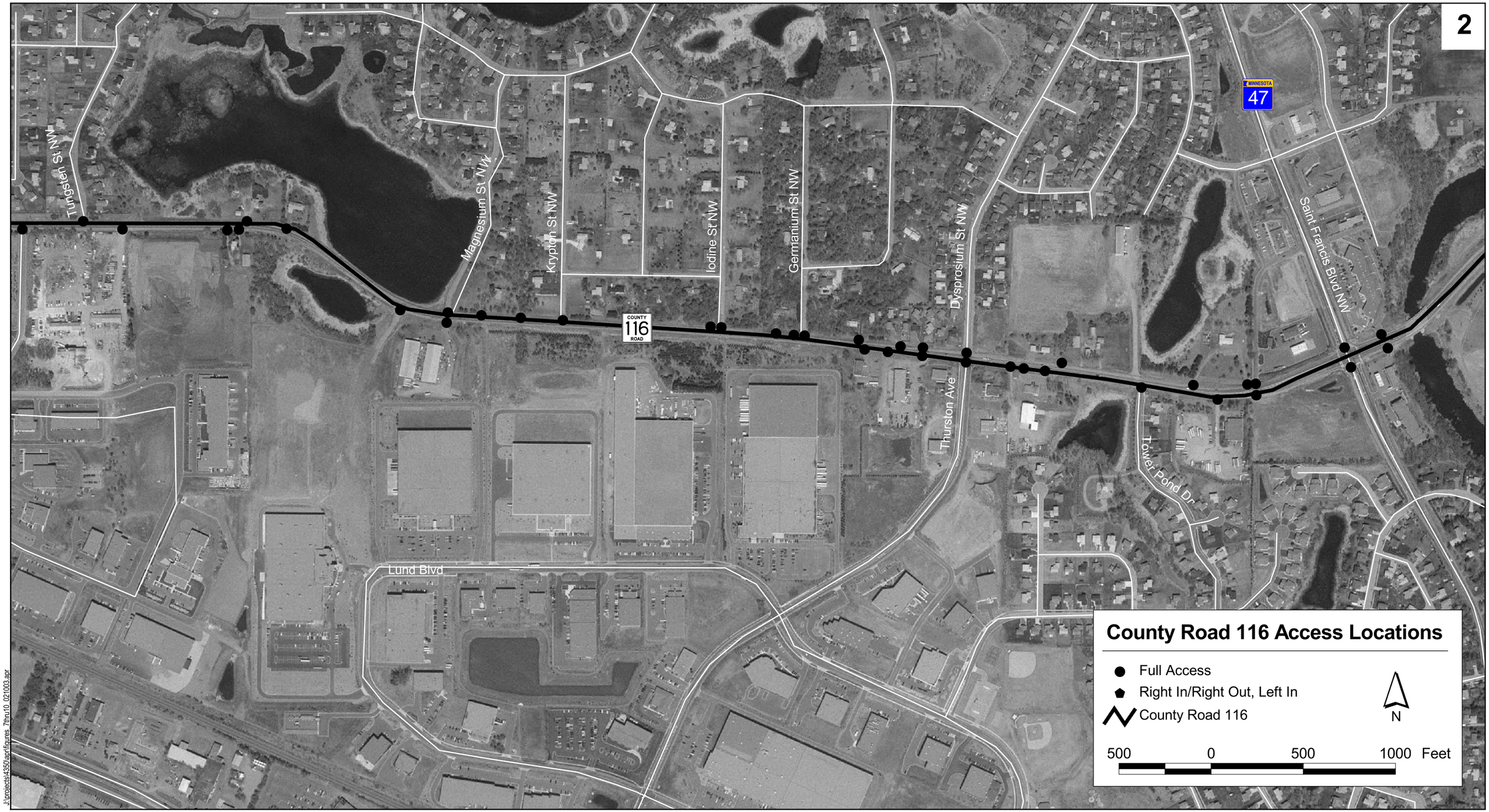
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EXISTING ACCESS

COUNTY ROAD 116 CORRIDOR AND ACCESS STUDY

Anoka County / City of Ramsey / City of Anoka

Figure 7



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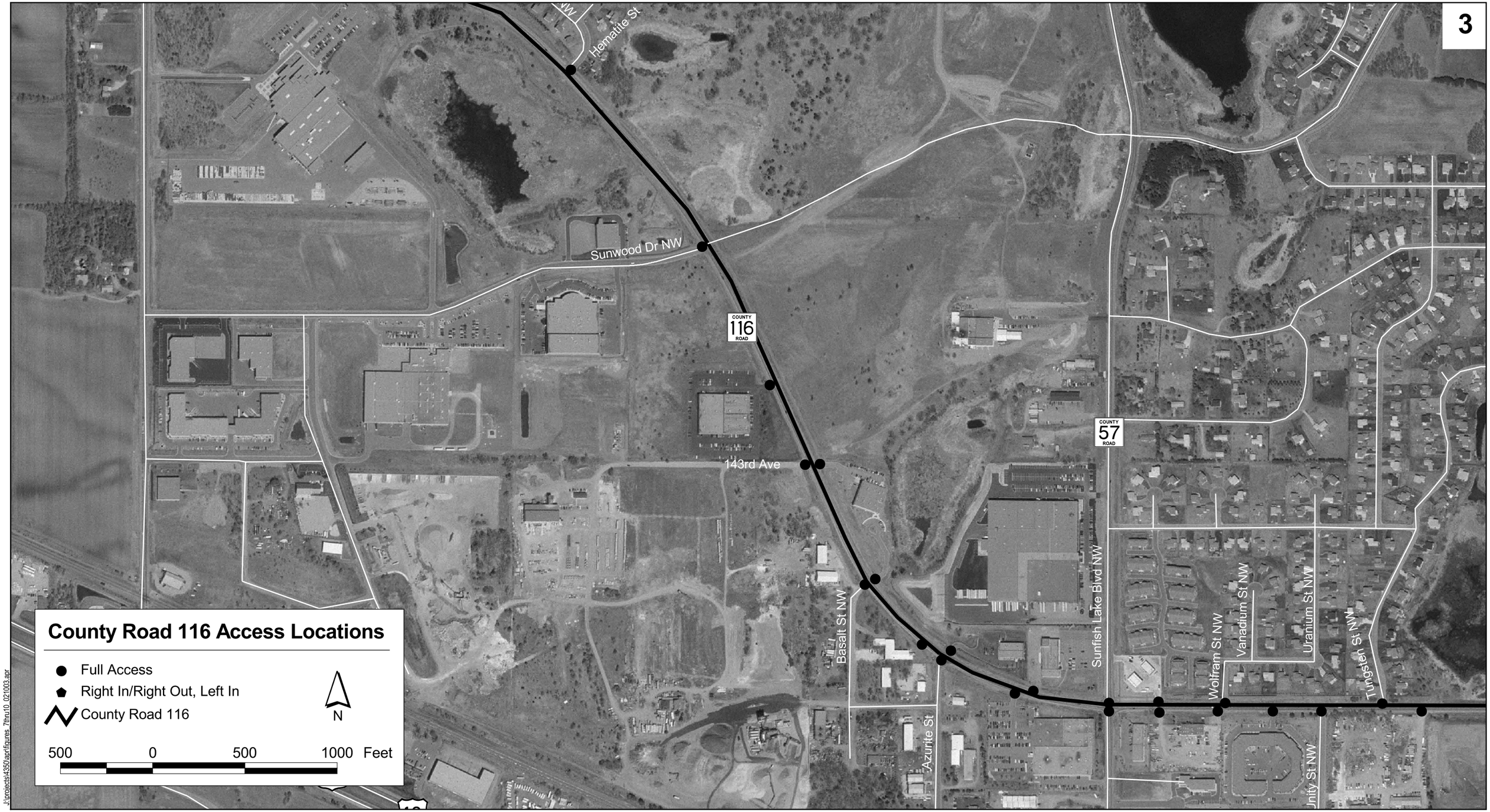
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Figure 8

COUNTY ROAD 116 CORRIDOR AND ACCESS STUDY

City of Ramsey / City of Anoka / Anoka County



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EXISTING ACCESS

COUNTY ROAD 116 CORRIDOR AND ACCESS STUDY

Anoka County / City of Ramsey / City of Anoka

Figure 9

4

Armstrong Blvd NW

COUNTY 83 ROAD

COUNTY 116 ROAD

COUNTY 56 ROAD

Ramsey Blvd NW

Limonite St NW

147th

169

10

County Road 116 Access Locations

- Full Access
- Right In/Right Out, Left In
- County Road 116

N

500 0 500 1000 Feet

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EXISTING ACCESS

COUNTY ROAD 116 CORRIDOR AND ACCESS STUDY

Anoka County / City of Ramsey / City of Anoka

Figure 10

Existing Access Controls

Access is controlled in the corridor through Anoka County's Driveway Policy Plan. The Anoka County Driveway Policy Plan states that there should be a spacing of one half to one mile spacing of streets intersecting A-Minor Arterial Routes depending on the development density of the plat. Generally, one access per parcel will be allowed to property abutting an A-Minor Arterial where no other access to public roadways is feasible. In addition, access points are reviewed to ensure that the location meets proper sight distance requirements. Also, Anoka County requires that proposed subdivisions grant additional right-of-way to the County so that a minimum of 120 feet of right-of-way exists on all A-Minor Arterials. For a complete listing of Anoka County access policies and guidelines, please refer to the Anoka County Driveway Policy Plan.

Design Characteristics

County Road 116 is currently a two-lane facility between CSAH 83 (Armstrong Boulevard) and TH 47, and a four-lane facility from the TH 47 intersection to CSAH 7 (7th Avenue). The area is relatively flat and there are no steep grades that affect the speeds or vehicle operations; however, there are a few advisory speed zones in areas with tight curves.

Right-of-way along the corridor varies considerably. A minimum right-of-way width of 120 feet is considered adequate for the function of this roadway (assumes that County Road 116 is widened to four lanes–Anoka County Transportation Plan). The 120 feet allows the typical roadway section of two through lanes in each direction, a center median (reduced where left-turn lanes are needed), outside shoulders, boulevard area and trails. Table 8 shows existing right-of-way along the corridor and areas in the corridor where additional right-of-way is needed to develop a four-lane facility.

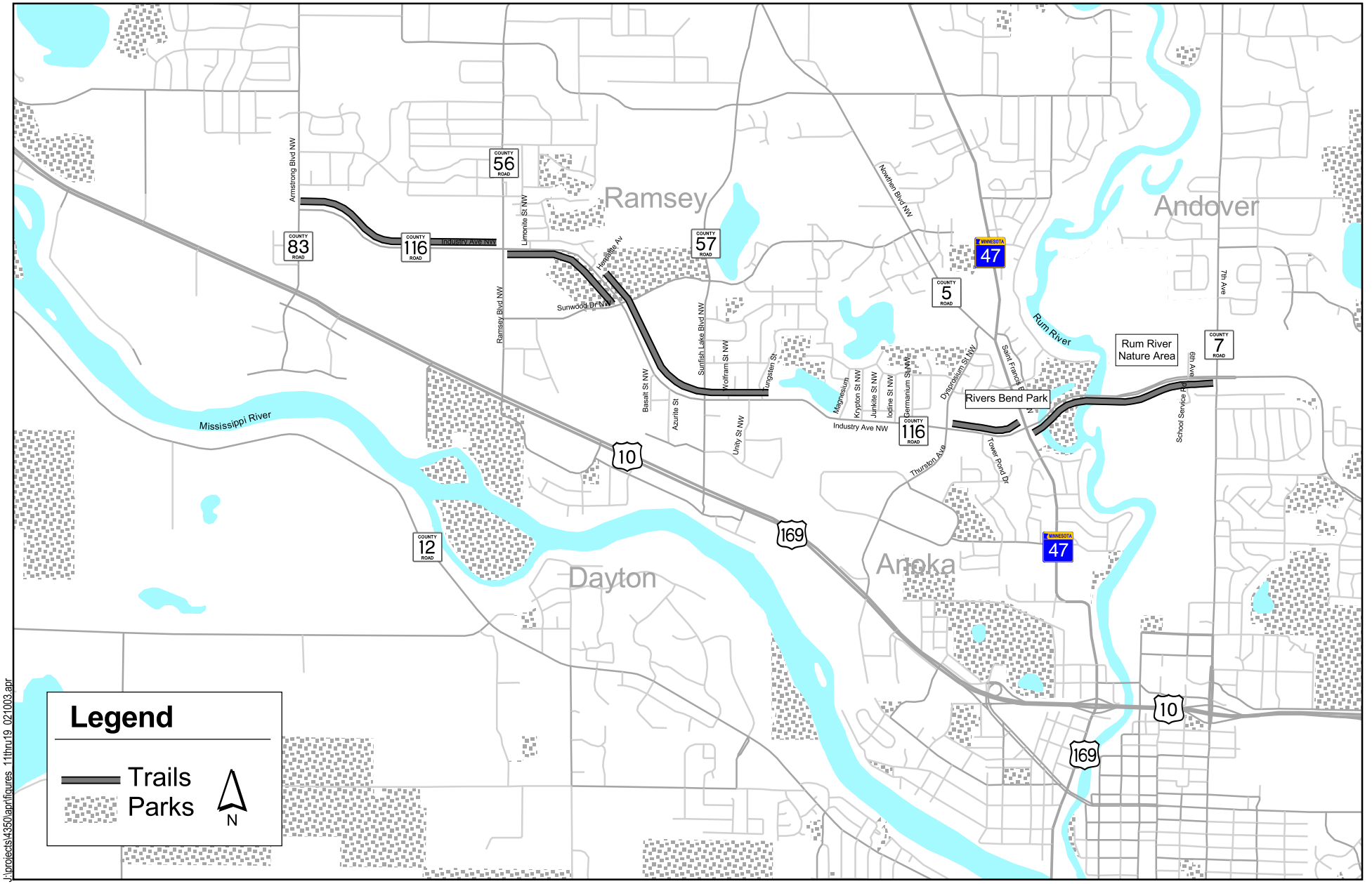
Table 8
Existing Right-of-Way

Segment	Location	Meets 120 Foot Width	Comments
A	CSAH 7 (7th Ave.) to TH 47	Yes	150 feet or more
B	TH 47 to CSAH 57 (Sunfish Lake Blvd.)	No	Most right-of-way is less than 90 feet. Right-of-way ranges between 66 and 90 feet, except for areas near intersections.
C	CSAH 57 (Sunfish Lake Blvd.) to Sunwood Dr.	Yes	120 feet
D	Sunwood Dr. to CSAH 83 (Armstrong Blvd.)	Yes	120 feet

Modal Elements

There are currently few modal conflicts along County Road 116. Presently there are no railroad, light rail, or major trucking facilities located in or adjacent to the corridor. The only transit service in the study area is provided along CSAH 7 (7th Avenue). This route intersects with County Road 116, but does not provide service along County Road 116. However, County Road 116 may be studied in a future transit plan as a potential transit route.

Although there are limited modal options on County Road 116, there is an off-street bituminous trail running alongside County Road 116 for a large portion of the study area. Separating the trail from the roadway reduces potential conflicts between modes (walking, biking, etc.). The location of the trail also reinforces the need to limit access along the corridor in order to minimize potential conflicts between trail users and vehicles using access points. The trail serves primarily as a recreational corridor; however, it is an option for home to work trips. The trail alternates from one side of County Road 116 to the other at different points along the corridor thereby introducing the need for several crossings. This increases the exposure/conflicts between pedestrians and vehicles.



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TRAILS AND PARKS

COUNTY ROAD 116 CORRIDOR AND ACCESS STUDY

Anoka County / City of Ramsey / City of Anoka

Figure 11

Environmental Constraints

As part of any corridor study, it is important to identify a purpose and a need for improvements, as well as to identify physical, environmental and cultural constraints that could be impacted by potential improvements. The analysis performed as part of this study is not to the level of a Project Memorandum, or an Environmental Assessment, but is intended to identify potential issues that would need to be addressed if environmental studies were pursued.

The environmental data collected for the County Road 116 corridor study was used to identify any potential location determining issues and other important environmental issues within the study area. Improvement alternatives should be developed to avoid these impacts wherever possible. Where impacts are unavoidable, minimization and mitigation measures should be identified and evaluated during project development.

Agencies with potential concerns within the project area were contacted as part of early coordination efforts. The contacted agencies and the issues addressed by each are listed in Table 9. A sample early coordination letter is located in Appendix A, as well as responses received.

Table 9
Agencies Receiving Letters Soliciting Views and Comments

Agency	Issues Addressed
Ms. Sarah Hoffman Endangered Species Environmental Review Coordinator Minnesota Department of Natural Resources 500 Lafayette Road St. Paul, Minnesota 55155	Natural Heritage Information
Mr. Thomas Cinadr Minnesota Historical Society 345 John Kellogg Boulevard West St. Paul, Minnesota 55102	Cultural Resources
Mr. Craig Gray, P.E. City of Anoka 2015 First Avenue Anoka, Minnesota 55303	Will coordinate with appropriate agencies on identified environmental issues.
Mr. Steven Jankowsk, P.E. City of Ramsey 15153 Nowthen Boulevard NW Ramsey, Minnesota 55303	Will coordinate with appropriate agencies on identified environmental issues.
Ms. Kate Garwood, AICP Anoka County 1440 Bunker Lake Boulevard Andover, Minnesota 55304	Will coordinate with appropriate agencies on identified environmental issues.

A map showing cultural features and locations of potential environmental concerns within the County Road 116 corridor study area is provided in Figure 12. For the purpose of this report, these issues have been categorized as either "Location Determining Issues" or as "Other Issues and Factors." These are listed below:

Location Determining Issues

Wetlands (Section 404)

Numerous wetlands are found throughout the study area. The primary wetland concentration is along the central portion of the study area from County Road 56 (Ramsey Boulevard) to CSAH 57 (Sunfish Lake Boulevard). In addition, there are some wetlands in the eastern and western portions of the study area. Figure 12 illustrates wetland locations. The NWI wetlands are also shown on this figure.

Potential corridor improvement alternatives should be developed to avoid identified wetland areas. If impacts cannot be avoided, alignments should seek to minimize wetland impacts. A final delineation and wetland determination will be required once the potential improvements have been selected and prior to permit application.

Wild and Scenic Rivers

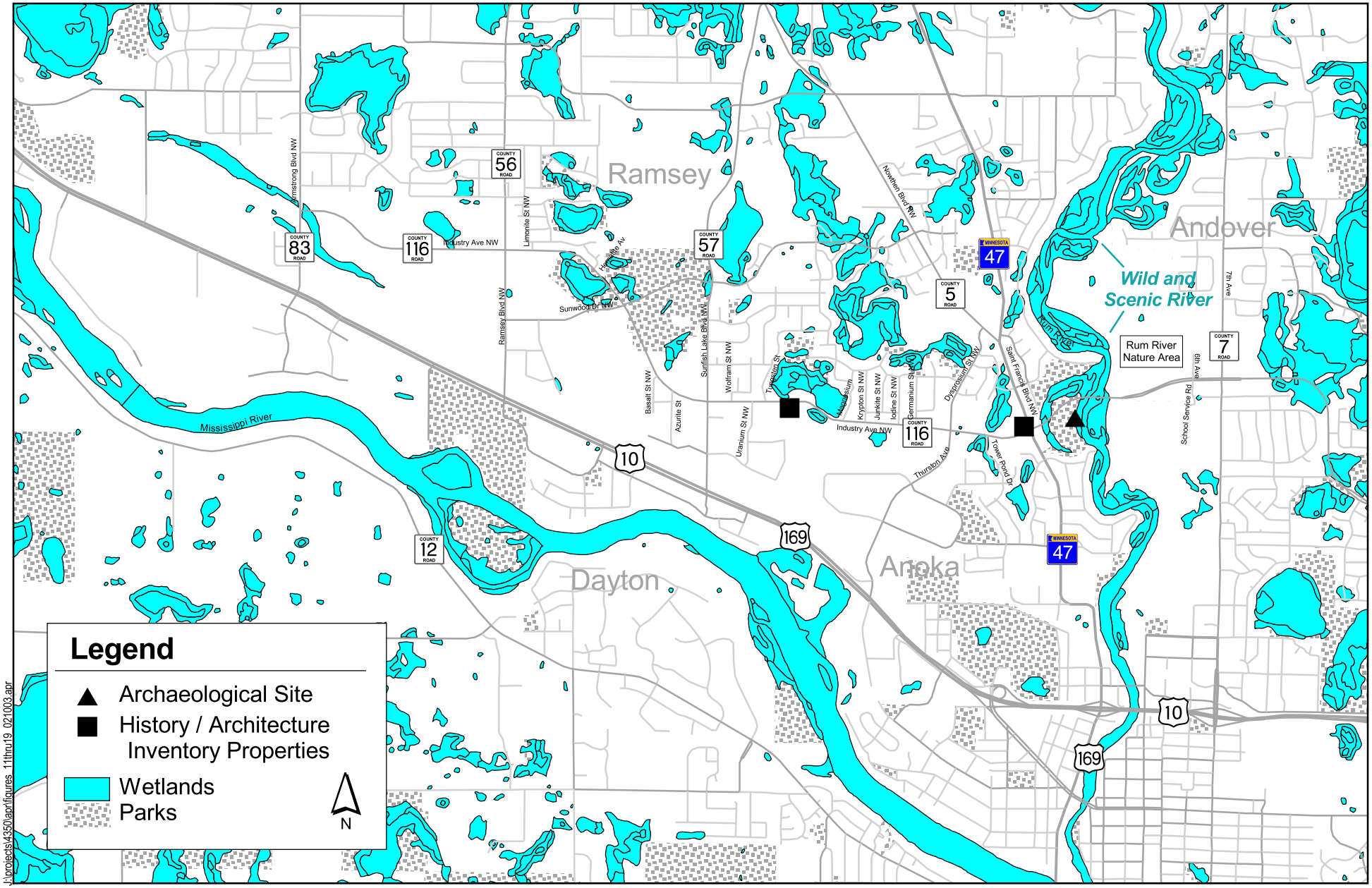
The Rum River is a wild and scenic river within the study area.

Parks (Section 4(f)/6(f))

Section 4(f) applies only to federally funded projects, and only if the park, recreation area, or waterfowl or wildlife refuge is significant and publicly owned. Significant historic and archaeological sites are covered under Section 4(f) without regard to whether the site is owned by a public agency or private party. The Rivers Bend Park (along the eastern portion of the study area) and the trail that parallels County Road 116 are Section 4(f) resources. Transportation agencies using federal funds are prohibited from using such lands unless: (1) there is no feasible or prudent alternative to the use, and (2) the project includes all possible planning to minimize harm to the protected resource. Figure 12 shows the location of the Rivers Bend Park.

Anytime Section 4(f) involvement occurs, the possibility for Section 6(f) involvement also exists. The Rum River Nature Area was at one time a Section 4(f)/6(f) resource because LAWCON (Land and Water Conservation) funds were used to either plan, develop or improve the open space; however, in the early 1990's all federal restrictions were removed (see the supporting information in Appendix A).

Potential corridor improvements should avoid the use or constructive use of any of the Section 4(f)/6(f) resources. If the use of Section 4(f)/6(f) land cannot be avoided, impacts should be minimized. Impacts to these lands will require completion of the procedural requirements of Section 4(f)/6(f).



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CULTURAL & ENVIRONMENTAL CONSTRAINTS

COUNTY ROAD 116 CORRIDOR AND ACCESS STUDY

Anoka County / City of Ramsey / City of Anoka

Figure 12

Cultural Resources (Section 106)

Information on the locations of potential cultural resource properties within the study area was obtained from the State Historic Preservation Offices (SHPO) History/Architecture Inventory and Archaeological Site Location Inventory.

The History/Architecture Inventory identified two properties near the corridor. The first site, the District No. 28 School, is north of the intersection of County Road 116 and TH 47. The second site, 6030 Industry Avenue, identified as "house", is along the south side of County Road 116 between CSAH 57 (Sunfish Lake Boulevard) and TH 47.

The District No. 28 School site is on the National Register of Historic Places (NRHP). Any alternatives impacting this property should be avoided. The second property, the "house", has not been evaluated for NRHP eligibility. Photographic records suggest the property may no longer possess integrity. Further evaluation is needed to determine its eligibility status. Figure 12 shows the locations of both sites.

State Historic Preservation Office records include reports of three archaeological investigations in the Rivers Bend Park area, suggesting high potential for archaeology in this area. A Phase I Cultural Resources Study will be needed to identify potential archaeological sites adjacent to the corridor and evaluate nearby structures greater than 50 years old. At minimum, alternatives should avoid impacts to the District No. 28 School, which is listed on the National Register of Historic Places. It should be noted that this area of the corridor is already four lanes, and that additional expansion is unlikely at this time.

Endangered Species Act

The Minnesota Natural Heritage database file search conducted by the Minnesota DNR determined that there are several sites within the project area with state threatened and endangered species and natural communities (see complete list in Appendix A). Of the 14 rare features within a one-mile radius of the project area, only one is actually in the study area. The state threatened Blanding's turtle (*Emydoidea blandingii*) was reported within a one-mile radius of the study area. Due to the sensitive nature of threatened and endangered species, and the fear of habitat destruction, the location of the turtle's habitat is not shown on Figure 12.

Blanding's turtles need both wetland and upland habitats to complete their life cycle. Nesting females and hatchlings are often at risk of being killed while crossing roads between wetlands and nesting areas. In addition to movements associated with the nesting, all ages and both sexes move between wetlands from April to November. These movements peak in June and July and again in September and October as turtles move to and from over wintering sites. In late autumn, the turtles bury themselves in the mud at the bottom of the deeper wetlands to over winter.

A preliminary survey of the study area should be carried out to determine the potential for Blanding's turtle habitat. If it is determined there is turtle habitat within the study area, corridor improvement alternatives should be selected to avoid impacting the habitat. If impacts are unable to be avoided, recommendations for avoiding and minimizing impacts to turtle habitat

should be investigated and implemented. Avoidance and minimization recommendations were included in the DNR letter in Appendix A. It will be necessary to request a formal letter from the Mn/DOT Wildlife Biologist regarding the presence of federally listed endangered species as the project development/NEPA process continues in the future.

Other Issues and Factors

Contaminated Sites

Information from the Minnesota Pollution Control Agency Permanent List of Priorities, the EPA National Priorities List and Comprehensive Environmental Response, Compensation, and Liability Information System should be requested as the project development/NEPA process continues in the future.

Coordination with Agencies

Alternatives developed for this corridor should be reviewed with local communities and state agencies (Department of Natural Resources, Mn/DOT, State Historic Preservation Offices, Minnesota Pollution Control Agency, etc.) to identify potential concerns and measures to avoid and/or minimize impacts. Future environmental documentation should address these concerns and identified impacts considered when a decision regarding a corridor alignment is made.

Alternatives developed during this corridor study should first seek to avoid impacts to cultural and environmental resources identified above. If some impacts cannot be avoided, efforts should be made to minimize impacts. Impacts resulting from the potential corridor location alternatives should be compared to determine the alignment with the least impact that will address the need for the project. This will require completing a formal environmental document. Potential mitigation for minimized impacts would be developed during design of the potential corridor improvements.

III. FUTURE CONDITIONS

As indicated in the previous section, there are a number of factors that influence how a roadway and/or a system functions. Because these facilities take a long time to plan and construct, and because they are expected to serve future demands, it is important to evaluate them for future conditions (growth trends and other expected changes). Evaluating the corridor for these future conditions will enable the study partners to develop and work towards a plan that meets the long-term needs of the area. This section of the report highlights the future conditions that will significantly influence the function of County Road 116.

General Land Use

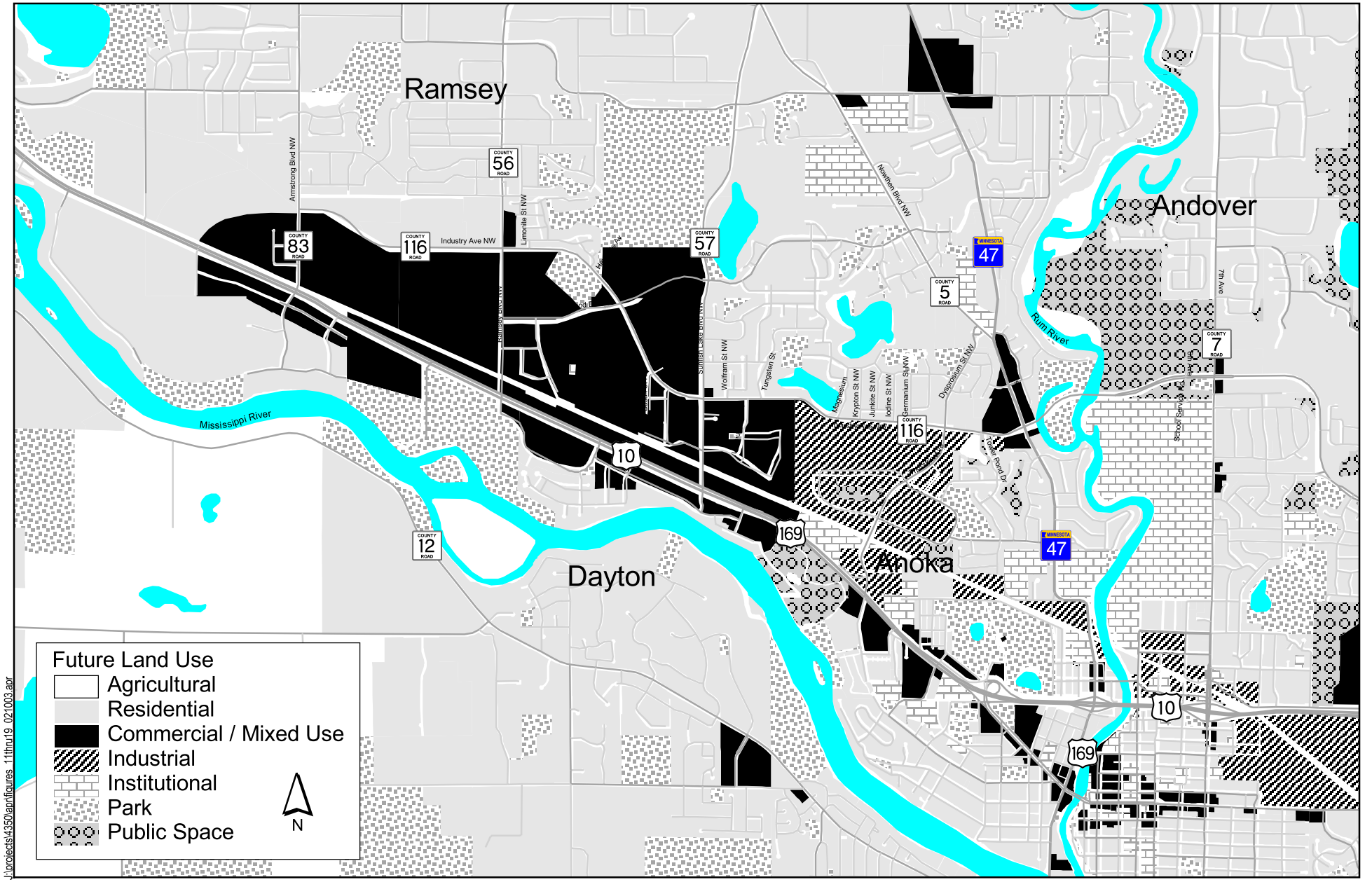
Future land use along the corridor is likely to look significantly different than it does today. Currently most of the land is zoned for agricultural, residential, commercial, industrial, park and public/institutional; however, many areas are currently vacant or in agricultural use. In the future, most of the land within the study area is expected to be developed and will have higher and denser land uses than the vacant and agricultural land that currently exists. These higher uses will increase the traffic demand on County Road 116 and on other routes in the area.

As an example, a mixed-use development on the western end of the study corridor is planned. Generally speaking, mixed-use developments have higher land use densities and have the potential to generate more trips in a smaller amount of space. As a result, it is important to ensure that adequate facilities exist to carry the additional traffic and that streets entering and exiting the development are adequately spaced to ensure proper circulation. Figure 13 shows planned future land uses along the corridor.

Corridor Context and Future Functional Classification

County Road 116 is one of the few east-west corridors that can provide east-west mobility and support other east-west corridors such as TH 10, TH 242 and CSAH 14. In the future, it is likely that County Road 116 will be extended westerly and connected directly to TH 10. According to the TH 10 Interregional Corridor Study, it is recommended that this future connection include a new Mississippi River crossing. The potential location for the new river crossing has been supported by the City of Ramsey and Anoka County. In addition to recommending a new Mississippi River crossing, the TH 10 IRC Study recommends converting key access points on TH 10 to interchanges. This change will place additional burdens on east-west routes as local access points are closed along TH 10.

In addition to changes associated with TH 10, plans have been made by Anoka County to upgrade County Road 116 to a four-lane roadway throughout most of the study area. The only sections in the study area not previously identified for expansion to four lanes is the area between Tower Pond Drive and TH 47 and the area from County Road 56 (Ramsey Boulevard) to CSAH 83 (Armstrong Boulevard). Figure 14 shows the proposed changes to TH 10, County Road 116 and other roadways in and around the study area.



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FUTURE LAND USE

COUNTY ROAD 116 CORRIDOR AND ACCESS STUDY

Anoka County / City of Ramsey / City of Anoka

Figure 13

Figure 14 – Future Corridor Context

Functional Classification

County Road 116 will play a more significant role in the region's future transportation network due to anticipated growth in the area, lack of adequate east-west routes, and other system improvements including the conversion of TH 10 to a freeway and a new river crossing. For example, the next arterial east-west route to the north is CSAH 22 (Viking Boulevard), which is 6.75 miles north of County Road 116. This means County Road 116 and CSAH 22 (Viking Boulevard) will become more important in servicing east-west travel demands. Because of County Road 116's increased role in the future transportation network, Anoka County recently pursued and obtained the approval for changing the functional classification of County Road 116 (from CSAH 83 to CSAH 17) to an A-Minor Arterial. Anoka County should also pursue changing the County Road portions of the corridor to County State Aid Highway. These changes would allow the County to more aggressively pursue funding for needed improvements and to preserve and protect the corridor.

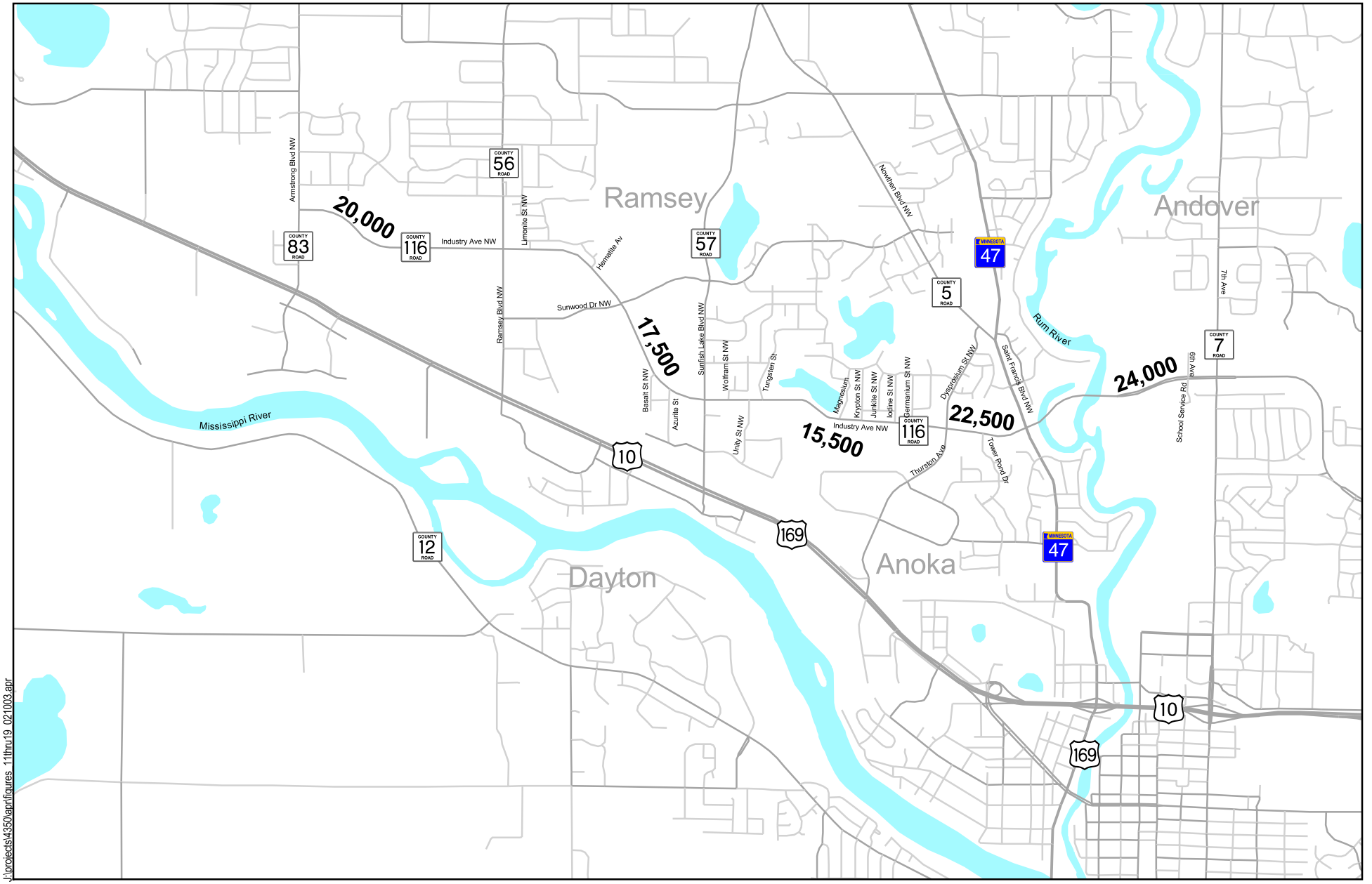
Year 2025 Forecast Traffic Volumes

Year 2025 forecast traffic volumes were developed to assess the corridor's ability to provide adequate transportation service to the region and to adjacent land uses. Evaluating this information enables agencies, communities and businesses to plan for future traffic growth. Traffic volume information was developed from a number of different sources. These sources included the following:

- Historic traffic volumes and growth rates (1996 to 2001)
- Anoka County's 2015 Transportation Plan
- City of Ramsey's Comprehensive Plan
- City of Anoka 's Comprehensive Plan
- TH 10 Interregional Corridor Study model
- Regional TP+ model

The most recent and detailed traffic sources in this list are the TH 10 IRC Study and the Regional TP+ model. The TH 10 IRC Study provides information on the future traffic demand on TH 10 assuming a number of improvements to TH 10 and a new Mississippi River Crossing. These numbers, in turn, can be used to help estimate potential traffic in and around County Road 116. The TP+ traffic-forecasting model uses information provided by local and regional plans and/or staff to project the umber of vehicles that are likely to use County Road 116 in the future. This includes planned transportation improvements (i.e., a new river crossing, widening County Road 116 to four lanes in most areas), future land use, future employment and population projections, average auto occupancy and percent transit riders.

Information obtained from the TH 10 IRC Study and the TP+ model indicate that traffic volumes on County Road 116 are going to increase significantly from what they are today. Year 2025 forecast traffic volumes on County Road 116 are projected to range from 15,500 to 24,000 (Figure 15) throughout most of the corridor. The magnitude of these numbers suggests that County Road 116 should be widened to a four-lane facility with turn lanes to adequately accommodate peak hour demands.



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YEAR 2025 FORECAST TRAFFIC VOLUMES

COUNTY ROAD 116 CORRIDOR AND ACCESS STUDY

Anoka County / City of Ramsey / City of Anoka

Figure 15

Generally, a two-lane roadway can accommodate 10,000 to 15,000 vehicles per day depending on the distribution of the trips in the peak hour and the amount of access along the corridor. If volumes exceed these thresholds, users begin to experience more delay, vehicle back ups and extended waits to access the corridor. These use problems can lead to an increase in crashes due to the stop and go nature of the traffic and people taking greater risks because they are too impatient to wait for a adequate gap in the traffic stream.

Traffic Operations

This section of the report identifies future traffic operations at key intersections along County Road 116 during the peak morning and afternoon hours. The traffic operations analysis takes into consideration the need to widen the corridor and implement an access management plan.

Data from the existing conditions section indicated that most of the existing intersections currently function at an acceptable level. In the future, with the anticipated increases in traffic volumes, all of the intersections would have operational problems. Table 10 shows the results for future intersection operations assuming the increase in traffic with the existing roadway geometrics. This is considered a "no build" scenario.

Table 10
Future Intersections Levels of Service (Year 2025) – No build

Intersection – County Road 116 and	Level of Service	
	A.M. Peak	P.M. Peak
CSAH 7 (7th Ave.)	F	F
TH 47	E	F
Dysprosium St./Thurston Ave.	F	F
CSAH 57 (Sunfish Lake Blvd.)	F	F
County Road 56 (Ramsey Blvd.)	F	F
CSAH 83 (Armstrong Blvd.)	F	F

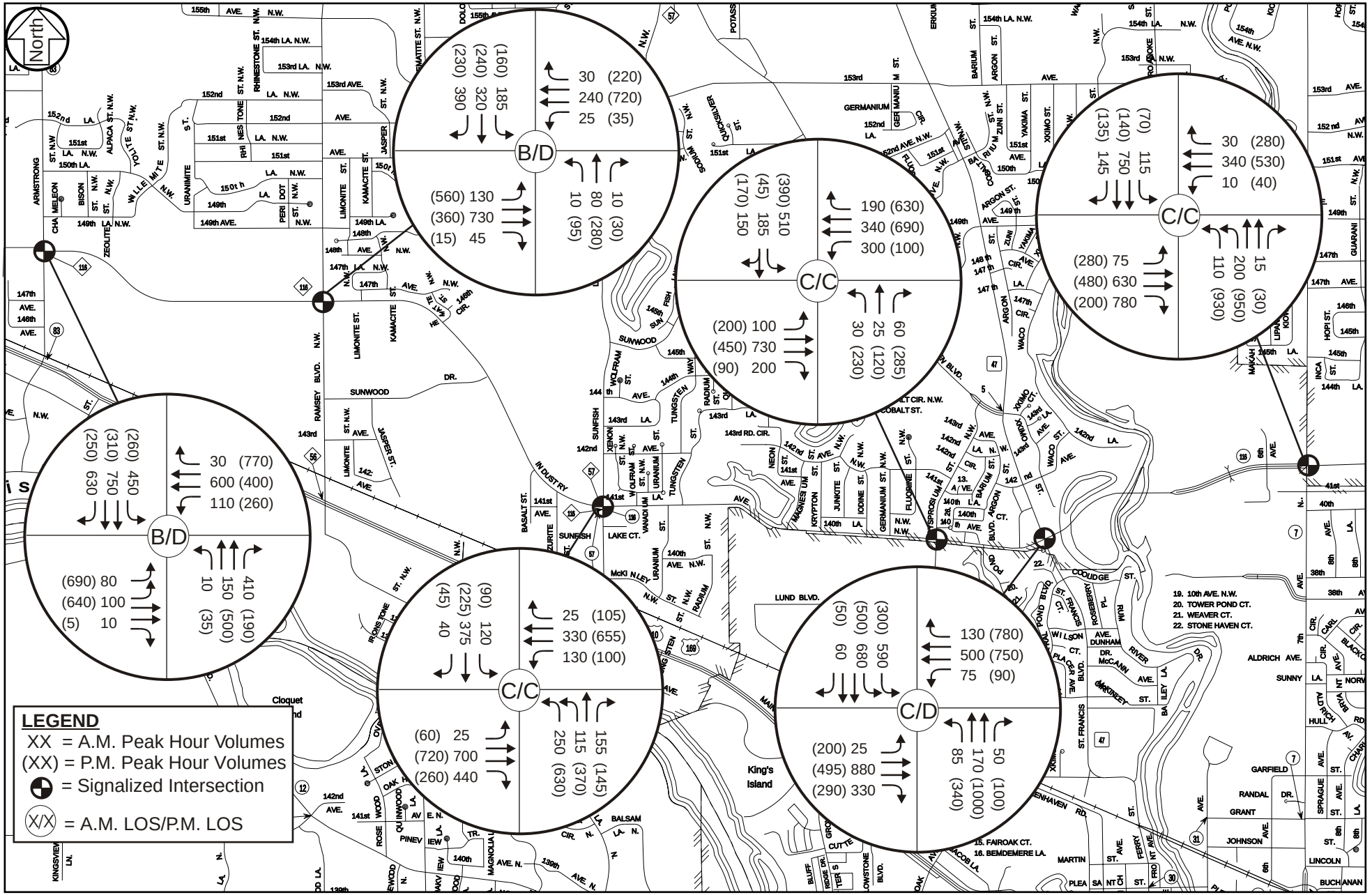
Results of the analysis show that all of the intersections will fail in the future given the anticipated increase in traffic volumes. This means that there would be significant delay to motorists traveling in the peak period. Intersections will have long queues and will reduce the ability of the roadway to move traffic.

Another analysis on the intersections was run to determine how they would function if County Road 116 was widened to four lanes and the intersections were signalized. The results of this analysis indicate that the roadway would function at a much higher level and that the amount of delay would be significantly lower than it would if the additional lanes were not constructed and the intersections were not signalized. This analysis is referred to as the "build" scenario. Table 11 shows the results for the "build" scenario.

Table 11
Future Intersections Levels of Service (Year 2025) – build

Intersection – County Road 116 and	Level of Service	
	A.M. Peak	P.M. Peak
CSAH 7 (7th Ave.)	C	C
TH 47	C	D
Dysprosium St./Thurston Ave.	C	C
CSAH 57 (Sunfish Lake Blvd.)	C	C
County Road 56 (Ramsey Blvd.)	B	D
CSAH 83 (Armstrong Blvd.)	B	D

Figure 16 shows the locations, future turning movement counts and level of service under the build scenario.



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YEAR 2025 INTERSECTION OPERATIONS (BUILD)

Figure 16

COUNTY ROAD 116 ACCESS CORRIDOR STUDY
City of Ramsey, City of Anoka, and Anoka County

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IV. Future Corridor Concept Plan

The primary focus of the corridor study is to maintain the safe and efficient movement of people through the corridor as well as to provide appropriate access to the corridor. Limiting access has been demonstrated to have positive safety and traffic flow benefits. However, with the high volume of traffic projected in the corridor, it should be recognized that access changes alone will not provide sufficient capacity and safety benefits to address long-term traffic growth. As a result, access strategies should focus not only on mitigating current safety issues but also support the development of future capacity improvements that are necessary to adequately meet corridor mobility needs.

In order to clarify the capacity and access improvements needed to address safety and mobility issues in the study area, this chapter is broken into two sections. The first section identifies capacity improvements and design characteristics that are needed to address existing and future needs in the study area. The second section identifies a future access concept plan.

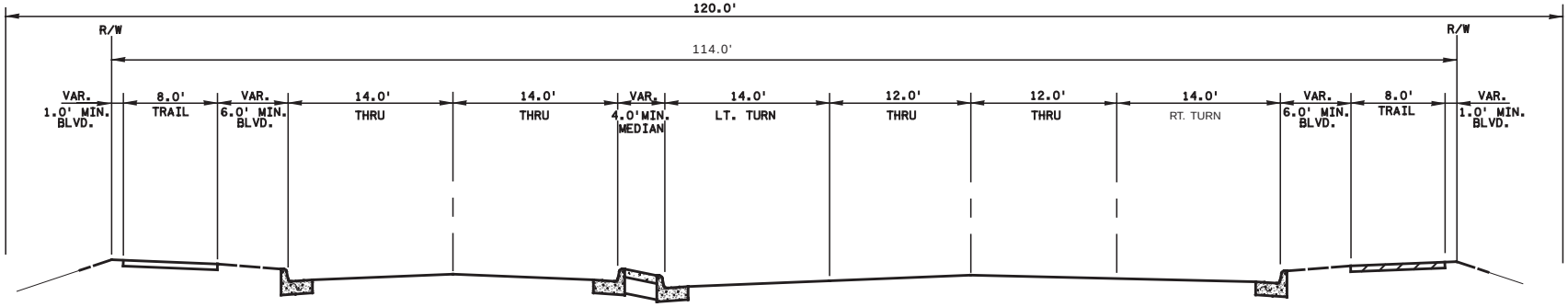
Capacity Improvements and Design Characteristics

As identified in other chapters of this report, County Road 116 is expected to experience a significant increase in traffic volumes due to land use changes, growth and development in and around the study area, and transportation changes such as upgrading TH 10 to a limited-access freeway. These changes support the conclusion that County Road 116 should be converted to a four-lane facility with turn lanes to adequately meet the future transportation demands in the study area. This is supported by the 1998 Anoka County Transportation Plan, which shows improvements for widening County Road 116 in most areas. Widening County Road 116 to four lanes also allows for the development of separate transportation and recreational trails along the corridor. These trails would provide separation of modes and reduce the potential for conflicts with motorists. Figure 17 shows a typical cross-section of a four-lane facility with trails.

Future Access Plan

This section of the report identifies an access management plan for County Road 116 based on its intended function and anticipated volumes. The purpose of the access plan is to provide guidance to Anoka County, the Cities of Anoka and Ramsey, landowners and developers with interests along the corridor. The Plan is intended as a long-term goal and should be used to help guide new investments, development and planned transportation improvements.

Over time the access management plan will increase mobility and enhance safety along the corridor, while uniformly addressing access. To increase mobility and safety, the access management plan suggests the consolidation and elimination of some existing access points, recommends developing frontage roads where feasible and proposes the conversion of some existing access points to right-in/right-out. The timing of many of these changes will depend upon development along the corridor and availability of construction and/or right-of-way funds.



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TYPICAL SECTION

COUNTY ROAD 116 CORRIDOR AND ACCESS STUDY

ANOKA COUNTY / CITY OF RAMSEY / CITY OF ANOKA

Figure 17

Access Theory and Applicability

The desired level of access on a facility is related to its functional classification and traffic volumes. Roadways essentially serve two competing interests: mobility and access. Examples of these include freeways, which have access control and provide mobility only; and local cul-de-sac type street that is 100 percent access (no through traffic). Because County Road 116 is an A-Minor Arterial, the focus of the roadway will be heavily weighted towards mobility.

As the road authority, Anoka County desires to limit direct private access to Minor Arterials because of the need to maintain mobility and to maintain safety. However, it is often difficult to prevent direct access due to development pressure and a lack of supporting street networks. In addition, under Minnesota law, access to state and county facilities is a property right as long as alternative suitable and convenient access cannot be provided. This means that Anoka County is required to provide suitable, reasonable access to each parcel that is along County Road 116. Courts have interpreted reasonable access to include restriction of access to a right-in/right-out or no access if a reasonable alternative access is available from an adjacent side street.

Cities can also control access changes in the corridor through zoning and subdivision regulations, as well as through plat reviews. As part of the plat review process, Anoka County comments to cities on proposed access changes. In addition, Anoka County issues access permits to property owners for access changes in the corridor.

Because property rights are associated with each parcel, creating additional parcels along important transportation facilities can obligate agencies to provide additional access. This can be problematic in terms of safety and traffic flow. Arterials with closely spaced access locations often experience safety and capacity problems, and side street volumes may be so dispersed that they are unable to justify signals. As a result, local subdivision regulation and administrative parcel splits need to consider the potential impacts to roadway function, safety and operations.

Communities often experience increased benefits from planned access management prior to development. Proper access management removes access uncertainty during the platting process for developing areas and provides equity amongst various properties that may be developed by competing commercial interests.

Corridor Access Principles and Policies

In addition to developing an access concept, access principles and policies were discussed with local staff. Based on the discussion, the following principles and policies were developed to reflect the agencies' desire to improve the operation and safety of the corridor. These principles and policies listed below establish the framework from which the access management plan was developed.

Access Principles

1. County Road 116 serves an important transportation function in the region and access management is a tool that will help address mobility and safety needs along the corridor.

2. The corridor plan for County Road 116 needs to support the recommendations from the TH 10 IRC Study. Implementing those recommendations means that County Road 116 needs to serve a larger function in the transportation network than at the present time. Access and mobility along County Road 116 are key to its ability to serve a higher function.

3. The future vision for the corridor and the access management plan should consider the needs of all users and stakeholders including residents, businesses, the Cities and the County.

4. Implementation of access management strategies should be primarily opportunity-based, with the goal of maintaining the operational integrity and safety of the corridor. In some areas, it is acknowledged that achieving the access concept will be extremely difficult due to existing access, physical constraints and costs.

Access Policies

1. Public Street Full Access Points

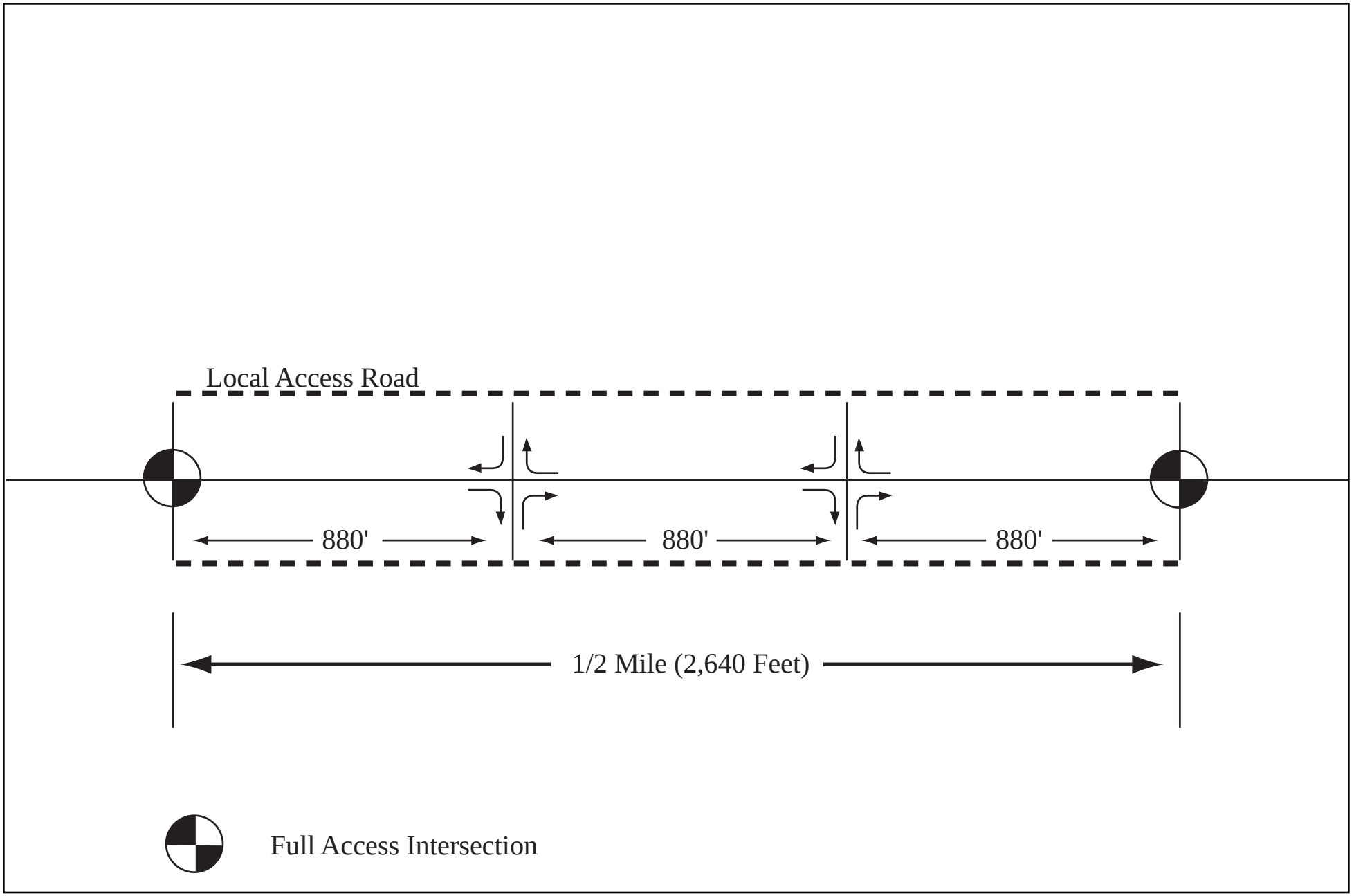
   Signalized access to the corridor should be managed so that corridor mobility is maintained and that safety is provided when accessing or crossing the corridor.

   Policy: Full access intersections should be promoted first at the junction of minor arterial routes, then at collector and local routes. The minimum spacing between these access points should be one-half mile (Figure 18). *Current and future intersection points meeting this criterion have been identified in the corridor* (Figure 19). *Local communities should plan facilities to fully utilize these full-access points.*

2. Intermediate Public Access Points

   Other access points along the corridor should be minimized to reduce the number of conflicts in the corridor.

   Policy: Intermediate access points may be permitted at a minimum spacing of 880 feet (one-sixth of a mile). These access points will not be signalized, and will be restricted to right-in/right-out unless left-in/right-in/right-out can be safely accommodated and can provide better operations at key intersections. These access points should be part of a parallel system of frontage or backage roads that can provide access to other adjacent signalized intersections whenever possible.



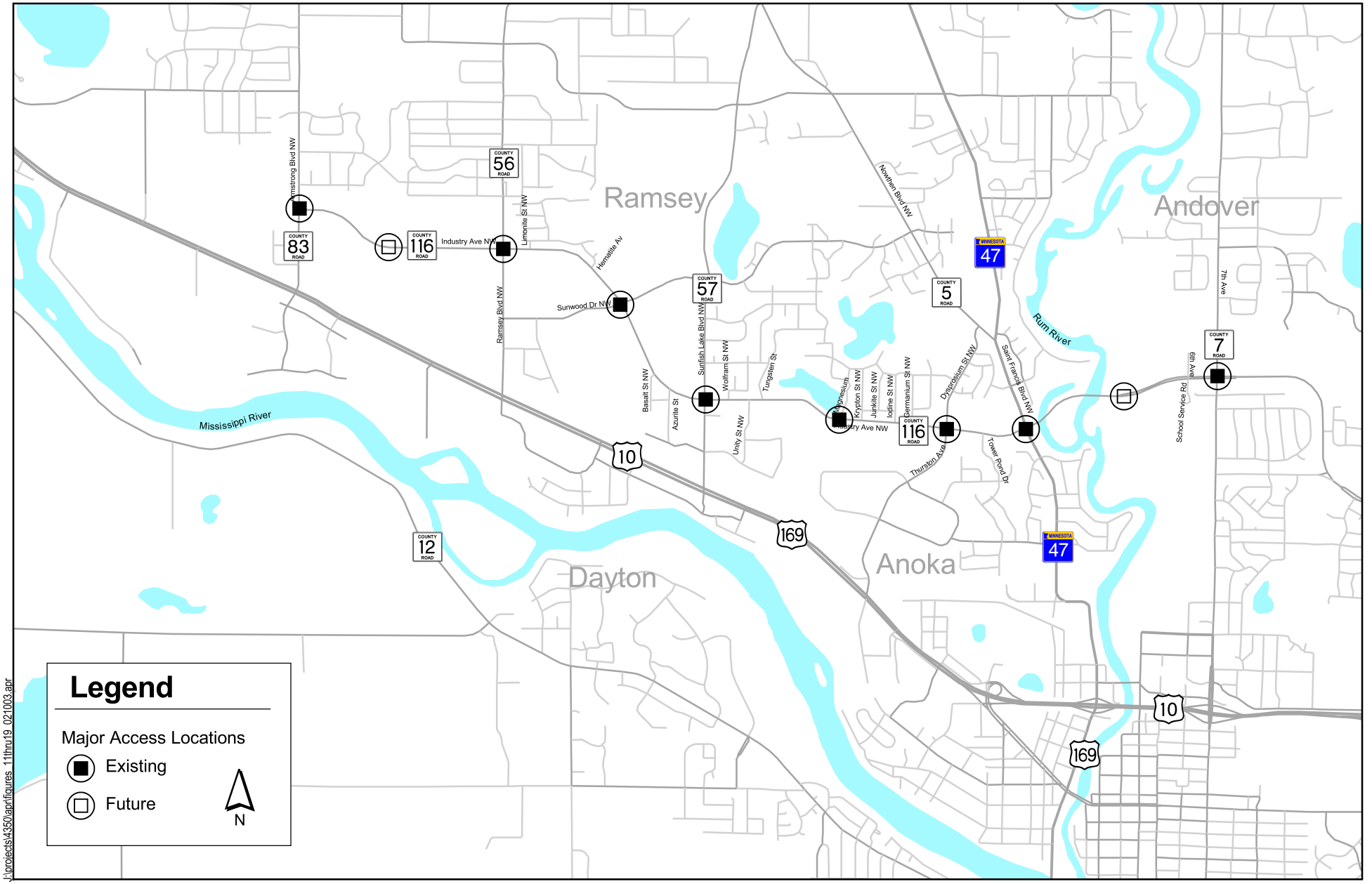
SRF Consulting Group, Inc.

ACCESS CONCEPT

Figure 18

COUNTY ROAD 116 CORRIDOR AND ACCESS STUDY
Anoka County / City of Ramsey / City of Anoka

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9-17-02



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0024350 02/11/03

MAJOR ACCESS LOCATIONS

COUNTY ROAD 116 CORRIDOR AND ACCESS STUDY

Anoka County / City of Ramsey / City of Anoka

Figure 19

3. Turn Lanes

Public access intersections should be designed so that turning traffic is separated from through traffic to reduce the number of conflicts.

Policy: Turn lanes should be provided at all full access and right-in/right-out locations.

4. Private Access Points

Private access to arterial streets is of primary concern since they create additional conflict points. Furthermore, residential driveway traffic often must back out into traffic. This creates even more potential safety problems.

Policy:

- *No additional direct private or business access should be permitted.*
- *Existing private residences that have access should be limited to one access point if access from a side street is not feasible.*
- *Residences and businesses next to side streets should receive their access from the side street.*
- *Restricting access movements will be considered for access points that cannot be served by a public street access.*

5. Parcel Splits

The ability to control access can be lost as parcels are divided and split into new lots. Parcels are most often created by dividing an existing parcel (parcel split) or by undergoing the formal platting process. While the platting process has provisions for plat reviews and planning commission reviews, many local ordinances and subdivision regulations are structured to allow parcel splits without formal review or comment. This can result in agencies having to provide access to these parcels even though it may affect the corridor's mobility and safety.

Policy: No additional parcel splits should be permitted without alternate access. If additional parcel splits occur, access should be provided from a public side street or frontage/backage road. If access from a public side street or frontage/backage road is not feasible, a common access location must be provided to serve all of the parcels. Access easements must be recorded to provide notice to future owners of access limitations.

6. Subdivisions

The subdivision process provides more control to cities and planning officials.

Policy: Proposed subdivisions adjacent to County Road 116 must be consistent with the access policies and spacing plan that have been developed. Subdivisions must provide access to adjacent parcels and provide reasonable frontage or backage roadways consistent with the intent of this plan. In addition, existing access locations that are adjacent to the new subdivisions should be reviewed for incorporation into the proposed plats.

Detailed Access Plan

While the access principles and policies will help guide agencies in the implementation of the access management plan, a set of detailed maps was prepared that will help communicate the proposed access changes in the corridor. These maps are shown on the following pages (Figures 20-23). The areas are broken down into the segments that have been used throughout the study.

The detailed maps show the location of potential full access intersections and potential access restrictions and closures. In addition, the maps show, on a conceptual basis, how frontage or backage roadways may be developed to connect at least some of the full access intersections. The full access locations are consistent with the half-mile spacing concept except for the intersection at Dysprosium/Thurston, which is just slightly less than a half-mile from TH 47.

As indicated previously, the access concept and plan represent the long-term goal for the corridor. In some areas that are already developed, it maybe many years before redevelopment occurs and access can be modified to achieve the desired plan or the concept may never fully be achieved due to cost issues and/or physical constraints. In other areas, especially those in which development has not yet occurred, the ability to achieve the desired access spacing will be easier to obtain as plats are proposed and approved. Table 12 summarizes the ease of modifying existing access points to the access concept outlined in the previous section. Access points were rated on a scale of one to three in terms of difficulty in modifying the access to fit with the proposed concept. An access point was rated a one if the parcel had multiple driveways or some alternate access (access could be eliminated or relocated relatively easily); it was rated a two if changes in access were physically possible and it would not add significant circuitity in travel; and a rating of three was given if there was no alternative access to the site and elimination would require site purchase or redevelopment.

Implementation Strategies

The implementation of the recommended access changes will primarily be opportunity-based and will occur gradually over time. The following implementation strategies are divided into passive strategies and active strategies.

Passive Strategies

Passive strategies promote access changes as opportunities arise through new plats, subdivisions, access requests and reconstruction projects. Access changes can be promoted through improved direction to local agencies, public officials, landowners and developers. Established corridor goals, objectives, policies and detailed access plan increase the ability of all agencies to respond in a unified manner to access requests.

Table 12
Access Modification Summary

Segment	Existing Access Points [1]	Accesses Not Meeting Concept	Type of Access [2]				Modification Difficulty Levels 1-3 [5]		
			Public [3]	Private Commercial	Private Residential	Other [4]	1	2	3
A CSAH 7 (7th Ave.) to TH 47	6	1	3/0	1/1	0/0	1/0	0	0	1
B TH 47 to CSAH 57 (Sunfish Lake Blvd.)	43	27	11/2	4/13	1/12	0	8	11	8
C CSAH 57 (Sunfish Lake Blvd.) to Sunwood Drive	12	6	4/1	2/5	0/0	0	3	0	3
D Sunwood Drive to CSAH 83 (Armstrong Blvd.)	13	3	7/0	1/0	2/3	0	3	0	0
Totals	74	37	25/3	7/20	3/15	1/0	14	11	12

(1) Existing access points and one known future access point (Barium Street)

(2) Type of access meeting spacing concept / followed by number not meeting spacing concept

(3) Full access points that had at least one of the two entrances as a city street were considered a public access

(4) Access for the high school – this access meets the access spacing concept

(5) Access modification was separated into three categories with (1) being the easiest to accomplish and (3) being the most difficult. Estimate of difficulty of achieving access changes for those accesses identified as not meeting the concept.

Note:
The access changes shown in this figure reflect the desire to more closely align current access with the proposed access concept (Figure 18). The proposed changes may require long-term redevelopment and/or other access reconfiguration. This plan is intended to be used as a tool for guiding access changes in the corridor.



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0024350 02/25/04

PROPOSED ACCESS

COUNTY ROAD 116 CORRIDOR AND ACCESS STUDY

Anoka County / City of Ramsey / City of Anoka

Figure 23

Note:
The access changes shown in this figure reflect the desire to more closely align current access with the proposed access concept (Figure 18). The proposed changes may require long-term redevelopment and/or other access reconfiguration. This plan is intended to be used as a tool for guiding access changes in the corridor.

County Road 116 Access Locations

- Full Access
- Right in/Right Out
- Right In/Right Out, Left In
- Potential Future Full Access
- Potential Future Right In/Right Out
- Potential Access Closure
- County Road 116

N

500 0 500 1000 Feet

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PROPOSED ACCESS

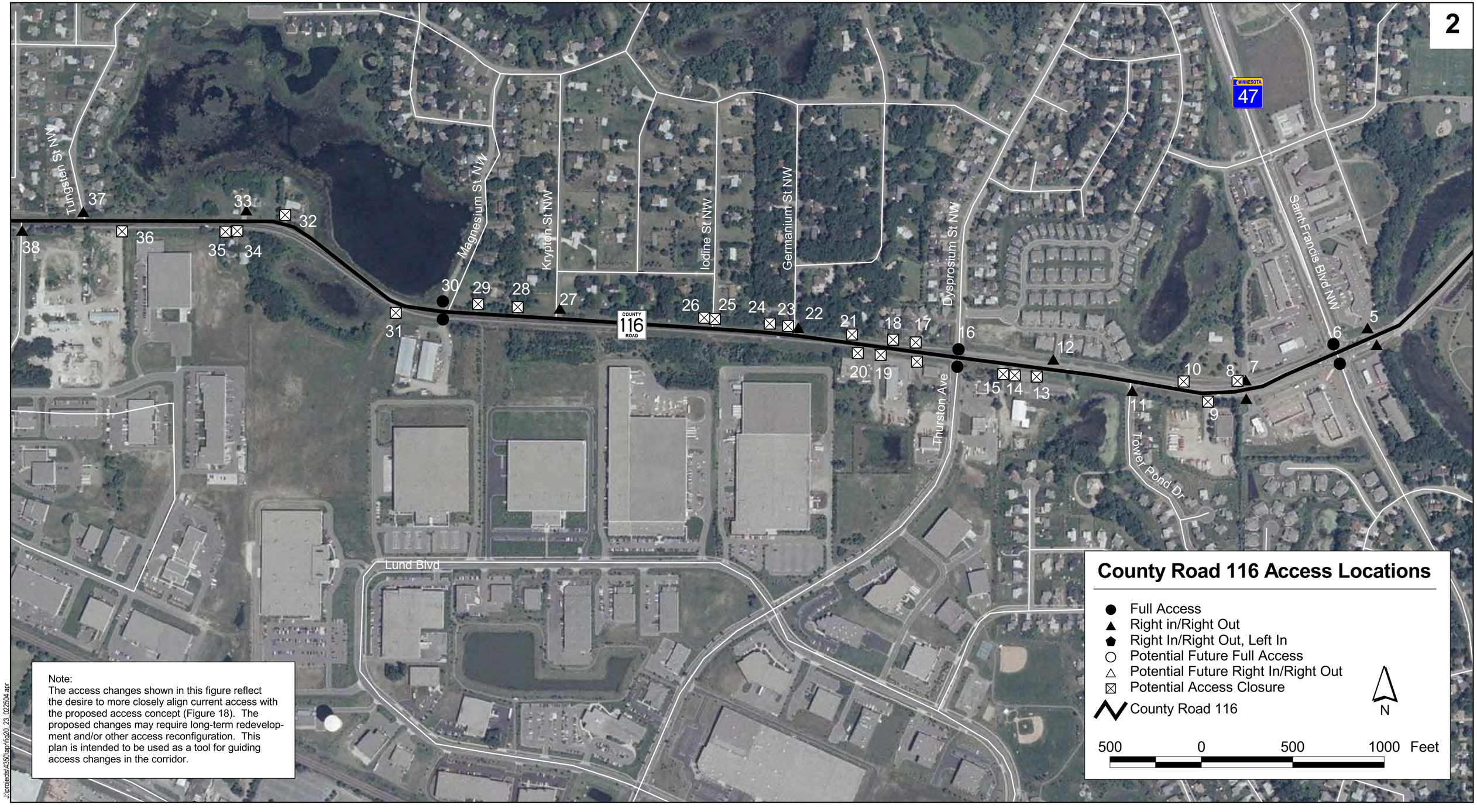
COUNTY ROAD 116 CORRIDOR AND ACCESS STUDY

Anoka County / City of Ramsey / City of Anoka

SRF Consulting Group, Inc.

0024350 02/25/04

Figure 22



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SRF Consulting Group, Inc.

0024350 02/25/04

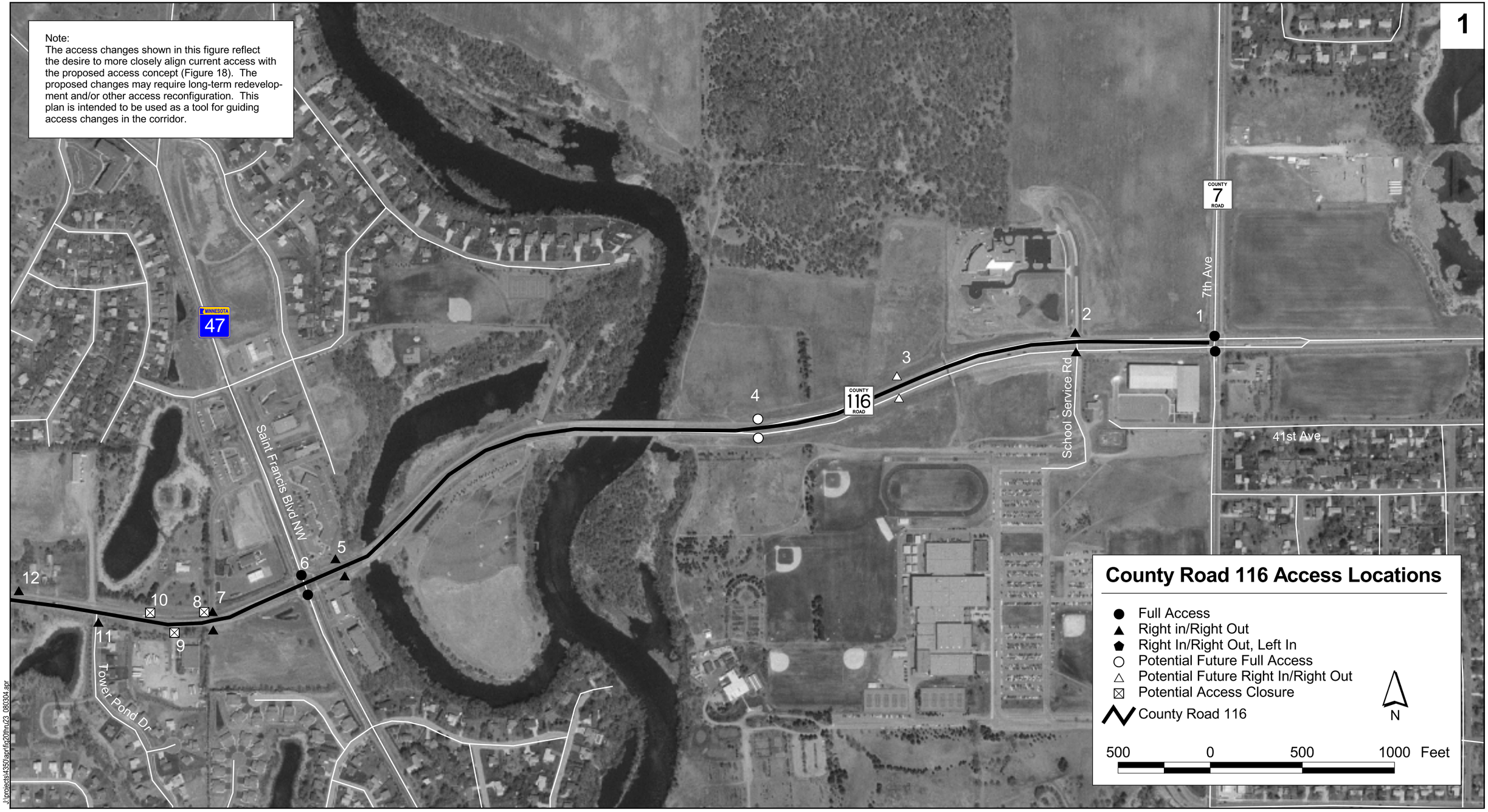
PROPOSED ACCESS

COUNTY ROAD 116 CORRIDOR AND ACCESS STUDY

Anoka County / City of Ramsey / City of Anoka

Figure 21

Note:
The access changes shown in this figure reflect the desire to more closely align current access with the proposed access concept (Figure 18). The proposed changes may require long-term redevelopment and/or other access reconfiguration. This plan is intended to be used as a tool for guiding access changes in the corridor.



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SRF Consulting Group, Inc.

0024350 08/03/04

PROPOSED ACCESS

COUNTY ROAD 116 CORRIDOR AND ACCESS STUDY

Anoka County / City of Ramsey / City of Anoka

Figure 20

An example of this strategy is for cities to educate landowners and developers about access requirements at early stages of the planning process. These early interventions reduce the confusion, frustration and disagreements between agencies, developers and property owners. Because the passive strategies rely on property owners requesting changes to their property, the changes will primarily be focused towards future development areas. Areas that have existing safety and/or access problems will be difficult to address through this process and may need to be addressed through more active management strategies.

Active Strategies

In areas where existing safety problems are present and existing access does not conform to the identified concept (generally those with a ranking of two or three), active management strategies will likely need to be employed. The County and the Cities should pursue the following active access management strategies in the corridor:

1. Adopt and incorporate the access policies and corridor recommendations into transportation plans.

2. Identify and remove unneeded access points in the corridor over the next 12 months.

3. Pursue roadway improvement projects that focus on achieving long-term safety and mobility goals through implementation of the corridor access concept.

4. Meet periodically to identify the most important access issues and potential funding sources for addressing safety, traffic and access problems in the corridor.

V. Findings and Recommendations

The County Road 116 Corridor Study was undertaken to evaluate existing and future transportation and access needs along the corridor and to develop a plan that addresses those needs and is supported by affected agencies and stakeholders to better prepare for the growth and development that will continue to occur. The study's findings and recommendations are summarized below.

Study Findings

1. Anoka County is expected to grow at a significant pace, with approximately 65,000 new residents projected over the next 20 years. This growth will increase traffic demand on the area's transportation facilities, especially east-west traffic flow.

2. County Road 116 is currently identified as an A-Minor Arterial. It serves important east-west mobility needs, connects communities and it acts as a reliever to TH 10, TH 242 and CSAH 14.

3. Anoka County lacks continuous east-west corridors. Currently TH 242 and County Road 116 (spaced approximately one mile apart) are the only continuous east-west routes in central Anoka County. The next continuous arterial route (CSAH 22 – Viking Boulevard) is approximately 6.75 miles north of County Road 116. In developed areas, arterial roadways are generally spaced one mile apart.

4. The importance of County Road 116 to the region and to local communities will continue to increase if a new Dayton/Ramsey River Crossing is constructed and TH 10 is converted to a limited access freeway.

5. Traffic volumes on County Road 116 are expected to increase significantly over the next 10 years. Traffic volumes are currently between 4,000 and 16,000. Traffic volumes are expected to reach between 15,500 and 24,000 by Year 2025.

6. There is no existing transit service in the corridor. If transit service is provided, it is likely to have only a limited impact on operations in the corridor. Typically, suburban transit systems serve two to three percent of peak period trips. However, considerations should be given during the design process for bus stops and pull outs and park-and-ride locations.

7. Existing safety problems were identified at four locations in the corridor. Safety problems can be expected to increase as traffic volumes increase or if additional accesses are added.

8. Currently there are two traffic signals at the key intersections along the corridor. As traffic volumes increase, it is likely that the remaining key intersections will meet traffic signal warrants.

9. A majority of the intersections along the corridor currently function at a poor Level of Service (LOS). In the future, it is anticipated that a majority will function at a LOS F unless the corridor is expanded to four lanes and traffic signals are installed at half-mile intervals.

10. In the 5.1-mile study area, County Road 116 currently has 74 access points, approximately 15 access points per mile.

11. Segment D is the easiest segment to convert to the access concept. There are currently no existing access points that fail to meet the concept. Segment B will be the most difficult segment to convert to the access concept. Currently there are 37 access points that do not meet the access concept. Of these 37 points, 23 fall into access modification categories two and three (the more difficult to change).

12. The Rum River is a wild and scenic river. The Rum River Park is a Section 4(f)/6(f) resource.

13. Numerous wetlands are found throughout the study area. The primary wetland concentration is along the central portion of the study area between County Road 56 (Ramsey Boulevard) and CSAH 57 (Sunfish Lake Boulevard).

14. The architecture inventory identified one site on the National Register of Historic Places. The District No. 28 School site is located just north of the intersection of County Road 116 and TH 47.

15. The state threatened Blanding's turtle is located within a one-mile radius of the study area. This may need to be addressed in future environmental documentation for specific improvement projects.

16. The 1998 Anoka County Transportation Plan recommends widening County Road 116 to four lanes through most of the study area, with the exception of the area between Tower Pond Drive and TH 47 and the area between County Road 56 (Ramsey Boulevard) and CSAH 83 (Armstrong Boulevard).

Study Recommendations

1. In order to achieve the objectives of the County Road 116 Corridor and Access Study and to ensure that access guidelines for the corridor are implemented in a uniform manner, it is recommended that all jurisdictions in the study area adopt the study. It is also recommended that they include the key elements of the study in their transportation plans. When Anoka County updates its Transportation Plan, recommendations from this study should be incorporated into the final document.

2. To accommodate future traffic demands and for system continuity, it is recommended that County Road 116 be widened to four lanes throughout the study area. Right-of-way for the four-lane facility should be at least 120 feet, with up to 150 feet at major intersections (see Figure 16). This additional width will be required for a distance approximately 500 feet prior to the intersection.

3. Access in the corridor should be managed using the principles and policies outlined in Chapter IV:

   A. Signalized access to the corridor should be managed so that corridor mobility is maintained and that safety is provided when accessing or crossing the corridor.

      Policy: Full access intersections should be promoted first at the junction of minor arterial routes, then at collector and local routes. The minimum spacing between these access points should be one-half mile. Current and future intersection points meeting this criterion have been identified in the corridor. Local communities should plan future arterial or collector routes at these locations.

   B. Other access points along the corridor should be minimized to reduce the number of conflicts in the corridor.

      Policy: Intermediate access points may be permitted at a minimum spacing of 880 feet (one-sixth of a mile). These access points will not be signalized, and will be restricted to right-in/right-out. Therefore, these access points should be part of a parallel system of frontage or backage roads that can provide access to other adjacent signalized intersections whenever possible.

   C. Public access intersections should be designed so that turning traffic is separated from through traffic to reduce the number of conflicts.

      Policy: Turn lanes should be provided at all full access public access points.

D. Private access should be minimized or eliminated, whenever possible, for safety reasons and to protect mobility along the corridor.

Policy:

- No additional direct private or business access should be permitted.
- Existing private residences that have access should be limited to one access point if access from a side street is not feasible.
- Residences and businesses next to side streets should receive their access from the side street.
- Restricting access movements will be considered for access points that cannot be served by a public street access.

E. Agencies need to control parcel splits along County Road 116. The ability to control access to maintain safety and mobility can be lost when parcels are divided and split. This can result in agencies having to provide access to each additional parcel to the detriment of mobility and safety.

Policy: No additional parcel splits should be permitted without alternate access. If additional parcel splits occur, access should be provided from a public side street or frontage/backage road. If access from a public side street or frontage/backage road is not feasible, a common access location must be provided to serve all of the parcels. Access easements must be recorded to provide notice to future owners of access limitations.

F. Agencies need to focus development efforts towards providing access at designated full-access locations.

Policy: Proposed subdivisions adjacent to County Road 116 must be consistent with the access policies and spacing plan that have been developed. Subdivisions must provide access to adjacent parcels and provide reasonable frontage or backage roadways consistent with the intent of this plan. In addition, existing access locations that are adjacent to the new subdivisions should be reviewed for incorporation into the proposed plats.

4. Active access strategies should first be completed on access points that are easiest to address (those with alternate access or corner parcels). More difficult access consolidation or removal (those without any alternate access) should be implemented as redevelopment occurs or when major transportation improvements or investments are made.

5. Local agencies should review their land use plans and subdivision ordinances and make appropriate changes to support the proposed access plan.

6. The proposed access guidelines and access plan should be communicated to local developers and landowners. Copies of access plans should be given to staff that review site plans and meet with developers.

7. Local efforts to restrict and close access will increase traffic at full access intersections. The County and Cities should work together to plan necessary improvements to optimize the safety and capacity of the corridor with the access changes.

8. Cities, in conjunction with Anoka County, should annually review and discuss access changes in the corridor, update access priorities and review potential funding sources for addressing access concerns.

9. Alternating a trail from side to side west of CSAH 57 (Sunfish Lake Boulevard) may be acceptable given existing residential densities and land use, however, consideration should be given to providing a trail on both sides of County Road 116 between CSAH 57 (Sunfish Lake Boulevard) to TH 47. In this area, the mix of land uses on both sides of the roadway suggests that it is appropriate to have a trail along both sides of County Road 116.

10. Recommended short- and medium-term priorities:

    - Complete the HES Project for the signalization and reconstruction of the County Road 116 intersection at Dysprosium Street and Thurston Avenue. As part of the project, extend the four-lane divided roadway section east to Tower Pond Drive.
    - Anoka County will work with the Cities of Anoka and Ramsey to develop a short-term access closure plan. The closure plan will use inventory information (Appendix B) to identify opportunities for closures and the potential timeframes.
    - Anoka County should undertake efforts to change County Road 116's designation from County Road to County State Aid Highway.
    - Anoka County and the Cities of Anoka and Ramsey should complete the proper environmental documentation for capacity, safety and access improvements that are consistent with the overall corridor vision.
    - Anoka County should undertake mid-range (year 2003-2010) improvements to upgrade County Road 116 to a four-lane undivided roadway from County Road 56 (Ramsey Boulevard) to CSAH 57 (Sunfish Lake Boulevard) as outlined in its 1998 Transportation Plan, except the roadway should be divided.
    - Anoka County and the Cities of Anoka and Ramsey should pursue STP funding for expansion and access improvements.

11. Recommended long-term priorities:

    - Anoka County should undertake long-range (year 2011-2015) improvements to upgrade County Road 116 to a four-lane undivided roadway from CSAH 57 (Sunfish Lake Boulevard) to west of the Dysprosium Street and Thurston Avenue intersection, as outlined in its 1998 Transportation Plan, except the roadway should be divided.
    - Local agencies should consider land use and access modifications in locations where access does not meet corridor guidelines and no other potential access connections are feasible.
    - Local agencies should use redevelopment as an opportunity to implement access changes when it occurs.

Appendix A

- **Sample Environmental Agency Letters and Responses**
- **Letter from the DNR**
- **Letters concerning the Rum River Nature Area**

SRF CONSULTING GROUP, INC.

Transportation • Civil • Structural • Environmental • Planning • Traffic • Landscape Architecture • Parking

SRF No. 0014350

November 2, 2001

Ms. Sarah Hoffman
Environmental Review Coordinator
DNR NATURAL HERITAGE DATABASE SEARCH
500 Lafayette Road
St. Paul, Minnesota 55155-4025

SUBJECT: COUNTY ROAD 116 CORRIDOR STUDY, ANOKA COUNTY

Dear Ms. Hoffman:

SRF Consulting Group, Inc. is assisting Anoka County and the cities of Ramsey and Anoka with the preparation of a Corridor Study for roadway improvements along County Road (CR) 116 between CR 7 and County State Aid Highway 83. The Corridor Study will also cover the proposed construction of the connection of CR 116 to Trunk Highway 10. The corridor location is shown on the attached location map.

The purpose of this letter is to request a DNR Natural Heritage Database Search for the corridor area. A completed DNR Natural Heritage Information System Data Request Form is attached. We understand that there is a charge for this information.

We would appreciate your response by November 26, 2001. Information you provide will be utilized during the Corridor Study process to identify those areas of potential impact that should be avoided during the construction of improvements and/or new construction. If you have any questions or require additional information, please contact me by phone (763/475-0010) or e-mail (cbot@srfconsulting.com).

Sincerely,

SRF CONSULTING GROUPS, INC.

Courtnay M. Bot

Courtnay M. Bot
Environmental Planner

CMB/smf

Attachments

One Carlson Parkway North, Suite 150, Minneapolis, MN 55447-4443
Telephone (763) 475-0010 ▪ Fax (763) 475-2429 ▪ http://www.srfconsulting.com

An Equal Opportunity Employer

Please do not staple request documents

Received _____ Due _____ RUSH
Related ES# _____
Search Radius _____mi. ER/All EOs _____
Quads _____
Map'd ____ C / NoC Let ____ Inv ____ Log out _____

MINNESOTA NATURAL HERITAGE INFORMATION SYSTEM DATA REQUEST FORM

Requests generally take 2 to 3 weeks from date of receipt to process, and are processed in the order received.

DATE OF REQUEST November 2, 2001

WHO IS REQUESTING THE INFORMATION?

Name and Title Courtnay Bot, Environmental Planner

Agency/Company SRF Consulting Group, Inc.

Address One Carlson Parkway North, Suite 150 (Street) Minneapolis (City) MN (State) 55447-4443 (ZIP Code)

Phone 612/475-0010 FAX 612/475-2429 e-mail cbot@srfconsulting.com

WHAT INFORMATION DO YOU NEED?

__x__ Known occurrences of federally and state listed plants and animals; high quality plant communities; and aggregation sites such as bat hibernacula, colonial waterbird nesting sites, and prairie chicken booming grounds.

__x__ Information listed above, plus geological features and state rare species with no legal status.

____ Other (specify): _____

Frequent applicants: Check here if you DO NOT need a copy of the field-by-field explanation of the printout: ____

WHERE IS THE AREA OF INTEREST? 1) **ENCLOSE A MAP** showing detailed boundaries of the area. 2) Describe the area (PROJECT REVIEW applicants may omit area description but must enclose a map).

See attached map

FOR PROJECT REVIEWS: If data are being requested for review of a project (developments, road improvements/repair, mining, etc.), provide the following:

County	Twnshp#	Range#	Section(s) (or half-section, quarter-section, etc., if known)
Anoka	32 N	24 W	Section 30
Anoka	32 N	25 W	Sections 25, 26, 27, 28, 29, 35, 36

Project Name County Road 116 Corridor Study

Project Proposer Anoka County and the Cities of Ramsey and Anoka

Project Description A Corridor Study is being completed to analyze potential geometric and access management improvements along the existing CR 116 from CSAH 83 to CR 7. The Corridor Study will also include information about a proposed connection of CR 116 to Trunk Highway (TH) 10.

Past Land-Use of Project Site Roadway land use from CSAH 83 to CR 7. Farmland and vacant land use from TH 10 to CSAH 83.

(OVER)

HOW WILL THE INFORMATION BE USED? Describe planned use of information, including in what form and detail you wish to publish this information, if any. The information will be used to identify those areas of potential environmental impact within the Corridor Study area.

FEES

For-profit organizations are charged a fee for this service. In addition, a fee may be charged for large requests from any source. A surcharge (currently $50) is applied for rush orders; if this is a rush order, please check the blank below. Fees subject to change. A fee schedule is available upon request. Please do not include payment with your request; an invoice will be included with our response letter.

___ **Rush**

''The information supplied above is complete and accurate. I understand that material supplied to me from the Minnesota Natural Heritage Information System is copyrighted and that I am not permitted to reproduce or publish any of this copyrighted material without prior written permission from the Minnesota DNR. Further, if permission to publish is given, I understand that I must credit the Minnesota Natural Heritage and Nongame Research Program, Minnesota Department of Natural Resources as the source of the material.''

Signature Courtney Bat

Mail completed forms to:

Endangered Species Environmental Review Coordinator *(for project reviews)*
or
Assistant Database Manager *(for general requests)*
at
Natural Heritage and Nongame Research Program
Department of Natural Resources
500 Lafayette Road, Box 25
St. Paul, Minnesota 55155

For further information call:
(651) 296-8319 or 296-8279
(651) 296-8324

Or FAX completed forms to: (651) 296-1811

"A User's Guide to the Natural Heritage Information System," is available from the above sources.

For Agency Use Only:

EO's requiring comment _____

Sources contacted	Topic	Response

Response Summary _____

Responder _____

revised 7/98

History/Architecture Inventory

PROPERTY NAME	ADDRESS	Twp	Range	Sec	Quarters	Date	NRHP	CEF	DOE	Inventory Number
County Anoka										
City/Township Andover										
Porter Kelsey House	14853 7th Ave. N.	32	24	30	NW-NW-NE	1887	Y			AN-ANC-004
City/Township Ramsey										
A.A. Troy House	13745 Sunfish Lake Blvd.	32	25	35	SW-SW-NW	1904				AN-RMC-006
District No. 28 School	14100 St. Francis Blvd. NW	32	25	25	SW-SW-SE	1892	Y			AN-RMC-001
house	6030 Industry Ave.	32	25	35	NE-NW-NE					AN-RMC-003
Ramsey Township Cemetery	off Co. Hwy. 56	32	25	27	SW-NW-SW	1850s				AN-RMC-002
Jack's Auto Repair	off U.S. Hwy. 169	32	25	27	SW-SW-SW					AN-RMC-005

Site Number	Site Name	Twp.	Range	Sec.	Quarter Sections	Acres	Phase	Site Description	Traditio	Context	Reports	NR	CEF	DOE
County:	Anoka													
21AN0144		32	25	25	NW-SE-NE,NE-SW-NE	1.3	1	AS	W-1			No	No	No
21AN0145		32	25	25	SE-NE-NE	0.8	1	AS	W-1		AN-97-04	No	No	No
21AN0146		32	25	25	W-SE-E-NE	0.8	1	AS		RA-1		No	No	No
21ANh		32	25	35	C-E-SE-SW	2	7	HD		US-2		No	No	No
21AN0129	River's Bend Park	32	25	36	E-NE-NW-NE	2	2	AS			AN-89-04	No	No	No
	River's Bend Park	32	25	36	E-NE-NW-NE	2	2	AS			MCH-90-01	No	No	No
	River's Bend Park	32	25	36	E-NE-NW-NE	2	2	AS			MCH-91-01	No	No	No

Minnesota Department of Natural Resources

Natural Heritage and Nongame Research Program, Box 25
500 Lafayette Road
St. Paul, Minnesota 55155-40__

Phone: (651) 296-7863 Fax: (651) 296-1811 E-mail: sarah.hoffmann@dnr.state.mn.us

DEC 2001
Received
SRF, Inc.

November 27, 2001

Courtnay Bot
SRF Consulting Group, Inc.
One Carlson Parkway North, Suite 150
Minneapolis, MN 55447-4443

Re: Request for Natural Heritage information for vicinity of proposed County Road 116 Corridor Study, T32N R24W Section 30 & T32N R25W Sections 25-29,35,36, Anoka County
NHNRP Contact #: ERDB 20020460

Dear Ms. Bot,

The Minnesota Natural Heritage database has been reviewed to determine if any rare plant or animal species or other significant natural features are known to occur within an approximate one-mile radius of the area indicated on the map enclosed with your information request. Based on this review, there are 14 known occurrences of rare species or natural communities in the area searched (for details, see enclosed database printout and explanation of selected fields). Following are specific comments for **only those elements that *may* be impacted** by the proposed project. Rare feature occurrences not listed below are not anticipated to be affected by the proposed project.

- Blanding's Turtles (*Emydoidea blandingii*), a state-listed threatened species, are reported from the vicinity of the project area. Blanding's Turtles spend much of their time in shallow wetlands (1-3 feet deep), but they nest in open, sandy uplands up to 1 mile from wetlands. Nesting is in June and eggs hatch in September, at which time young turtles enter deep wetlands where they over-winter in soft sediments. Factors believed to contribute to the decline of this species include wetland drainage and degradation, development on upland nesting areas, and possibly collection for the pet trade. In addition, because of the tendency for Blanding's Turtles to travel long distances over land, they are often forced to cross roads in developed areas. Many of the records we have of Blanding's Turtles are from turtles killed crossing roads.

  For your information, I have attached a fact sheet and a flyer about the Blanding's Turtle. The fact sheet is intended to provide you with background information regarding habitat use, life history, and reasons for the specie's decline, as well as recommendations for avoiding and minimizing impacts to this rare turtle. As you will note, there are two lists of recommendations. The first list contains recommendations to prevent harm to turtles during construction work, and is relative to all areas inhabited by Blanding's Turtles. Please refer to this list of recommendations for your project. The second column expands on the first column, and contains greater protective measures to be considered for areas known to be of state-wide importance to Blanding's Turtles, or any area where greater protection for turtles is desired. The flyer, which should be given to all contractors working in the area, contains an illustration and description of the Blanding's Turtle, as well as a summary of the recommendations provided in the fact sheet.

The Natural Heritage database is maintained by the Natural Heritage and Nongame Research Program, a unit within the Division of Ecological Services, Department of Natural Resources. It is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, natural communities, and other natural features. Its purpose is to foster better understanding and protection of these features.

Because our information is not based on a comprehensive inventory, there may be rare or otherwise significant natural features in the state that are not represented in the database. A county-by-county survey of rare natural features is now underway, and has been completed for Anoka County. Our information about natural communities is, therefore, quite thorough for that county. However, because survey work for rare plants and animals is less exhaustive, and because there has not been an on-site survey of all areas of the county, ecologically significant features for which we have no records may exist on the project area.

The enclosed results of the database search are provided in two formats: index and full record. To control the release of locational information which might result in the damage or destruction of a rare element, both printout formats are copyrighted.

The index provides rare feature locations only to the nearest section, and may be reprinted, unaltered, in an Environmental Assessment Worksheet, municipal natural resource plan, or report compiled by your company for the project listed above. If you wish to reproduce the index for any other purpose, please contact me to request written permission. Copyright notice for the index should include the following disclaimer:

> "Copyright (year) State of Minnesota, Department of Natural Resources. This index may be reprinted, unaltered, in Environmental Assessment Worksheets, municipal natural resource plans, and internal reports. For any other use, written permission is required."

The full-record printout includes more detailed locational information, and is for your personal use only. If you wish to reprint the full-record printouts for any purpose, please contact me to request written permission.

Please be aware that review by the Natural Heritage and Nongame Research Program focuses only on *rare natural features*. It does not constitute review or approval by the Department of Natural Resources as a whole. If you require further information on the environmental review process for other wildlife-related issues, you may contact your Regional Environmental Assessment Ecologist, Wayne Barstad, at (651)772-7940.

An invoice for the work completed is enclosed. You are being billed for map and database search and staff scientist review. Please forward this invoice to your Accounts Payable Department. Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources.

Sincerely,

Sarah Hoffmann

Sarah D. Hoffmann
Endangered Species Environmental Review Coordinator

encl: Database search results
Rare Feature Database Print-Outs: An Explanation of Fields
Fact sheets: Blanding's Turtles
Invoice

U.S. Department of Housing and Urban Development
Minneapolis-St. Paul Office, Region V
220 Second Street, South
Minneapolis, Minnesota 55401-2195

JAN 16 1991

RECEIVED
JAN 17 1991
CITY OF ANOKA

Mr. Bob Kirchner, Director
Community Development Division
City of Anoka
2015 First Avenue
Anoka, MN 55303

Dear Mr. Kirchner:

SUBJECT: Rum River North Park Property
1969 Open Space Grant

Section 126(b)(2) and Section 126(b)(3) of the Housing and Urban Rural Recovery Act of 1983 repeals the use restrictions for the Open Space Program authorized under by Title VII of the Housing Act of 1961, respectively.

It has been determined that the effect of the repealers for the program is to remove all Federal restrictions on the use of open space sites.

In view of the foregoing, it is not necessary for the City of Anoka to obtain HUD's concurrence in the conversion of such sites. You may convert the site to any purpose the City deems appropriate for your needs.

Should you have questions or desire further information regarding this matter, please contact Ms. Charlotte Scott, Community Planning and Development Representative, at 370-3035.

Very sincerely yours,

Thomas T. Feeney
Manager

MEMORANDUM

TO: Members of the Anoka City Council
Mark Nagel, City Manager

FROM: Edward A. Bock, Jr. EAB

DATE: March 3, 1998

Re: **Rum River North Park / North Pointe**

This memorandum concerns the status of the City's ownership of the above-referenced property. It is my opinion that no restrictions or encumbrances presently exist with respect to that specific property. The property may be used for any appropriate municipal purpose or may be sold. A sale of part or all of the property would require the adoption of an Ordinance approved by 4/5ths of the City Council. The following paragraphs address certain matters which relate to the status of the property.

1. Title Documents. The land referred to as Rum River North Park or North Pointe is shown on the map attached to this memo as Exhibit A. The City of Anoka acquired fee title to the land in 1971 from the State of Minnesota by a Quit Claim Deed, a copy of which is attached as Exhibit B. The deed contains no convenants, conditions or restrictions. There are no encumbrances on title to the property shown in the records of the Anoka County Recorder.

2. HUD Grant. The property was acquired with money from a Federal Grant administered by the Department of Housing and Urban Development (HUD). A copy of the complete "City of Anoka Application for Grant to Acquire Open-space Land, Anoka, Minnesota, October, 1968" is at City Hall. The following attached exhibits relate to the HUD Grant:

(a) Exhibit C - page OS101-3 of the Application.

(b) Exhibit D - page OS102-2 of the Application.

(c) Exhibit E - Contract for Grant to Acquire and/or Develop Land for Open-space Purposes under Title VII of the Housing Act of 1961, as Amended.

(d) Exhibit F - Letter from HUD dated June 24, 1971.

(e) Exhibit G - Letter from HUD dated July 12, 1971.

(f) Exhibit H - Letter from HUD dated February 14, 1972.

(g) Exhibit I - Letter from HUD dated January 16, 1991.

At the time the land was purchased, the City had an obligation to retain the land for "permanent open-space purposes and the open-space use or uses of said land shall be for park and recreational purposes, conservation of land and other natural resources, or historic or scenic purposes." (See Section 2(b), Exhibit E.) However, in 1991, HUD advised the City that all Federal restrictions on the use of open-space sites had been removed. (See Exhibit I, which specifically refers to "Rum River North Park Property, 1969 Open-Space Grant.")

3. Prior Transfers. Part of the land is now within County Road No. 116 as shown on Anoka County Highway Right-of-Way Plat No. 31. (See Exhibit A.) The City of Anoka conveyed a portion of the land (about 4.7 acres) south of County Road No. 116 to Anoka Area Ice Arena Association, Inc. in 1991 by Quit Claim Deed, a copy of which is attached as Exhibit J.

4. County Library. The City of Anoka and the County of Anoka entered into an Agreement in 1993 pursuant to which the City agreed to convey to the County approximately 12 acres of land adjacent to County Road 116 on the condition that the property be used by the County to build and operate a regional branch library on or before July 1, 2000. (Exhibit K)

5. Park. Although the land is often referred to as a park and there is at least one sign so indicating on the property, the City Council is free to use the land or sell the land as it deems appropriate. The situation would be different if the land had been dedicated to the public for park purposes, such as is the case with platted land where a portion of the property is dedicated as "park" in accordance with Minnesota Statutes, Chapter 505. (In the case of land dedicated as "park" on a plat, the City either may use the land only as a park or may vacate the park, in which case the ownership of the land reverts to the original owner of the plat.)

Appendix B

Access Modification Matrices

CR 116 Future Access After Consolidation[(1)]

Based on the Access Concept from the TH 242/CSAH14 Access Management Study

Segment	Access #	Location	Description	Access Type	Proposed Action
A					
CSAH 7 to TH 47	1	North	CSAH 7	Full Access	None
		South	CSAH 7	Full Access	None
	2	North	Anoka County Library	Full Access	Right in/out
		South	Anoka High School	Right in/out	None
	3	North	Potential Future Access	None	Right in/out
		South	Potential Future Access	None	Right in/out
	4	North	Potential Future Access	None	Full Access
		South	Potential Future Access	None	Full Access
	5	North	Rivers Bend Mall	Right in/out	None
		South	Texaco	Right in/out	None
B					
TH 47 to CSAH 57	6	North	TH 47	Signal	None
		South	TH 47	Signal	None
	7	North	SA	Full Access	Right in/out
		South	Snyder's	Full Access	Right in/out
	11	South	Tower Pond Dr	T-Access	Right in/out
	12	North	Future Barium St	T-Access	Right in/out
	16	North	Dysprosium St	4-Way Stop	Signal
		South	Thurston Ave	4-Way Stop	Signal
	19	South	Commercial	T-Access	Right in/out
	22	North	Germanium St	T-Access	Right in/out
	27	North	Krypton St	T-Access	Right in/out
	30	North	Magnesium St	Full Access	None
		South	American Paper	Full Access	None
	33	North	Private Drive	T-Access	Right in/out
	37	North	Tungsten St	T-Access	Right in/out
	38	South	Unity St	T-Access	Right in/out
C					
CSAH 57 to Sunwood Dr	43	North	CR 57	Full Access	None
		South	CR 57	Full Access	None
	46	North	Detail Tool	Full Access	Right in/out
		South	Azurite St	Full Access	Right in/out
	49	North	Wendells*	Full Access	Right in/out
		South	143rd Ave	Full Access	Right in/out

(1) Based on the proposed access plan these access points will remain; however, some access will have restricted movements.

* Will become Azurite Street. Wendells will have access to Azurite Street.

Segment	Access #	Location	Description	Access Type	Proposed Action
D					
Sunwood Dr to CSAH 83	51	North	Future	None	Full Access
		South	Sunwood Dr	T-Access	Full Access
	52	North	Hematite St	T-Access	Right in/out
	53	South	Connexus Energy	T-Access	Right in/out
	54	North	Limonite St	T-Access	Right in/out
	55	North	CR 56	Full Access	None
		South	CR 56	Full Access	None
	58	North	Potential Future Access	None	Full Access
		South	Potential Future Access	None	Full Access
	59	North	Field Access	Full Access	Full Access
		South	Field Access	Full Access	Full Access
	61	North	Potential Future Access	None	Full Access
		South	Potential Future Access	None	Full Access
	62	North	CR 83	Full Access	None
		South	CR 83	Full Access	None

CR 116 Future Access Summary - Potential Access Removals

Based on the Access Concept from the TH 242/CSAH14 Access Management Study

Segment	Map Access #	Location	Description	Access Type	Proposed Action	Difficulty of proposed action	Notes
B							
TH 47 to CSAH 57	8	North	Radio Tower	T-Access	Remove	2	Consolidate access with # 7 North
	9	South	Egan Mobile Lubricants	T-Access	Remove	2	Consolidate access with # 7 South
	10	North	Radio Tower (2)	T-Access	Remove	1	Close one of two drives
	13	South	Headberg Homes	T-Access	Remove	1	Close one of two drives
	14	South	Headberg Homes	T-Access	Remove	3	
	15	South	Commercial	T-Access	Remove	2	Consolidate access with #14
	17	North	Private Drive	Full Access	Remove	3	
		South	Commercial	Full Access	Remove	2	Consolidate access with # 19
	18	North	Private Drive	T-Access	Remove	3	
	20	South	Commercial	T-Access	Remove	2	Consolidate access with # 19
	21	North	Private Drive	T-Access	Remove	3	
	23	North	Private Drive	T-Access	Remove	2	Access via Germanium
	24	North	Private Drive	T-Access	Remove	2	Access via Germanium
	25	North	Iodine St	T-Access	Remove	3	
	26	North	Private Drive	T-Access	Remove	2	Access via Iodine St
	28	North	Private Drive	T-Access	Remove	1	Close one of two drives
	29	North	Private Drive (2nd)	T-Access	Remove	2	Access via Magnesium
	31	South	Field Access	T-Access	Remove	2	Access from #30
	32	North	Private Drive	T-Access	Remove	2	Access from #33
	34	South	Private Drive	T-Access	Remove	1	Close with Re-Development
	35	South	Private Drive (2nd)	T-Access	Remove	1	Close with Re-Development

Segment	Map Access #	Location	Description	Access Type	Proposed Action	Difficulty of proposed action	Notes
B (cont.)	36	South	Johnson Construction	T-Access	Remove	1	Already have access to Unity St
TH 47 to CSAH 57	39	South	Ramsey Bus	T-Access	Remove	1	Already have access to Unity St
	40	North	Wolfram St	T-Access	Remove	3	
	41	South	Commercial	T-Access	Remove	3	
	42	North	Casey's Gas	Full Access	Remove	3	
		South	Commercial (2nd)	Full Access	Remove	1	Close one of two drives
C							
CSAH 57 to Sunwood Dr	44	North	Pool/Whirlpool/Sauna	T-Access	Remove	3	
	45	South	Industrial	T-Access	Remove	3	
	47	South	Product Design	T-Access	Remove	1	Access via Basalt St
	48	North	Wendells	Full Access	Remove	3	
		South	Basalt St	Full Access	Remove	1	Access via Azurite St
	50	South	Altron, Inc.	T-Access	Remove	1	Access to be provided onto 143rd Ave
D							
Sunwood Dr to CSAH 83	56	North	Field Access	Full Access	Remove	1	Part of Ramsey Town Center Plan
	57	South	Field Access	Full Access	Remove	1	Part of Ramsey Town Center Plan
	60	South	Field Access	Full Access	Remove	1	Part of Ramsey Town Center Plan

Note: Ease of Elimination values are based on a 1 to 3 ranking; 1 being the easiest to accomplish, through 3 being most difficult.

Appendix C

Comments from Open House Meeting

Comments from Open House Meeting
February 9, 2004

An open house meeting was conducted on February 9, 2004 for the residents of City of Ramsey that live along Anoka County Road 116. A second open house was conducted for the business owners for the same area on February 10, 2004. The purpose of these meetings was to obtain public input on the draft plan. General comments from the public included:

- Concern about the closure of existing T-access at County Road 116 and Iodine Street NW. Can this be left as a right in-right out access?

- Concern about the closure of existing full accesses at Basalt Street NW and Wendells on County Road 116. Can these be left as right in-right out accesses?

- Existing neighborhoods to the north of County Road 116 between Limonite Street NW and Hematite Street NW expressed concern about noise from County Road 116. They also had some concerns with regard to limiting access to right in-right out.

- Most residents realized that volumes would be increasing significantly and improvements are needed.

Appendix D

Government Agencies - Resolutions of Approval

CC Regular Session **7. 6.**

Meeting Date: 02/08/2021

By: Chloe McGuire Brigl, Community Development

Information

Title:

Adopt Ordinance #21-05 Vacating Easement for Riverstone 5th Addition

Purpose/Background:

The purpose of this case is to vacate a drainage and utility easement adopted with Riverstone 4th Addition that will be replaced by permanent easements on Riverstone 5th Addition's final plat. Both of these items are standard items that take place after approval of the Final Plat.

Notification:

Notice of Public Hearing was published in the City's official newspaper, the Anoka County UnionHerald. No additional notification was required for this meeting.

Observations/Alternatives:

Easement Vacation

The proposed easement vacation is related to a 60 foot drainage and utility easement that was adopted with Riverstone 4th Addition in order to bring utilities to the adjacent property to the west, which is now being developed as Preserve at Northfork. The Developer has requested that this easement is vacated as standard easements will be platted on the final plat sheet for Riverstone 5th Addition that are duplicative of this easement. This is a standard process to help clean up title work on the property. Ordinances take two meetings to be approved, the City Council introduced the ordinance in January 2021.

Funding Source:

The Applicant is responsible for all costs associated with the request.

Recommendation:

Staff recommends adoption of Ordinance #21-05.

Action:

Motion to waive the charter requirements to read the ordinance aloud and adopt Ordinance #21-05 vacating a 60 foot drainage and utility easement related to Riverstone Addition.

Roll Call Vote
Councilmember Musgrove
Councilmember Woestehoff
Councilmember Howell
Councilmember Specht
Councilmember Riley
Mayor Kuzma

Attachments

Final Plat

Ordinance #21-05

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	02/03/2021 12:03 PM
Kurt Ulrich	Kurt Ulrich	02/04/2021 02:35 PM

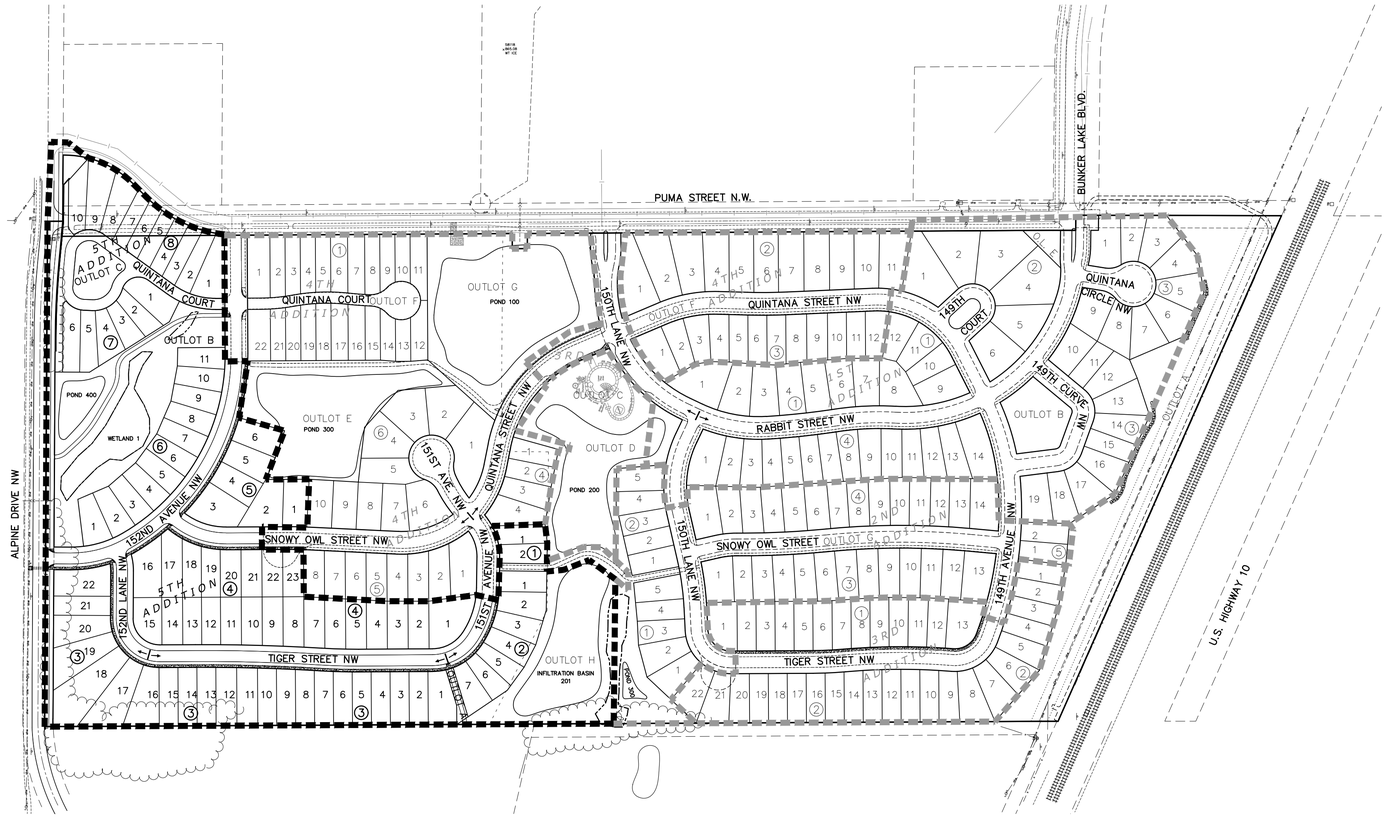
Form Started By: Chloe McGuire Brigl Started On: 02/03/2021 08:33 AM

Final Approval Date: 02/04/2021

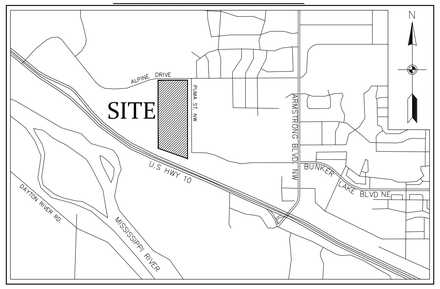
RIVERSTONE 5TH ADDITION

SANITARY SEWER, WATER MAIN, STORM SEWER AND STREET CONSTRUCTION PLANS

RAMSEY, MINNESOTA



VICINITY MAP



NOT TO SCALE

SHEET INDEX

1. COVER
2. SANITARY SEWER INDEX
3. STORM SEWER INDEX
4. SANITARY SEWER & WATERMAIN
   - TIGER STREET NW/152ND LANE NW
5. SANITARY SEWER & WATERMAIN
   - 152ND AVENUE NW/SNOWY OWL STREET NW
6. SANITARY SEWER & WATERMAIN
   - QUINTANA COURT

7–9. STORM SEWER

10. STREET CONSTRUCTION
    - TIGER STREET NW/152ND LANE NW
11. STREET CONSTRUCTION
    - 152ND AVENUE NW/SNOWY OWL STREET NW
12. STREET CONSTRUCTION
    - QUINTANA COURT
13. TRAIL CONSTRUCTION

14–18. DETAILS

N

0 100 200 400

(IN FEET)

BENCHMARK

1. Anoka County Benchmark No. 3076
   Elev.= 890.186 (NAVD 88)
2. Anoka County Benchmark No. 2078
   Elev.= 899.499 (NAVD 88)

CALL BEFORE YOU DIG

811

Know what's **below.** **Call** before you dig.

The subsurface utility information shown on this plan is utility Quality Level D. This quality level was determined according to the guidelines of CI/ASCE 38-02, entitled "Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data."

CARLSON McCAIN ENGINEERING SURVEYING ENVIRONMENTAL

3890 PHEASANT RIDGE DR NE
SUITE 100
BLAINE, MN 55449
TEL 763.489.7900
FAX 763.489.7959
CARLSONMCCAIN.COM

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

Print Name: Brian J. Krystofiak, P.E.
Signature:
Date: 10/1/20 License #: 25063

Drawn: NJP
Designed: BJK
Date: 10/1/20

Revisions:

RIVERSTONE DEVELOPMENT, LLC.
14015 Sunfish Lake Blvd., Suite 400
Ramsey, MN 55303

RIVERSTONE 5TH ADDITION
Ramsey, Minnesota

COVER

Save Date: 10/06/20 F:\jobs\6421 - 6440\6435 - ramsey site\cad c3d\engineering\5th addition\6435_5th_cover.dwg

ORDINANCE #21-05

CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

AN ORDINANCE VACATING 60 FOOT EASEMENT
RELATED TO RIVERSTONE 4TH ADDITION

SECTION 1. AUTHORITY

This ordinance is adopted pursuant to and under the authority of the Home Rule Charter of the City of Ramsey, Section 12.6 and Minnesota Statutes 412.851.

SECTION 2. VACATION

The following described drainage and utility easement, a 60.00 foot wide easement lying over, under, and across that part of Outlot A, RIVERSTONE 4th ADDITION, Anoka County, Minnesota, as indicated in Exhibit A attached, are hereby vacated, to-wit.

SECTION 3. EFFECTIVE DATE

This ordinance becomes effective 30 days after its passage and publication, subject to City Charter Section 5.04.

PASSED by the City Council of the City of Ramsey, Minnesota the _____ of _____, 2021.

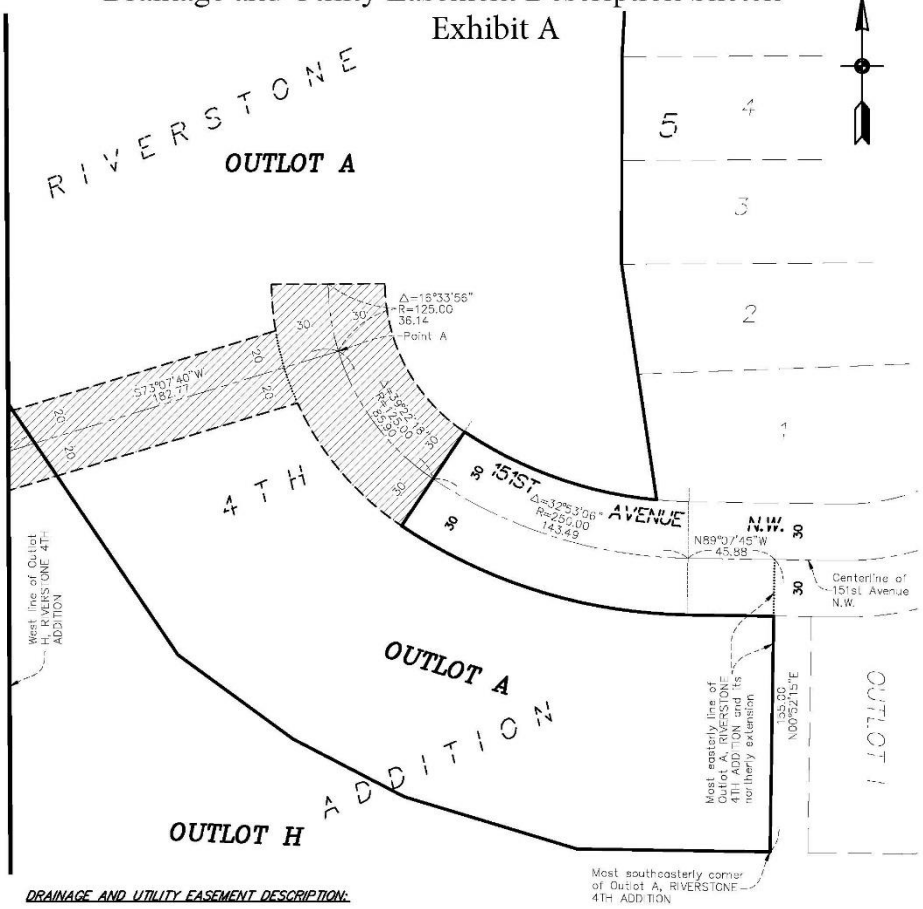
_____
Mayor

ATTEST:

_____
City Clerk

Introduction date: January 12, 2021
Posting dates:
Adoption date: January 26, 2021
Publication date:
Effective date:

Drainage and Utility Easement Description Sketch
Exhibit A



DRAINAGE AND UTILITY EASEMENT DESCRIPTION:

A 60.00 foot wide easement lying over, under, and across that part of Outlot A, RIVERSTONE 4TH ADDITION, Anoka County, Minnesota, the centerline of said easement is described as follows:

Commencing at the most southeasterly corner of said Outlot A; thence North 00 degrees 52 minutes 15 seconds East, assumed bearing, along the most easterly line of said Outlot A and its northerly extension, 155.00 feet to the centerline of 151st Avenue N.W., as created and dedicated in said RIVERSTONE 4TH ADDITION; thence North 89 degrees 07 minutes 45 seconds West, along said centerline of 151st Avenue N.W., 45.88 feet; thence northwesterly 143.49 feet along said centerline of 151st Avenue N.W., being a tangential curve concave to the Northeast, having a radius of 250.00 feet and a central angle of 32 degrees 53 minutes 06 seconds to the westerly line of said 151st Avenue N.W., also being the point of beginning of said centerline to be described; thence northwesterly 85.90 feet along a tangential curve concave to the Northeast, having a radius of 125.00 feet and a central angle of 39 degrees 22 minutes 18 seconds to a point hereinafter known as Point A; thence continuing northerly 36.14 feet, along a tangential curve concave to the East, having a radius of 125.00 feet and a central angle of 16 degrees 33 minutes 56 seconds and said centerline there terminating.

The sidelines of said 60.00 foot wide easement are to be prolonged or shortened to terminate at said westerly line of 151st Avenue N.W.

Together With

A 40.00 foot wide easement lying over, under, and across that part of Outlot A and Outlot H, said RIVERSTONE 4TH ADDITION, the centerline of said easement is described as follows:

Beginning at the aforementioned Point A; thence South 73 degrees 07 minutes 40 seconds West, 182.77 feet to the West line of said Outlot H and said centerline there terminating. EXCEPT that part lying within the above described 60.00 foot wide easement.

The sidelines of said 40.00 foot wide easement are to be prolonged or shortened to terminate at said West line of Outlot H.

Carlson McCain
ENVIRONMENTAL - ENGINEERING - SURVEYING
3890 Pheasant Ridge Drive NE,
Suite 100, Blaine, MN 55449
Phone: 763-489-7900 Fax: 763-489-7959

1308 | 8435_du easement sketch 4th add

Drainage and Utility Easement Area

GRAPHIC SCALE
0 25 50 100
(IN FEET)
(11x17 sheet)

CC Regular Session **7. 7.**

Meeting Date: 02/08/2021

By: Tim Gladhill, Community Development

Information

Title

Authorize Staff to Submit Application to Legislative-Citizen Commission on Minnesota Resources, and Minnesota DNR for Tree Preservation for Riverstone South (Project No. 19-152); Case of Capstone Homes

Purpose/Background:

The purpose of this case is to authorize Staff to prepare 2 Applications pertaining to the planned Tree Preservation Area within the proposed Riverstone South Development.

As part of the early planning stages of the proposed Riverstone South project, the City Council agreed conceptually to seek outside, third-party funding to supplement the efforts to preserve up to 7-acres of the existing forest within the project. This was intended as a value-added opportunity on top of the trade-off for smaller lots, for the preservation of trees above the minimum requirements of City Code. Seeking additional funding to bring into the project, was viewed as a bonus and as a means to show the City's commitment to this project—while balancing neighborhood concerns, and in consideration for a Comprehensive Plan Amendment to allow for smaller lots. It may be further noted, that the proposed tree preservation area would also reduce the Developer's clearing, grading and infrastructure costs significantly, with a similar or greater number of net lots in the end.

Notification:

Notification is not required.

Observations/Alternatives:

Attached to this case is the approved Planning Framework that outlines the parameters for tree preservation amongst other policy topics.

From the Framework document's Purpose and Introduction: *"This is a visionary document to help guide policy discussions. This is not the official land use plan for the area nor carries any legal entitlements. This is not the official land use plan for the area nor carries any legal entitlements."*

The approved Planning Framework lays out seeking outside funding by the City, with the implied support of the Developer. An alternative would be be to acknowledge the de facto 'transfer of development rights' and the associated benefits to the Developer the tree preservation area provides, and not seek outside funding for the project. Approval of this case supports the intent of the Planning Framework.

Funding Source:

Funding for the Tree Preservation Area is a combination of 'transfer of development rights' in which the City traded smaller lots in exchange for tree preservation/density transitioning along with potential grant funding along with a cash contribution to the Developer.

Recommendation:

Staff recommends that the City Council authorize Staff to prepare and submit Grant Applications for either or both, Legislative-Citizen Commission on Minnesota Resources (LCCMR) and DNR Natural and Scenic Areas Grants.

Action:

Motion to authorize Staff to prepare and submit Grant Applications for LCCMR as well as DNR Natural and Scenic Areas Grants.

Attachments

LCCMR Information

DNR Natural and Scenic Areas Information

Planning Framework

Form Review

Inbox	Reviewed By	Date
Mark Riverblood	Mark Riverblood	02/02/2021 01:54 PM
Tim Gladhill (Originator)	Tim Gladhill	02/03/2021 10:01 AM
Kurt Ulrich	Kurt Ulrich	02/04/2021 02:28 PM
Form Started By: Tim Gladhill		Started On: 02/02/2021 09:48 AM
Final Approval Date: 02/04/2021		

Legislative-Citizen Commission on Minnesota Resources

2022 ENRTF Request for Proposal

Minnesota's Environment and Natural Resources Trust Fund *Minnesota Constitution Art. XI, Sec.14:* "The assets of the fund shall be appropriated by law for the public purpose of protection, conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural resources."

SUMMARY

The Legislative-Citizen Commission on Minnesota Resources (LCCMR) welcomes proposals for projects of all sizes that address the priorities and requirements described within this RFP and that aim to protect, conserve, preserve, and enhance Minnesota's air, water, land, fish, wildlife, and other natural resources. The LCCMR reviews applications and makes funding recommendations to the Minnesota Legislature from the Environment and Natural Resources Trust Fund (ENRTF). Approximately $70 million is anticipated to be available from the Trust Fund through this RFP for projects beginning July 1, 2022. Most projects funded are two to three years in duration. Proposals must be submitted online at https://lccmrprojectmgmt.leg.mn by April 2, 2021 at 4:30PM.

Funding Available

Approximately $70 million is anticipated to be available through this RFP for projects beginning July 1, 2022. The LCCMR makes recommendations to the Minnesota Legislature for funding from the Environment and Natural Resources Trust Fund. Recommended projects must be approved by the 2022 Legislature through an appropriation, signed into law by the Governor, and have a work plan approved by LCCMR before funds can be spent. For non-state entities, payment is made by reimbursement for expenses incurred and fiscal oversight is provided through a grant agreement with the Minnesota Department of Natural Resources. Most projects are two to three years long, however more or less time can be requested.

Amount of Request

There is no minimum or maximum request amount. All proposals should strive to maximize efficiency and return on investment for the proposed expenditures.

Applicant Eligibility

The RFP is open to all who want to apply and who have demonstrated fiscal capacity. Applicants must be available to make a formal presentation to LCCMR if selected and to be available for staff or commission member questions.

Online Proposal System

LCCMR launched an online proposal submission system last year. All proposals must be submitted through the online system. Early account registrations and proposal submissions are strongly encouraged.

Deadline for Submission

Final proposals must be submitted online by April 2, 2021 at 4:30PM.

Information from this document may be copied and distributed to others. This publication can be made available in alternate formats, such as large print or audio format, upon request.

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Issued January 2021

Proposal and Appropriation Timeline

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(as of 12/31/20)

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Rep. Rob Ecklund
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Rep. Josh Heintzeman
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Up-to-date information on deadlines and meetings can be found on the calendar page of our website.

December 17, 2020	Funding priorities determined and 2022 RFP adopted
January 11, 2021	2022 RFP issued
April 2, 2021	**Final submission deadline for proposals responding to 2022 RFP**
May 2021	All submitted proposals distributed to LCCMR members for review, evaluation, and ranking
June 16-17, 2021	A subset of high-ranking proposals selected for further consideration and invited to give presentations before the LCCMR
July 6-8, 2021 July 13-15, 2021	**Selected proposals present before the LCCMR**
July 28-29, 2021	Subset of proposals selected for recommendation to the Legislature for funding
August - October 2021	Projects recommended for funding begin submitting work plans for LCCMR staff review and research projects recommended for funding undergo peer review
November - December 2021	Funding recommendations are adopted by the LCCMR in legislative bill format, as they will be presented to the Legislature
January - May 2022	LCCMR recommendations presented to the Legislature for consideration via introduction as an appropriations bill Bill is considered and acted upon by the Minnesota House and Senate Upon passage, the bill goes before the governor to be signed into law
June 2022	LCCMR approves work plans for projects funded
July 2022	Minnesota DNR sends grant agreements to non- state agencies receiving ENRTF funds
July 1, 2022	Money from the Environment and Natural Resources Trust Fund becomes available for expenditure and approved projects can begin

About LCCMR

The LCCMR is made up of 17 members: 5 Senators, 5 Representatives, 5 citizens appointed by the governor, 1 citizen appointed by the Senate, and 1 citizen appointed by the House. The function of the LCCMR is to make funding recommendations to the Legislature for special environment and natural resource projects, primarily from the Environment and Natural Resources Trust Fund.

2022 Funding Priorities

All proposals must meet the constitutional aim to protect, conserve, preserve, and enhance Minnesota's air, water, land, fish, wildlife, and other natural resources, especially those that may be substantially impaired or destroyed in any area of the state.

Proposals are strongly encouraged that address prevention strategies for protecting natural resources, that include citizen and community involvement in scientific efforts, and that implement or identify clear strategies for implementing research results.

Proposals should also address one or more of the priorities described in the categories below; however, proposals pertaining to new or emerging environmental or natural resource issues not directly addressed below may also be eligible for consideration. Priorities are listed by category and not in order of importance.

A. Foundational Natural Resource Data and Information

1. Data acquisition, information management, research, or analysis to develop foundational natural resource, wildlife, pollinator, or plant data and information.
2. Coordination, facilitation, or training pertaining to statewide sharing, distribution, or innovative application of natural resource data (e.g., maps, inventories, and surveys) and information tools (e.g., Geographic Information Systems (GIS), Light Detection and Ranging (LiDAR), and other remote sensing techniques).
3. Quantification and analysis pertaining to the economic value of services provided by natural resources and conservation, including analysis that quantifies public savings and costs of water or air pollution prevention.

B. Water Resources

1. Research, monitoring, or evaluation to increase protection, conservation, and sustainability of the quality, quantity, or function of water resources. This includes, but is not limited to, efforts pertaining to:
    I. Ground and surface water interaction, including stream flow and groundwater flow;
    II. Aquifer recharge;
    III. Wetland, river, and lake ecosystems, including Lake Superior;
    IV. Mitigation of impacts resulting from artificial hydrological modifications in both urban and agricultural areas;
    V. Effects of climate change on water resources;
    VI. Drinking Water.
2. Research, evaluation, technology development, or engineering design pertaining to regulated, unregulated, or emerging water contaminants, including sources, fates, movements, or effects of these contaminants within ground or surface waters or across ecological communities. Contaminants of interest include, but are not limited to, nitrates, phosphates, estrogenic compounds, pharmaceuticals, personal care products, chlorides, PAHs (polycyclic aromatic hydrocarbons), and pesticides. Efforts pertaining to the following are of particular interest:
    I. Understanding the impacts of contaminants on the health of humans or terrestrial or aquatic species;
    II. Preventing or reducing levels of contaminants in ground and surface waters;
    III. Advancing development or implementation of standards for contaminants.

2022 Funding Priorities (Continued)

C. Environmental Education

Proposals must address education, information dissemination, and training efforts that will increase the knowledge and skills of students or the public to cultivate a sustainable lifestyle, improve and maintain water quality, reduce and monitor energy and water consumption, or restore and maintain a healthy and biodiverse natural environment. Funding for capital projects (e.g., buildings or building infrastructure) will not be considered in this category. Of particular interest are projects that address one or more of the following:

1. Efforts that involve broad-based partnerships, engage diverse and changing demographics, provide outdoor experiences, or are committed to building a long-lasting and action-based conservation ethic in a community.
2. Efforts that deliver and implement existing curriculum, especially integration of environmental education into school curriculum. Proposals to develop new curriculum will not be considered.

D. Aquatic and Terrestrial Invasive Species

"Invasive species" includes any plants, animals, worms, insects, microbes, and diseases that are non-native, introduced species in the state and that are currently having, or pose a threat to have, significant adverse impacts on Minnesota's native ecosystems and biodiversity. All research proposals related to invasive species research must consider the research priorities established by the University of Minnesota's (UMN) Minnesota Invasive Terrestrial Plants and Pests Center or Minnesota Aquatic Invasive Species Center. All UMN proposals and others should apply to the Centers when applicable. The Centers will keep the LCCMR updated on the status of proposals received. Projects must propose to do one or more of the following:

1. Prevent introduction or provide early detection of new invasive species.
2. Reduce the spread of invasive species with best management practices along streams, rivers, land transportation routes, and other vectors.
3. Develop or demonstrate alternative control techniques—particularly involving biocontrol, integrated pest management, or minimization of non-target effects including pollinators—for containing or suppressing invasive species already present in Minnesota. Standard control, removal, and maintenance activities of invasive species will not be considered.
4. Restore lands with native vegetation as practicable following implementation of invasive species control techniques on disturbed lands where a native seed bank no longer exists.
5. Inform and educate landowners about all invasive species threats to their land and offer actions they can take in response.

E. Air Quality, Climate Change, and Renewable Energy

Funding for capital projects (e.g., buildings or building infrastructure) will not be considered in this category.

1. Innovative approaches to air quality improvement that reduce impacts on human health, the environment, or natural resources, such as by preventing, reducing, or mitigating airborne contaminants including PAHs (polycyclic aromatic hydrocarbons).
2. Acquisition of data at a scale appropriate to assess natural resource changes attributable to climate change.
3. Research to help understand how to mitigate, adapt, or make Minnesota's ecosystems more resilient to climate change impacts, including drought and extreme weather events.
4. Implementation of innovative efforts aimed at mitigating, adapting, or making Minnesota's ecosystems more resilient to climate change impacts, including drought and extreme weather events.
5. Reduction of greenhouse gas emissions through new and innovative approaches to waste reduction or energy efficiency. Standard, required, and ongoing efforts will not be considered.

2022 Funding Priorities (Continued)

F. Methods to Protect or Restore Land, Water, and Habitat

Please review "Additional Requirements for Land Acquisition, Easements, and Restoration Projects." (see page 6)

1. Innovative protection or restoration of lands with high-quality natural resources, ecological value, water protection value, or habitat, particularly for pollinators.
2. Long term preservation of native forest, wetland, or prairie plant genetics and viability.
3. Technical assistance for stewardship of prairies, forests, wetlands, or other habitat, or technical assistance for agricultural land management in order to protect water quality and aquatic habitat or to improve pollinator habitat.
4. Planning and implementation of community-based efforts to permanently conserve natural resources and reduce habitat fragmentation impacts on natural resources, including the impacts of transportation and other infrastructure.

G. Land Acquisition, Habitat, and Recreation

Please review "Additional Requirements for Land Acquisition, Easements, and Restoration Projects." (see page 6)

1. The Reinvest in Minnesota program as provided in M.S. section 84.95, subdivision 2.
2. Acquisition or development of strategic lands with high quality natural resources, ecological value, recreational value, water protection value, or habitat, particularly for pollinators.
3. Acquisition or development of lands that have the greatest capacity to contribute multiple conservation benefits to wildlife, humans, and ground and surface water quality.
4. Efforts based on precision conservation methods and analysis that quantifiably identify the lands most critical to acquire. Precision conservation is a practice that considers lands in terms of the interconnected systems of which they are a part. As a practice, precision conservation compiles and integrates multiple types of available data layers and analysis (e.g., terrain analysis, soil productivity, habitat potential, economic analysis, erosion potential, proximity to surface water) to identify and guide efforts that will maximize conservation benefits.
5. Efforts involving Scientific and Natural Areas (SNA) or other areas that aim to protect unique ecosystems, such as native prairie as defined in M.S. 84.02, Subd. 5, or rare, endangered, or threatened species. Areas of these types that may not presently qualify as a priority for other State of Minnesota funds directed toward land acquisition for habitat or recreation are of particular interest.
6. Efforts that enhance habitat connectivity, benefit ground or surface water quality, improve access for natural resource management, or increase public access for recreation, particularly in areas of the state with limited protected public lands.
7. Efforts expanding outdoor recreational opportunities through additions and connections to state, regional, or local parks and trails.

H. Small Projects

The LCCMR encourages proposals under $200,000, especially from local government units and non-profits, to quickly and efficiently provide environment and natural resource benefits in Minnesota. Proposals should address one or more of the priorities listed in the above categories A through G.

Funding May Be Available Through Other Programs

Projects eligible for established, topic-specific state agency grant programs - such as for renewable energy, sustainable agriculture, clean water implementation, regional and local parks and trails, and habitat acquisition and restoration - are encouraged to apply directly to the particular state agency grant program as funds may be available in a timelier manner.

Requirements

Project Requirements

All projects must comply with Article XI, Section 14 of the Minnesota Constitution, Minnesota Statute 116P, and other requirements provided in the following summary document:

- Environment and Natural Resources Trust Fund (ENRTF) Project Requirements

Professional, Technical, and Services Contracts

- State contracting and competitive bidding requirements apply.

Financial Capacity

To help us evaluate financial capacity, non-profit organizations and for-profit businesses with an annual income:

- over $750,000 should submit their most recent certified financial audit
- between $50,000 and $750,000 must provide their most recent IRS Form 990.
- under $50,000 or that have not been in existence long enough to have completed IRS Form 990 or an audit must submit their most recent board-reviewed financial statements

Work Plan and Progress Reports

Project managers of recommended projects must submit a work plan. Successfully funded projects must have an approved work plan and the project manager must submit annual or semiannual progress reports. Modifications to the approved work plan and budget expenditures must be made through the LCCMR amendment process.

Additional Requirements for Land Acquisitions, Easements, and Restorations

All fee title and conservation easement acquisition proposals must include funding for development and implementation of a management and restoration plan. If no funding is requested, your proposal must address why funding for this work is not needed to achieve a high quality restoration.

All acquisition and restoration applicants must read and understand the following summary documents:

- Environment and Natural Resources Trust Fund (ENRTF) Fee Title Acquisition Project Requirements
- Environment and Natural Resources Trust Fund (ENRTF) Conservation Easement Acquisition Project Requirements
- Environment and Natural Resources Trust Fund (ENRTF) Restoration Project Requirements

A map must be submitted with your proposal that shows the site specific location of your proposed fee title or conservation easement acquisition or restorations within the city, county, region, and/or state. The map must be legible as black and white and include a north arrow and scale.

A parcel list must be provided with your proposal that identifies proposed fee title and conservation easement acquisitions and restorations by parcel name, estimated cost, county, ecological significance, activity description, proposed number of acres, proposed shoreline or trail miles, type of landowner, and proposed title/easement holder (if applicable).

Additional information for acquisitions, easements, and restorations must be provided with your proposal that describes, among other things, how restoration, future management, and easement enforcement requirements will be met.

Guidance on Allowable Expenses

Eligible Expenses

Eligible expenses are those expenses solely incurred through project activities that are directly related to and necessary for producing the project outcomes described in the proposal. All proposed expenses must be specified in the proposal submitted. Please note that for non-state entities all funds are awarded on a reimbursement basis, unless otherwise authorized, and all eligible expenses will need to be documented. Eligible expenses may include:

a. Eligible expenditures incurred only after the effective date as approved by LCCMR.
b. Wages and expenses of salaried Recipient employees if specified, documented, and approved. For State Agencies: use of unclassified staff only OR request approval for the use of classified staff accompanied by an explanation of how the agency will backfill that part of the classified staff salary proposed to be paid for with these funds. This is subject to specific discussion and approval by LCCMR.
c. Fringe benefit expenses, such as FICA/Medicare, retirement, and health insurance of Recipient's employees, if specified.
d. Professional and technical services specified in the approved Work Plan that are rendered by individuals or organizations not a part of the Recipient;
e. Equipment, tools, materials, and supplies specific to the project and incoming freight charges for them.
f. Capital expenditures for facilities, equipment, and other capital assets as expressly approved. For expenditures greater than $5,000, the Recipient must provide an explanation as to how all the equipment purchased with the appropriation will continue to be used for the same program through its useful life, or, if the use changes, a commitment to pay back to the Environment and Natural Resources Trust Fund an amount equal to either the cash value received or a residual value approved by the director of the LCCMR if it is not sold.
g. Publication and printing/copying expenses necessary for contract administration, work products production, and semi-annual reports relating to accomplishments.
h. In-state transportation and travel expenses such as lodging, meals, and mileage of personnel directly involved in the Project in the same manner and in no greater amount than provided for in the current "Commissioner's Plan" promulgated by the Commissioner of Management of Budget and as provided by LCCMR or, for University of Minnesota projects, the University of Minnesota plan. Allowable meal and lodging expenses are for employees only. Purchasing meals or providing lodging for others is not an allowable expense.

Generally Ineligible Expenses—Unless Explicitly Approved

Generally ineligible expenses for reimbursement mean all expenses not defined as eligible expenses, but for which an explicit exception can be sought from LCCMR if the expenses can be clearly justified and individually documented as directly related to and necessary for a project. No broad allocations for costs in either dollars or percentages are allowed. In deciding whether to seek exception for these costs consider that cash and in-kind leverage are criteria considered in proposal evaluation. Generally ineligible expenses include but are not limited to:

a. General operations, overhead, and other indirect expenses, including office maintenance, office utility expenses, and office materials and supplies.
b. Office rental fees (including storage space rental).
c. Communication expenses incurred for telephone calls, web access, postage, and similar services.
d. Insurance, except title insurance.
e. Attorney fees, except to acquire and clear title to land.
f. Purchase of communication devices such as pagers, cell phones, or smart phones.
g. Purchase of computers, tablets, or audiovisual equipment.
h. Generally available food and refreshments, except if explicitly approved for certain types of events.
i. Conference attendance and associated costs and fees, except if to participate in formal presentation of project findings.
j. Out of state transportation and travel expenses.
k. Single-source contracts. Justification for an exception must also include the specific entity by name, why the single source is needed, and how the recipient is ensuring a competitive price for the contracted work.

Prohibited Expenses

Prohibited expenses for reimbursement mean all expenses indicated below, including but not limited to:

a. Any expenses incurred before the project is authorized, before July 1, 2022, or before LCCMR work plan approval—whichever is latest.
b. Fundraising.
c. Taxes, except sales tax on goods and services.
d. Lobbyists or political contributions.
e. Advertising and marketing expenses.
f. Loans, grants, or subsidies to persons or entities for development.
g. Bad debts, late payment fees, finance charges, or contingency funds.
h. Interest or investment management fees.
i. Directors or officers salary.
j. Merit awards and bonuses.
k. Memberships (including subscriptions and dues).
l. Publications, periodicals, and subscriptions.
m. Employee workplace parking.
n. Entertainment, decorations, gifts, and prizes.

Environment and Natural Resources Trust Fund: MN Constitution and Statutory Expenditures

Minnesota Constitution Art. XI, Sec.14: Environment and Natural Resources Trust Fund Established

A permanent environment and natural resources trust fund is established in the state treasury. Loans may be made of up to five percent of the principal of the fund for water system improvements as provided by law. The assets of the fund shall be appropriated by law for the public purpose of protection, conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural resources. The amount appropriated each year of a biennium, commencing on July 1 in each odd-numbered year and ending on and including June 30 in the next odd-numbered year, may be up to 5-1/2 percent of the market value of the fund on June 30 one year before the start of the biennium. Not less than 40 percent of the net proceeds from any state-operated lottery must be credited to the fund until the year 2025. [Adopted, November 8, 1988; Amended, November 6, 1990; November 3, 1998]

M.S. 116P.08 Environment and Natural Resources Trust Fund Expenditures and Exceptions

Subdivision 1. **Expenditures.** (a) Money in the trust fund may be spent ONLY for:

(1) the reinvest in Minnesota program as provided in section 84.95, subd. 2;

(2) research that contributes to increasing the effectiveness of protecting or managing the state's environment or natural resources;

(3) collection and analysis of information that assists in developing the state's environmental and natural resources policies;

(4) enhancement of public education, awareness, and understanding necessary for the protection, conservation, restoration, and enhancement of air, land, water, forests, fish, wildlife, and other natural resources;

(5) capital projects for the preservation and protection of unique natural resources;

(6) activities that preserve or enhance fish, wildlife, land, air, water, and other natural resources that otherwise may be substantially impaired or destroyed in any area of the state;

(7) administrative and investment expenses incurred by the state board of investment in investing deposits to the trust fund; and

(8) administrative expenses subject to the limits in section 116P.09.

(b) In making recommendations for expenditures from the trust fund, the commission shall give priority to funding programs and projects under paragraph (a), clause (1) and (6). Any request for proposals issued by the commission shall clearly indicate these priorities.

Subdivision 2. **Exceptions.** Money from the trust fund may not be spent for:

(1) purposes of environmental compensation and liability under chapter 115B and response action under chapter 115C;

(2) purposes of municipal water pollution control in municipalities with a population of 5,000 or more under the authority of chapters 115 and 116;

(3) costs associated with the decommissioning of nuclear power plants;

(4) hazardous waste disposal facilities;

(5) solid waste disposal facilities; or

(6) projects or purposes inconsistent with the strategic plan.

Evaluation Criteria

The following criteria, as applicable, will be considered in evaluating proposals:

- **Funding Priorities:** Responds to RFP funding priorities.
- **Multiple Benefits:** Delivers multiple benefits to Minnesota's environment and natural resources.
- **Outcomes:** Identifies clear objectives likely to result in measurable, demonstrated, and meaningful outcomes.
- **Knowledge Base:** Contributes to the knowledge base or disseminates information that will benefit other efforts.
- **Extent of Impact:** Results in broad, long-term impacts of statewide, regional, or local significance.
- **Innovation:** Employs or demonstrates innovative approaches to more effectively and efficiently solve specific environment and natural resources issues.
- **Scientific/Technical Basis:** Reflects current scientific and technical knowledge, standards, and best practices.
- **Urgency:** Addresses an issue for which immediate future action is urgent and critical to avoid undesirable consequences.
- **Capacity and Readiness:** Demonstrates capacity and readiness for efforts to be managed and completed in timely, accountable, and effective manner.
- **Leverage:** Leverages collaborative partnerships and additional efforts, resources, and non-state funds.

How To Apply

Proposals due by April 2, 2021 at 4:30PM

1. Register for an account on the LCCMR Proposal and Grant Management System.
2. Login and click "Create a New Proposal."
3. Follow the instructions for completing your proposal.
   If you would like to view blank sample proposals, you can find them on our 2022 Funding Process page.
4. Upload your completed attachments as required:
   - A. Visual component or map (1 page limit)
   - B. Letter or resolution from your governing board authorizing submission of the proposal (non-profits, tribes, and local units of government only)
   - C. 990 tax information, certified audit, or board-reviewed financial statements as required
5. Review all information and attachments.
6. Click "Submit." (Note: state and federal agencies, colleges, and universities must have an authorized representative submit the proposal).
7. Save or print the confirmation email. Please check your junk mail folder if the confirmation email does not appear in your inbox. Contact LCCMR if you did not receive a confirmation email or if your proposal status does not appear as "Final Submitted" on your dashboard.
8. To follow along with the 2022 funding process, visit our 2022 Funding Process page.

Natural and Scenic Area Grant Program

2021 Program Manual



DEPARTMENT OF NATURAL RESOURCES

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Closeout Procedures
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Availability to Users

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I. PROGRAM INFORMATION

The Natural and Scenic Area Grant Program assists local governments and school districts in acquiring fee title acquisition and permanent easement acquisition to protect high quality natural and/ or scenic areas. Public access should be provided to the extent necessary to allow users to experience the natural and scenic qualities protected. High levels of development or active use are not appropriate.

DEADLINE

Applications must be submitted by March 31, 2021 to be eligible for funding assistance for the current year.

FUNDING

There are two sources of funding for the Outdoor Recreation Grant Program: federal and state funds. Federal funds come from the Land and Water Conservation Fund (LWCF). Federal funding available for FY 2022 has not yet been allocated but should be at least $1.5 million for the Outdoor Recreation Grant Program and the Natural and Scenic Areas Grant Program.

State Environment and Natural Resources Trust Fund dollars have been recommended by the Legislative Citizens Commission on Minnesota Resources (LCCMR) and other state funding may be available but are subject to Legislative approval. Final amounts available will not be known until after the application deadline.

GRANT AWARDS AND MATCH REQUIREMENTS

The minimum grant award is $10,000 (for a total project cost of $20,000). The maximum grant award is $500,000 (for a total project cost of at least $1,000,000). Grants are reimbursed up to 50 percent of the total eligible costs. The remaining 50 percent "local share" can consist of cash or the value of materials, labor and equipment usage provided by the local sponsor or by donations or any combination thereof. Volunteer unskilled labor is valued, for this grant program, at $9.00 per hour. Volunteer skilled labor is valued at its going rate. The invoice/letter must be on a company letterhead, detailing the work completed and the amount of the donation.

Costs must be incurred and paid for before reimbursement can be made. Grant agreements generally expire within 24 months and projects must be completed by then.

ELIGIBLE APPLICANTS

Cities, counties, townships and school districts.

Note: The applicant must be the current or intended owner and manager of the property to be acquired or developed. Multi-organization collaboration is not required for this program.

ELIGIBLE PROJECTS

- Fee title acquisition of natural or scenic areas.
- Permanent easement acquisition of natural or scenic areas.
- Minimal betterment activities are eligible as part of an acquisition project including site surveying, boundary signing, and immediate measures needed to stabilize the site and ensure the safety of users.
- Active restoration efforts are eligible as part of an acquisition project that would significantly improve the site's natural resource values.

INELIGIBLE FACILITIES AND COSTS

Ineligible facilities or costs are those items that cannot be funded with a Natural & Scenic Areas Grant or included as part of the local match requirement. The following list includes common types of ineligible facilities. A determination of eligibility will be made by the Department of Natural Resources.

- Acquisition of land already in public ownership.
- Any expenditure that occurs outside the dates of the grant contract.
- Administrative expenses, contingency allowances, archeological surveys and legal fees.
- Incidental costs of land acquisition (Appraisals, closing costs and legal fees)
- Recreational development.
- Operation and maintenance.

GUIDELINES FOR USE AND DEVELOPMENT OF NATURAL AND SCENIC AREAS

1. **Compatible Use and Development**

In general, outdoor recreation use of natural and scenic areas should be limited to passive outdoor recreation activities, such as nature observation, walking or hiking, bird watching, cross country skiing, snow shoeing, canoeing, photography and similar low impact activities. In some cases, environmental education activities may be appropriate. Limited facilities to support these activities, such as trails, overlooks, interpretive displays, benches, informational and boundary signage, protective fencing, and parking are allowable uses. In some cases, rest room facilities and limited picnic facilities may also be compatible.

All development plans should be submitted for review and prior approval by the Grants staff of the Department of Natural Resources (DNR). Development proposals will be reviewed on a case-by-case basis, taking into account the specific characteristics of the natural and scenic area. Any development should be designed to avoid damage to natural resources and features, steer activities away from sensitive areas (such as steep bluffs, erosion prone shorelines, rare plant communities, etc.), and discourage inappropriate recreational use. Facilities must meet all safety and accessibility standards.

2. **Incompatible Use and Development**
Natural and scenic areas should not be developed for more active outdoor recreational uses, such as athletic fields and courts, campgrounds, motorized sports, etc. Any use or development that could result in damage to significant natural and/or scenic resources must be avoided. In some cases, it may be necessary to prohibit access to certain portions of the property to avoid damage to highly sensitive or rare resources. Protective fencing may be used when appropriate. Natural and Scenic Areas sites may not be used for a wetland mitigation or banking area. The intent of this program is to expand and protect natural and scenic areas and not provide areas that can be used for replacement of natural areas lost through development.

II. APPLICATION PROCESS

The application is available to download from the Natural and Scenic Area Grant Program web page. We urge applicants to begin the application process early in order to allow time to complete application requirements such as obtaining community involvement and completion of appraisals.

Completed applications are to be submitted electronically in a ".pdf" format by **March 31, 2021** using the instructions in the application form. Staff members are available to discuss your project or review application materials. You are encouraged to submit any draft application or materials by **March 10th** if you would like staff to provide comments. Incomplete applications or applications received after the deadline will not be eligible for funding consideration.

PUBLIC PARTICIPATION AND COMMENTS

Prior to the submission of your application, it is our expectation that you have engaged the general public, especially those homeowners and businesses near the proposed project. You may do this through public meetings, announcements in the newspaper, letters or flyers, newsletters, an announcement on your website, emails, or face-to-face meetings. The public must have an opportunity to review and comment on the proposed project. Information detailing your public participation process and comments received are required in your application.

All facilities within the park must be designed and available for general public use and open during typical park hours.

APPRAISAL REQUIREMENTS

The application must include an appraisal report by a general real property appraiser licensed by the State of MN and meet the Uniform Appraisal Standards for Federal Land Acquisition (UASFLA). The appraisal must include the Minnesota Department of Natural Resources (DNR) and the National Park Service (NPS) as intended users and the landowner or designated representative must be given an opportunity to accompany the appraiser during the inspection of the property. Appraisals must have an effective date within 13 months of the application deadline.

If your application is selected for funding, you may be required to submit a technical review of the appraisal report conducted by an appraiser who is not associated with the original appraiser and who is qualified to perform technical reviews under the UASFLA and 49 CFR Part 24.104.

See UASFLA Section C-1 for further guidance on technical reviews.

COMPETITIVE REVIEW AND SELECTION PROCESS

The program is competitive and requires a review and ranking process to make funding determinations and awards. The review and ranking process will take place after March 31, 2021 and funding announcements will be made in the summer. Program staff will review applications and, if necessary, a site visit will be conducted. The review will focus on priorities set in the State Comprehensive Outdoor Recreation Plan and project specific criteria identified below.

MINNESOTA'S 2020-2024 STATE COMPREHENSIVE OUTDOOR RECREATION PLAN

Minnesota's 2020-2024 State Comprehensive Outdoor Recreation Plan (SCORP) provides guidance and direction to the state's outdoor recreation providers for their work in protecting, maintaining and enhancing outdoor recreation opportunities for the state's residents and visitors.

An important part of developing the SCORP is public and stakeholder input. To better understand patterns and priorities for outdoor recreation in Minnesota, several efforts were used to gather information and feedback from outdoor recreation providers and from the public including an Outdoor Recreation Household Survey, Parks and Trails Legacy Celebration Events and an Outdoor Recreation Providers Survey. A twelve member Steering Committee was formed to help guide the development of the SCORP. The Steering Committee included local and regional park agency staff, members of outdoor recreation advocacy groups, and community leaders involved with health, youth, and accessibility issues.

The SCORP identifies current and future trends affecting outdoor recreation in Minnesota including: issues around public health; addressing diversity, equity and inclusion challenges; demographic changes in Minnesota's population; climate change impacts and accessibility. Taken together, these trends and the strategies within the four Strategic Directions represent both challenges and opportunities for Minnesota's outdoor recreation providers for the next five years. The intention is that the 2020-2024 SCORP will aid these agencies and organizations as they plan for and invest in facilities and programs to meet the outdoor recreation interests of Minnesota's residents and visitors.

Applications are assessed to ensure that the proposed project is consistent with identified priorities established in the SCORP.

SELECTION PRIORITIES

Natural Resources Qualities (Approximately 45%)
Natural resources qualities include endangered, threatened, or special concern species or communities; high quality native terrestrial or aquatic ecosystems; ecological viability; outstanding geological or physiographic features; protection of water quality; protection of shore land along rivers, lakes or streams, restoration efforts; high priority inholdings and potential vulnerability to exotic species.

Scenic Qualities (Approximately 25%)
Scenic qualities include bluff lands or other elevated terrain that afford an opportunity for viewing scenic vistas, viewing unique natural features, viewing unique historical or cultural features, protection of the scenic character of the landscape, and availability of public access.

Other Review Components (Approximately 30%)
Other review components include adjacent lands, educational and scientific values, open space and historical/cultural values, cost vs. benefit, match and local government commitment.

AWARD OF FUNDS

All applicants will receive official written notification regarding their request for funding in the summer. If your proposed project has received preliminary approval for funding, you will be contacted regarding additional information requirements needed before a grant agreement can be processed. These requirements may include State Historic Preservation Office (SHPO) review, permits and other details.

The project start date will be the fall of 2021 or later depending on requirements for environmental resources, historical and archeological resources, and federal approval, if applicable. All work must be completed by June30, 2023. Most of our funding does not allow for a project extension beyond this date. Any project costs incurred prior to the start date of the grant agreement will not be eligible for reimbursement.

Payment of grant funds to the local sponsor is on a reimbursement basis. The grant recipient must initially expend monies that are then reimbursed under the terms of the grant agreement. A portion of the grant funds will be retained until a final inspection has been completed.

GRANTS AND PUBLIC INFORMATION

Under MN Statute 13.599, responses to a request for proposal are nonpublic until the application deadline is reached. At that time, the name and address of the grantee, and the amount requested becomes public.

After the application evaluation process is completed, data (except trade secret data) becomes public. Data created during the evaluation process is nonpublic until the negotiation of the grant agreement with the selected grantee(s) is completed.

MN Statute 13.44 categorizes estimated or appraised value of real property prior to purchase and sale as confidential data on individuals or protected nonpublic data. See also Minnesota Government Data Privacy Act for more information. This information, along with corresponding budget information, will be redacted from the applications before making them public.

III. PROGRAM REQUIREMENTS

ACCESSIBILITY STANDARDS

All facilities improved with this grant project must meet current Americans with Disabilities (ADA) standards. All critical components of the park listed below must be accessible to persons

with disabilities.

Critical components include:

- Accessible parking spaces serving each area of the park.
- Accessible restrooms, if restrooms are provided.
- Accessible drinking water, if drinking water is provided.
- Access routes to all facilities provided in the park.

If a grant is awarded, part of the grant will be withheld pending verification of ADA compliance by an on-site final inspection.

The following guidelines will help you design your facilities. Copies can be ordered from the U.S. Access Board at (800) 872-2253, or downloaded from their website at United States Access Board.

1. ADA Accessibility Standards for Buildings and Facilities
(For buildings and certain recreation facilities including playgrounds, recreational boating facilities, and fishing piers)

2. Final Accessibility Guidelines for Outdoor Developed Areas September 26, 2013
(For outdoor developed areas such as campgrounds, picnic areas, trails, and beaches. These guidelines, developed for federal facilities subject to the Architectural Barriers Act, are to be used for facilities improved by this Outdoor Recreation Grant Program.)

LAND RETENTION REQUIREMENTS

All land acquired with assistance from this grant program must be retained and operated solely for its intended use into perpetuity.

The Site Boundary Map submitted with your application will delineate and establish the property boundaries subject to the grant agreement. Therefore, it is very important that any existing public facilities and easements are clearly identified and excluded from the boundaries of the project.

CONVERSION OF USE

The Grantee shall not, at any time, convert this property to other uses without the prior written approval of the State acting through the Department of Natural Resources (DNR) and, for federal grants, the NPS. The DNR will consider a conversion request only after the following pre-requisites have been met:

1. All practical alternatives to the conversion have been evaluated and rejected on a sound basis.
2. The Grantee has agreed to replace the converted lands with other lands of, at least, equal fair market value and reasonably equivalent usefulness as determined by the State.

The DNR shall have the authority to approve or disapprove state conversion requests. For federal

grants, the NPS will approve or disapprove the conversion requests.

DEED RESTRICTION REQUIREMENT

The Grantee will be required to record a condition with the deed of the real property funded by the grant agreement that notifies the public of the grant and the grant program requirements. The specific deed restriction language varies depending on the source of funding and will be outlined in the grant contract.

NATIVE RESTORATION REQUIREMENTS

All restoration activities will require a restoration and management plan to be submitted prior to contract approval and must follow the Board of Soil and Water Resources "Native Vegetation Establishment and Enhancement Guidelines" in order to ensure ecological integrity and pollinator enhancement.

When restoration activities are completed using grant funds, the grantee must conduct evaluations on parcels where activities were implemented both 1) initially after activity completion and 2) three years later as a follow-up. Evaluations should analyze improvements to the parcel and whether goals have been met, identify any problems with the implementation, and identify any findings that can be used to improve implementation of future restoration efforts at the site or elsewhere. Evaluation reports must be submitted to the DNR.

The grantee should consider contracting with the Conservation Corps of Minnesota for restoration activities.

REVIEW FOR POTENTIAL IMPACTS ON HISTORICAL/ARCHEOLGICAL RESOURCES

If funded, the DNR will initiate the federal Section 106 and/or state review process with the Minnesota State Historic Preservation Officer (SHPO). If during the Section 106 or state review process, the SHPO determines you need to complete a Phase I or Phase II survey, the survey will need to be completed prior to project approval for development projects and prior to the final reimbursement of the grant funds for acquisition projects.

For projects that have archeological and or historic properties identified with potential impacts, you will need to re-engage your public review process. You will need to identify consulting parties*. The consulting parties and public need to have an opportunity to review and comment on the park plans in relation to the historic and archeological resources and potential impacts. The views of consulting parties and the public are essential to informed decision making. We encourage you to start consultation as early as possible.

* Consulting party: individuals or organizations with demonstrated interest in the project. This interest could be legal or economic or it could be interest in the project's effects on historic properties. The National Park Service, in concurrence with the SHPO and the appropriate Tribal Historic Preservation Officer (THPO), will evaluate and determine who will become a consulting party to the federal Section 106 process.

REPORTING REQUIREMENTS

It is the policy of the State to monitor progress on state grants by requiring grantees to submit written progress reports at least annually until all grant funds have been expended and all of the terms in the grant agreement have been met. A progress report form will be provided by program staff. Grant payments shall not be made on grants with past due progress reports unless program staff have given the grantee a written extension. See Policy 08-09: Grant Progress Reports for more information.

MONITORING REQUIREMENTS

It is the policy of the State to conduct at least one monitoring visit per grant period on all state grants of over $50,000 and to conduct at least annual monitoring visits on grants of over $250,000. See Policy 08-10: Grant Monitoring for more information.

CONFLICTS OF INTEREST

It is the policy of the State to work to deliberately avoid actual, potential and perceived conflicts of interests related to grant making at both the individual and organizational levels.

A conflict of interest (actual, potential, or perceived) occurs when a person has actual or apparent duty or loyalty to more than one organization and the competing duties or loyalties may result in actions which are adverse to one or both parties. A conflict of interest exists even if no unethical, improper, or illegal act results from it.

Actual Conflict of Interest

An actual conflict of interest occurs when a decision or action would compromise a duty to a party without taking immediate appropriate action to eliminate the conflict. Examples include, but are not limited to:

- One party uses his or her position to obtain special advantage, benefit, or access to the other party's time, services, facilities, equipment, supplies, badge, uniform, prestige, or influence.
- One party receives or accepts money (or anything else of value) from another party or has equity or a financial interest in or partial or whole ownership of the other party's organization.
- One party is an employee, board member or family member of the other party.

Potential Conflict of Interest

A potential conflict of interest may exist if one party has a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests. For example, when one party serves in a volunteer capacity for another party, it has the potential to, but does not necessarily, create a conflict of interest, depending on the nature of the relationship between the two parties. A disclosed potential conflict of interest warrants additional discussion in order to identify the nature of the relationship, affiliation, or other interest and take action to mitigate any potential conflicts.

Perceived Conflict of Interest

A perceived conflict of interest is any situation in which a reasonable third party would conclude that conflicting duties or loyalties exist. A disclosed perceived conflict of interest warrants additional discussion in order to identify the nature of the relationship, affiliation, or other interest and take action to mitigate any potential conflicts.

Organizational Conflict of Interest

A conflict of interest can also occur with an organization that is a grant applicant or grantee of a state agency. Organizational conflicts of interest occur when:

- A grantee is unable or potentially unable to render impartial assistance or advice to the State due to competing duties or loyalties
- A grantee's objectivity in carrying out the grant is or might be otherwise impaired due to competing duties or loyalties
- A grantee or potential grantee has an unfair competitive advantage through being furnished unauthorized proprietary information or source selection information that is not available to all competitors.

The Grantee, by signing a grant contract with the State, must certify it has read and understands the Office of Grants Management Conflict of Interest Policy 08-01, will maintain an adequate Conflict of Interest Policy and, throughout the term of the contract, monitor and report any actual, potential, or perceived conflicts of interests to the State.

CLOSEOUT PROCEDURES

Upon completion of your project, a final billing must be submitted to our office. Program staff will complete a final inspection of all development and/or redevelopment projects. The inspection will focus on ensuring that the project was completed in accordance with the grant agreement, that facilities developed are accessible and a funding acknowledgment sign is installed. Prior to final reimbursement of your grant and official closeout notification of your project, any problems that are revealed during the inspection must be corrected and a copy of the recorded deed restriction received.

All expenditures are subject to verification by an independent state audit and, therefore, you must retain all project records for a period of at least six years after you receive the official closeout notification letter.

Periodic post-completion inspections will be conducted to ensure that the site is being properly operated and maintained and that no conversion of use has occurred.

ACKNOWLEDGMENT SIGN

All projects acquired or developed with assistance from this program must display a state approved funding acknowledgment sign at the main entrance to the park. The grant program staff will provide the specific sign information.

AVAILABILITY TO USERS

Public property, facilities & programs shall be open to entry by all persons regardless of race, color, national origin, religion or sex. No person, on the basis of disability, shall be excluded from participation in any program or activity receiving assistance. Discrimination on the basis of residence, including preferential reservation, membership or annual permit systems is prohibited except to the extent that reasonable differences in admission and other fees may be maintained. Fees charged to non-residents cannot exceed twice that charged to residents and must be comparable to fees charged at other state or local facilities.

HIGHWAY 10 SOUTH SMALL AREA PLAN
RIVERSTONE SOUTH PLANNING FRAMEWORK

June, 2020

Document Purpose

The purpose of this document is to outline high-level land use planning policy for a portion of the Highway 10 South Small Area Plan currently known as Riverstone South by Capstone Homes. This a visionary document to help guide policy discussions. This is not the official land use plan for the area nor carries any legal entitlements. This document would be implemented through amendments to the City's Comprehensive Plan and Zoning Code.





City of RAMSEY

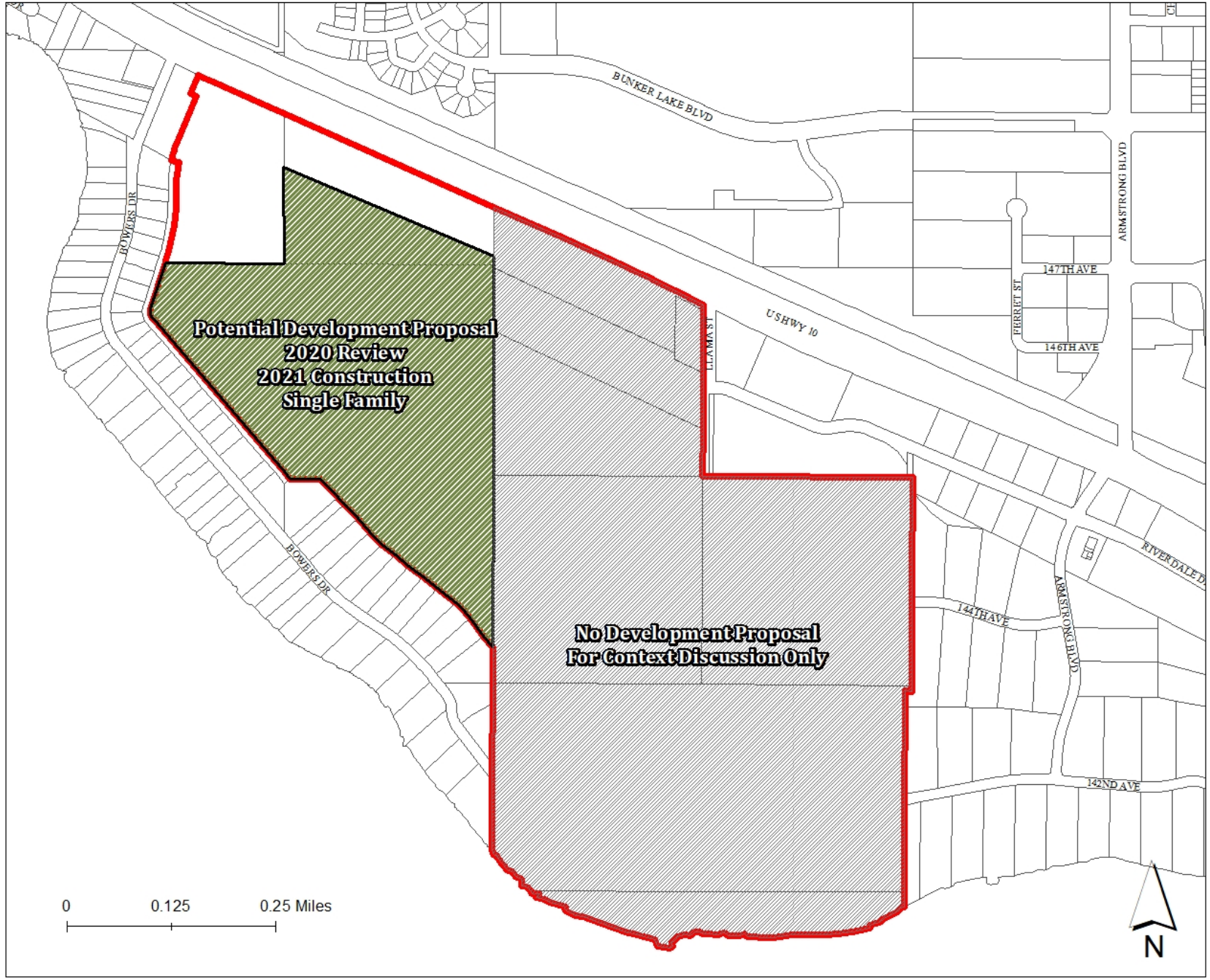
Previous Review

February 11, 2020	Joint Meeting City Council and Planning Commission Broad Overview and Riverdale Drive Funding
February 18, 2020	Public Works Committee Riverdale Drive Funding
March 24, 2020	City Council Riverdale Drive Funding
April 7, 2020	Small Group Neighborhood Meeting Southern Public Safety Connection to Bowers Drive
April 14, 2020	Public Webinar Broad Overview and Land Use Planning
April 26, 2020	Small Group Neighborhood Meeting Riverdale Drive Connection to Highway 10 Options

City of RAMSEY

Review of This Document

Planning Commission	Thursday, June 4, 2020	7:00 p.m.
Park and Recreation Commission	Thursday, June 11, 2020	6:30 p.m.
Environmental Policy Board	Monday, June 15, 2020	6:30 p.m.
City Council	Tuesday, June 23, 2020	7:00 p.m.



City of RAMSEY

Highway 10 South Planning Area

No Development Proposal

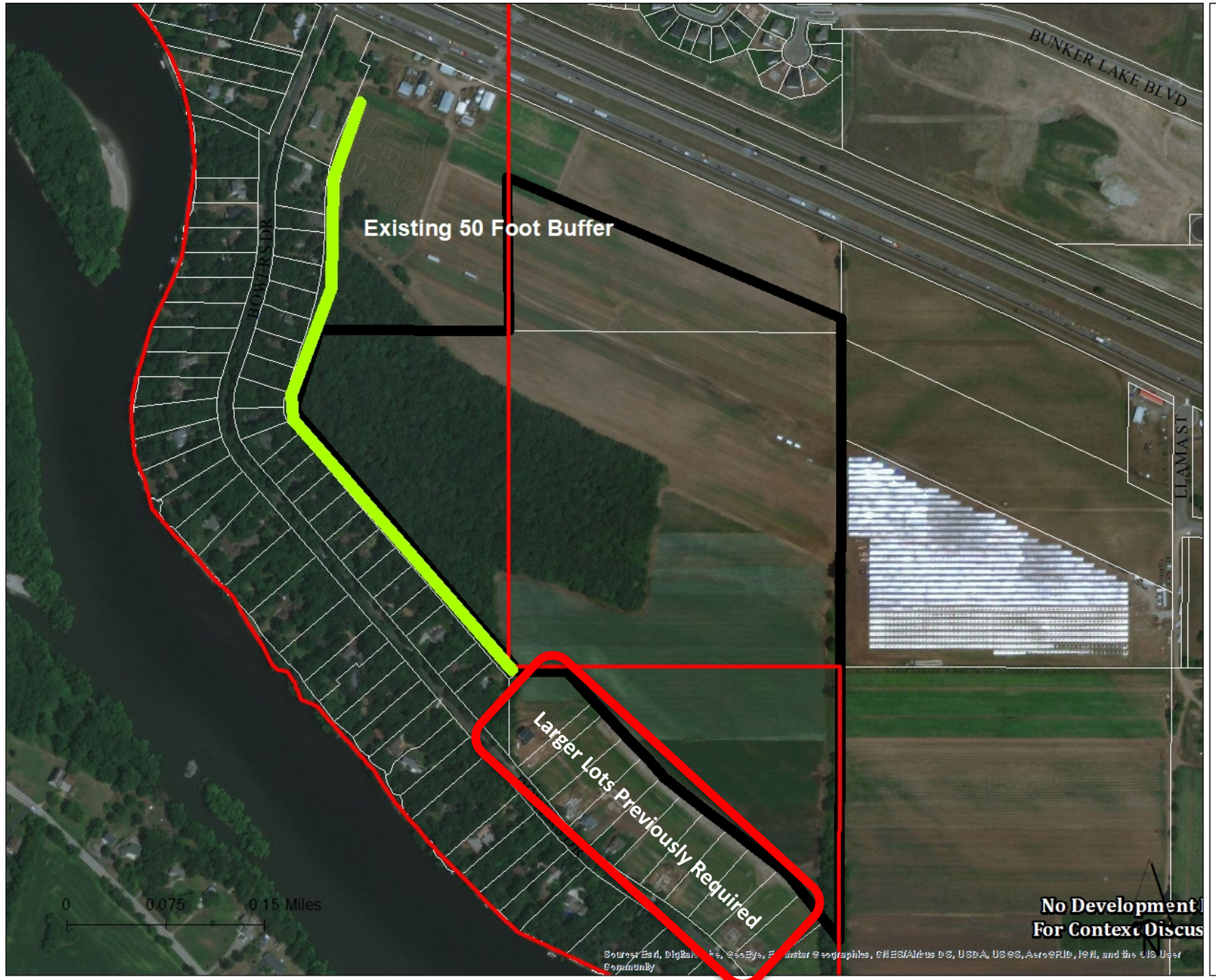
Potential Development

Planning Area

Map Prepared by the City of Ramsey
Data Source: Anoka County, City of Ramsey
April 16, 2020
Lampert Conformal Conic Projection
Project Folder

Existing Conditions

- Riverdale Drive/Highway 10/169
- Connexus Solar Farm (17 acres)
- Significant Ecological Resources
  - Tree Cover
  - Mississippi River Corridor Critical Area
- Adjacent Land Uses
  - Adjacent to Residential to west (Bowers Drive)
  - Adjacent to Agricultural/Future Residential to east (Riverside Farms)



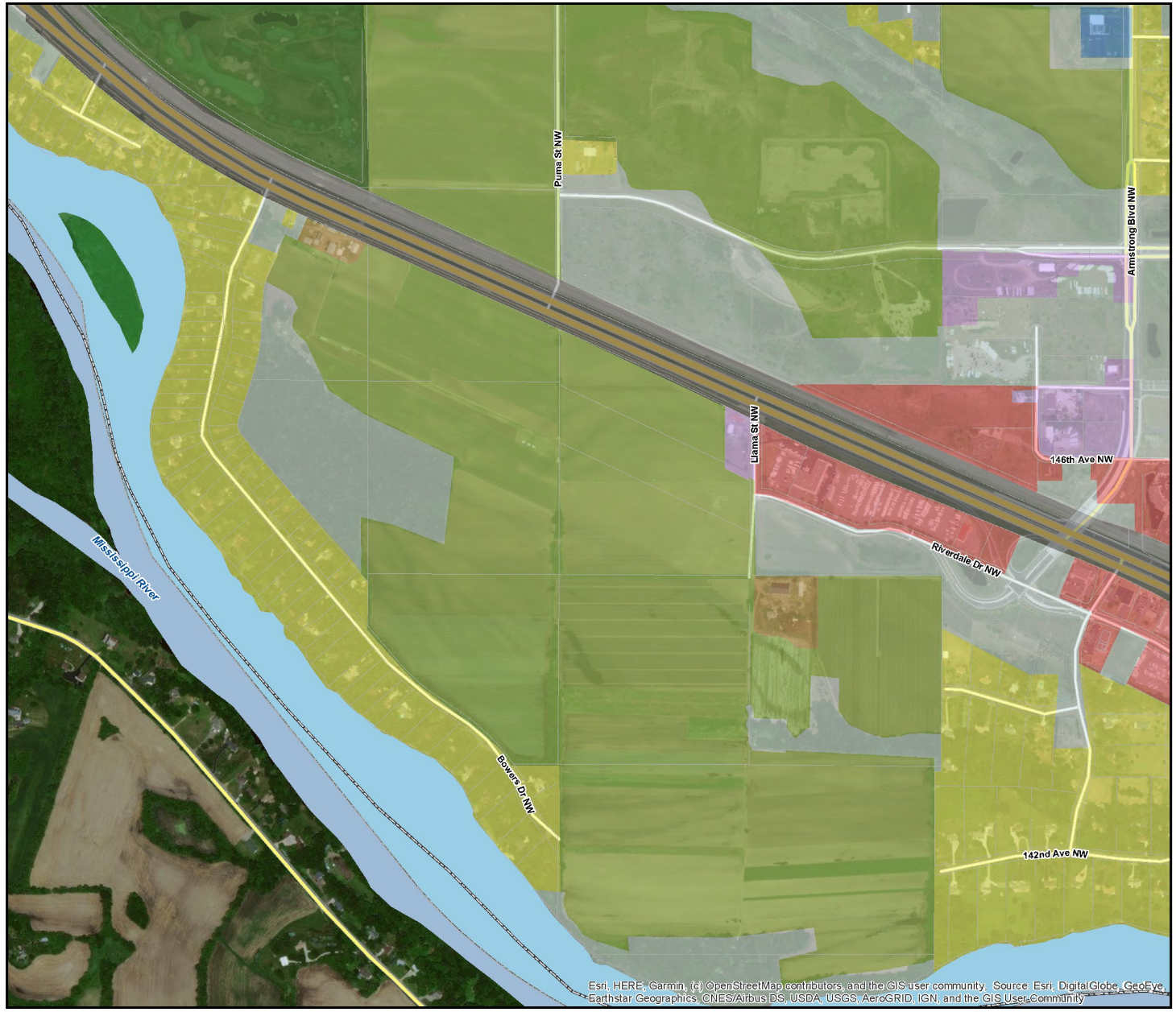
City of RAMSEY

Tree Preservation

Mississippi River Critical Area

Potential Development

Map Prepared by the City of Ramsey
Data Source: Anoka County, City of Ramsey
April 16, 2020
Lampert Conformal Conic Projection
Project Folder



City of RAMSEY

Ramsey Comprehensive Plan
Existing Land Use
Ramsey, MN

Legend

- Municipal Boundary
- Farmstead
- Single Family Detached
- Manufactured Housing Parks
- Single Family Attached
- Multifamily
- Retail and Other Commercial
- Office
- Mixed Use Residential
- Mixed Use Industrial
- Industrial and Utility
- Extractive
- Institutitional
- Park, Recreational, or Preserve
- Golf Course
- Major Highway
- Railway
- Airport
- Agricultural
- Open Water
- Undeveloped

N

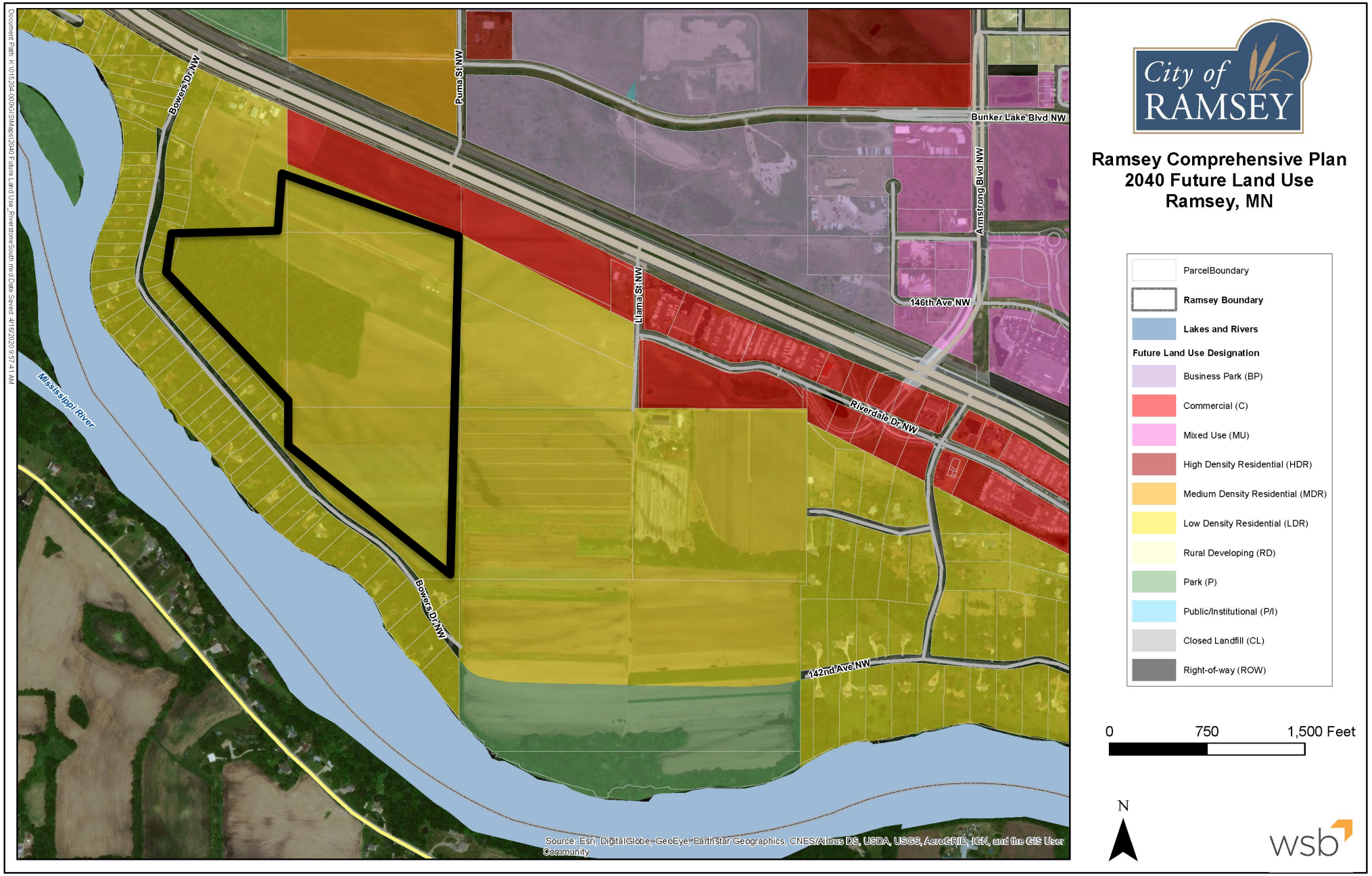
wsb

0 1,125 2,250 Feet

Future Conditions

- Future Commercial/Industrial
  - North side of project
  - Between Highway 10 and future Riverdale Drive Extension
- Public Safety Connection to Bowers Drive
- Tree Preservation Plan
- Density Transition
  - Adjacent to Residential
  - Adjacent to Commercial/Industrial/Highway 10/169

City of RAMSEY


Document Path: K:\015204-000\GIS\Maps\2040 Future Land Use_RiverstoneSouth.mxd Date Saved: 4/16/2020 9:57:41 AM
Bowers Dr NW
Puma St NW
Bunker Lake Blvd NW
Armstrong Blvd NW
Llama St NW
146th Ave NW
Riverdale Dr NW
Mississippi River
Bowers Dr NW
142nd Ave NW
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
City of RAMSEY
Ramsey Comprehensive Plan
2040 Future Land Use
Ramsey, MN
ParcelBoundary
Ramsey Boundary
Lakes and Rivers
Future Land Use Designation
Business Park (BP)
Commercial (C)
Mixed Use (MU)
High Density Residential (HDR)
Medium Density Residential (MDR)
Low Density Residential (LDR)
Rural Developing (RD)
Park (P)
Public/Institutional (P/I)
Closed Landfill (CL)
Right-of-way (ROW)
0
750
1,500 Feet
N
wsb



City of RAMSEY

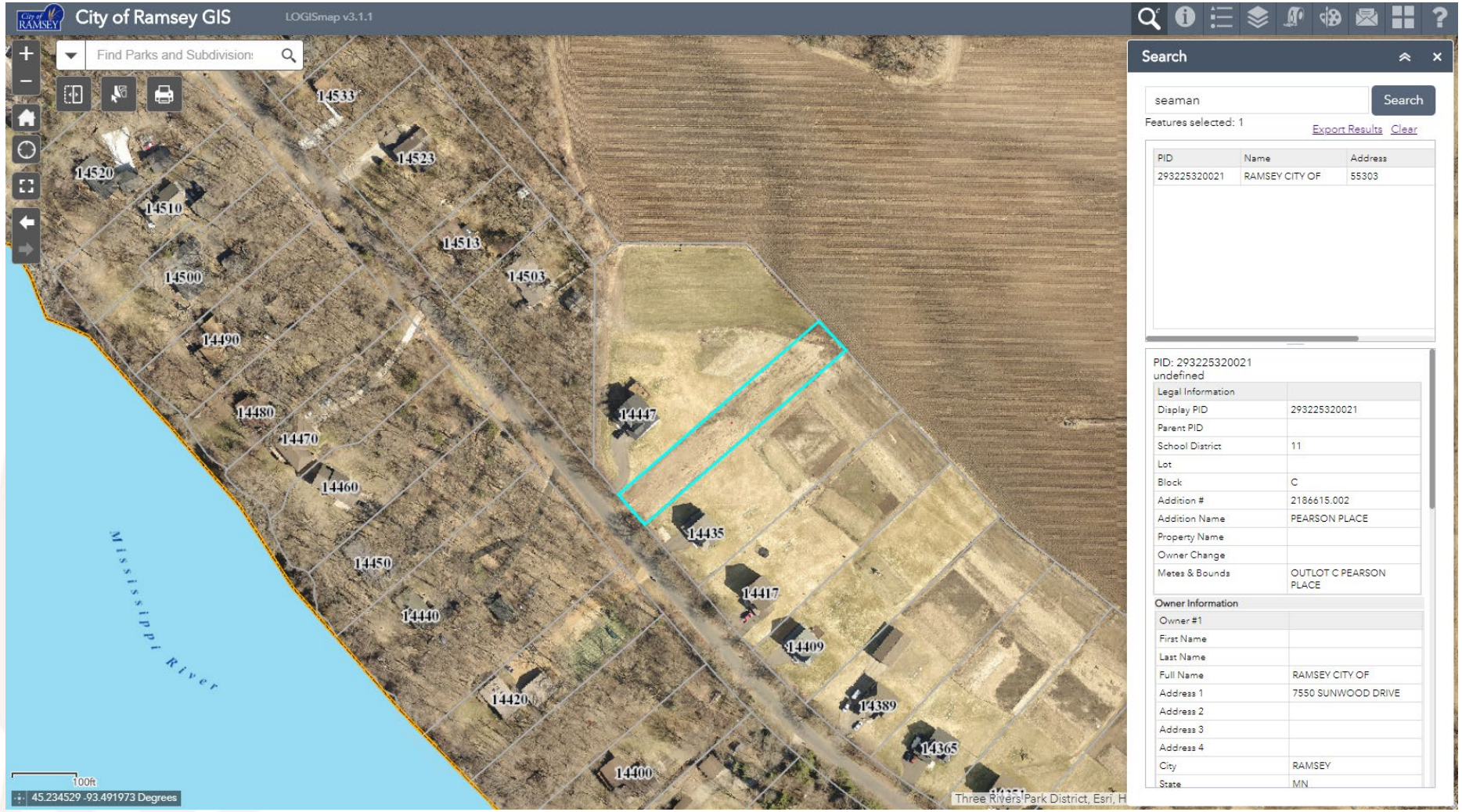
Built Environment

Potential Development

Map Prepared by the City of Ramsey
Data Source: Anoka County, City of Ramsey
April 16, 2020
Lampert Conformal Conic Projection
Project Folder

Future Land Use/Development Options

Connection to Bowers Drive (Public Safety)



Connection to Bowers Drive (Public Safety)

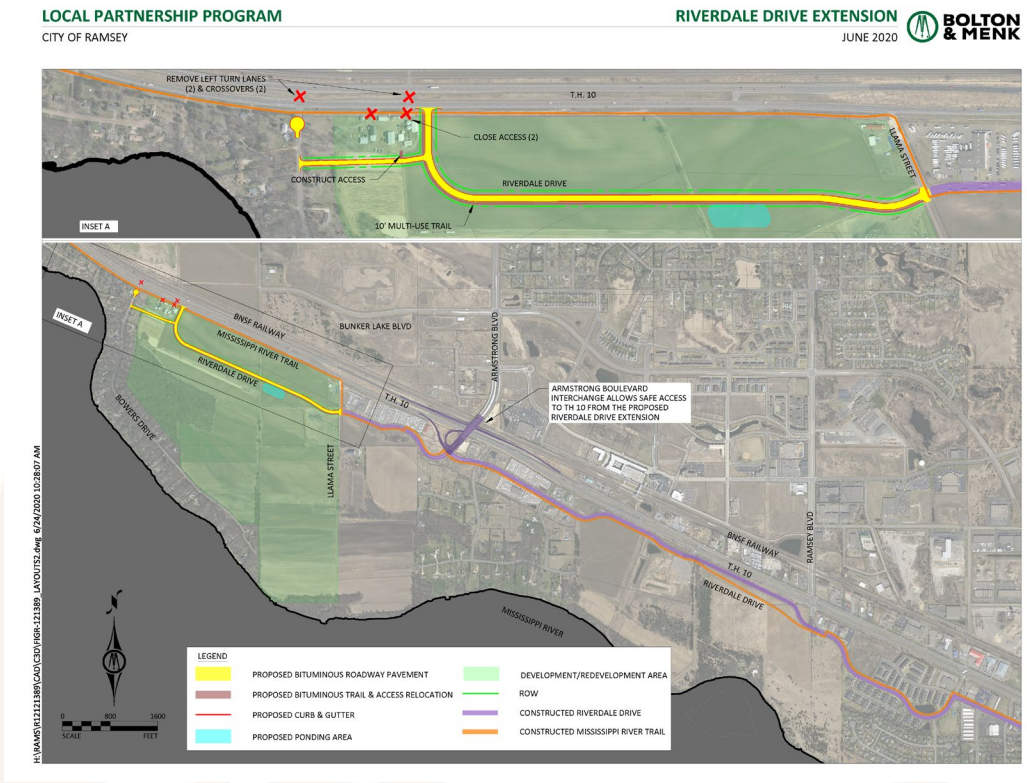
- Alternative #1
  - Full Public Street (28 foot width OK)
- Alternative #2
  - Heavy Duty ‘Driveway’
  - Surmountable Curb on Riverstone South Side – Local Road
    - Access itself does not need curb
  - Signage – Public Safety Access
  - 20 Foot Width
  - Landscaping
- Need turning templates

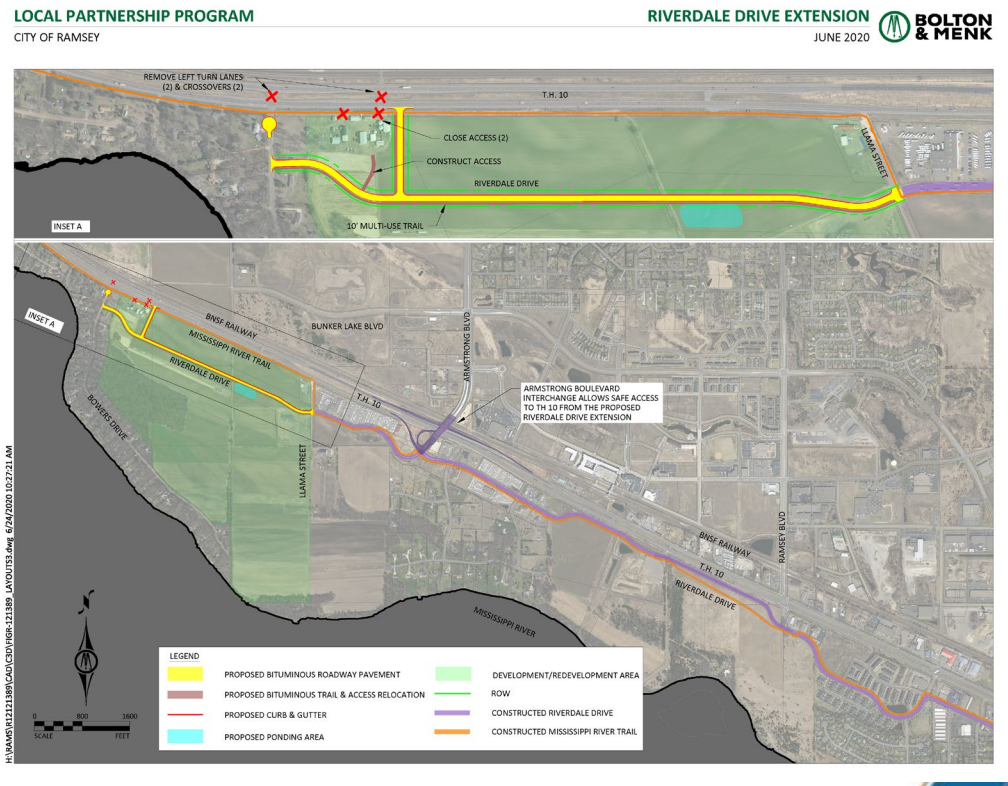
Riverdale Drive Alternative #1 Developer/Owner Preference



City of RAMSEY

Riverdale Drive Alternative #2
Request by Neighboring Property





City of RAMSEY

Potential Land Use/Future Development Compromise

- Enhance Density Transitioning
  - More than currently required by City Code
- Enhance Tree Preservation
  - More than currently required by City Code
- Transects/Zones
  - Larger lots adjacent to Bowers Drive
  - Medium-sized lots in middle zone
  - Smaller lots to the northeast
    - Intersection of Commercial/Industrial and Solar Farm
- Conservation Subdivision Design
- Similar to Riverstone Neighborhood
  - North of Highway 10

City of RAMSEY



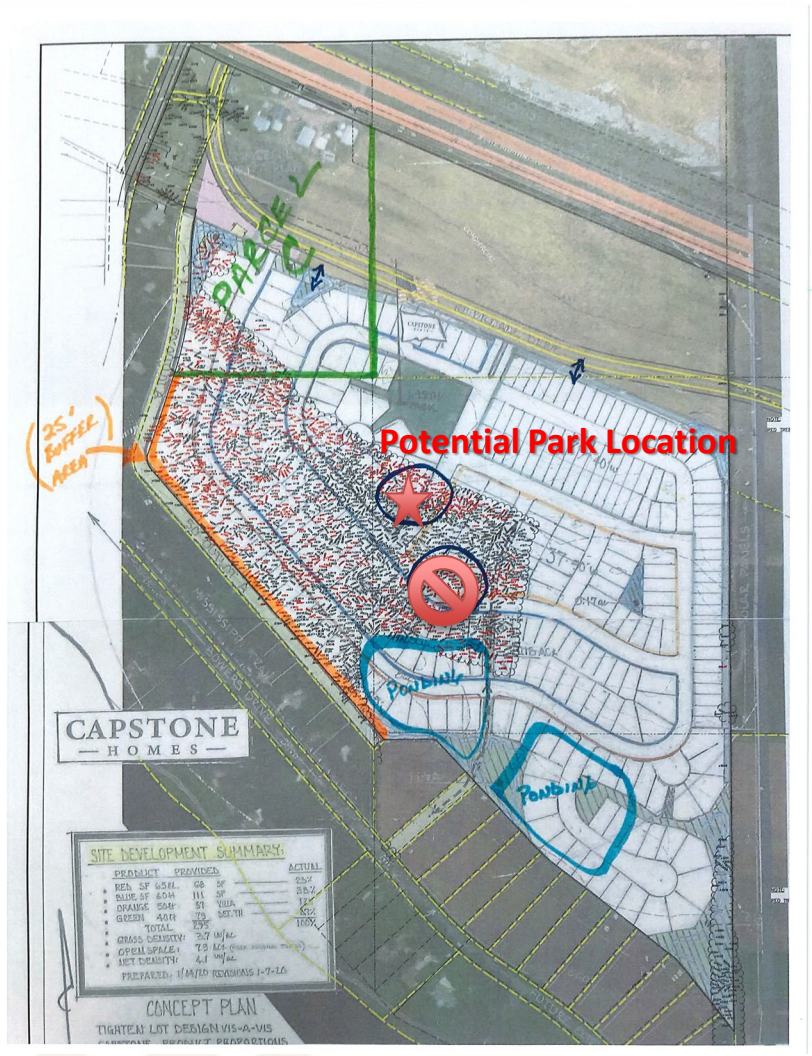
City of RAMSEY

Density Transitioning & Tree Preservation

Potential Development

Map Prepared by the City of Ramsey
Data Source: Anoka County, City of Ramsey
April 16, 2020
Lampert Conformal Conic Projection
Project Folder

Enhanced Tree Preservation Plan



- Alternative #1
  - 1 Acre Nature Based Park
    - Preservation of existing trees
  - Additional 25 foot buffer adjacent to existing 50 foot buffer
    - 75 foot buffer total
    - NOTE: Parcel C retained by Pearson Properties and not part of development area
- Alternative #2
  - Preserve 10% of Project Site
  - Combo of Park Dedication and Other Open Space Preservation Funding

Previous concept underlay for context only. Actual concept will look different.

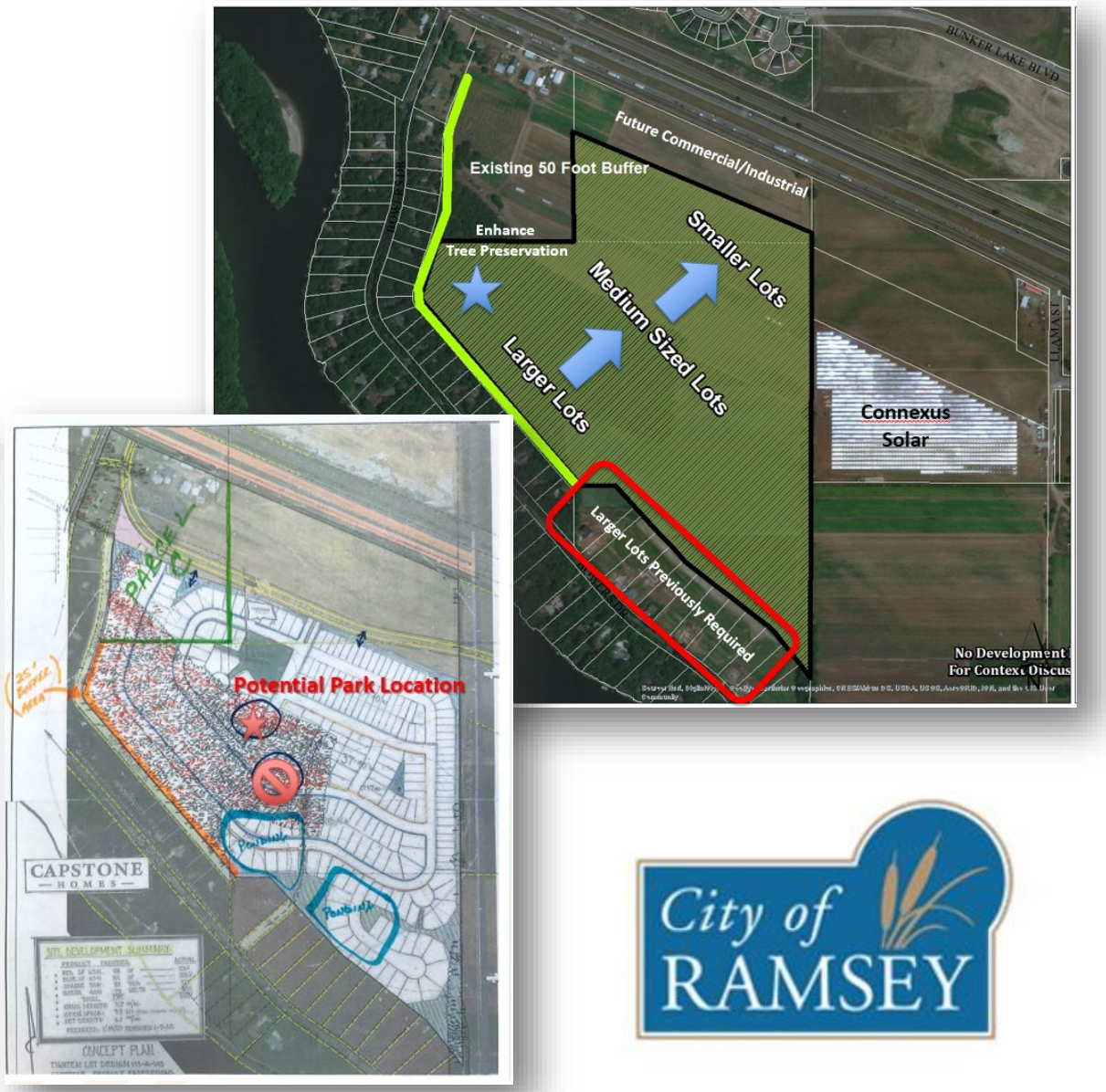
Open Space Preservation Funding Options

- Park Dedication Credit
- Trust for Public Land
- Anoka Conservation District
- Minnesota Department of Natural Resources
- Great River Greening

Implementation Plan

Implementation Plan

1. Allow mix of lot sizes in exchange for the following:
   - Enhanced tree preservation above and beyond minimum code requirements
2. Require a second connection to Bowers Drive in existing City-Owned Corridor
   1. Final design as full public roadway or reduced design for public safety to be evaluated with next steps
3. Require Riverdale Drive Extension
   1. Explore 2 options for connection to Highway 10/169



City of RAMSEY

Resolution #20-065: Riverdale Drive Funding

- 1/3 Cost Share of Pearson Frontage
- 1/3 Cost Share of Anoka County Frontage Funding Gap

	Pearson Frontage	Anoka County Frontage	Total
City/Public*	$388,000	$39,250	$427,250
Capstone	$339,125	$39,250	$378,375
Pearson	$339,125	$39,250	$378,375
Total	**$1,066,250**	**$117,750**	**$1,184,000**

*Includes both City Contribution and MnDOT Grant

City of RAMSEY